

Land Transport Rule Setting of Speed Limits [2017]

Overview to the Rule

*This overview accompanies, and sets in context, the public consultation (yellow) draft of **Land Transport Rule: Setting of Speed Limits [2017]**.*

The proposed Rule will replace Land Transport Rule: Setting of Speed Limits 2003. It will remove Speed Limits New Zealand (SLNZ) as the methodology for determining speed limits in New Zealand.

The proposed Rule will establish a new speed setting mechanism that is focussed on assisting road controlling authorities to set safe and appropriate speed limits, in particular in areas where there are high-benefit opportunities for the optimisation of safety and efficiency.

In addition, the proposed Rule will enable the setting of a 110km/h speed limit on roads where it is safe and appropriate to do so and establish a more flexible approach to signage requirements.

*If you wish to comment on this proposed Rule, please see the information under the heading 'Making a submission'. The deadline for submissions is **5pm, Friday 16 June 2017**.*

Consultation on proposed Rule changes

The purpose of this publication is to consult on a proposed *Land Transport Rule: Setting of Speed Limits [2017]* (the proposed Rule). It is intended to replace *Land Transport Rule: Setting of Speed Limits 2003* (the 2003 Rule).

Consultation on the proposed changes is being carried out to ensure that legislation is sound and robust and that the Rule development process takes account of the views of, and the impact on, people affected by proposed Rule changes.

This publication, for your comment, has two parts:

- (a) an overview, which sets proposed Rule changes in context; and
- (b) the consultation (yellow) draft of *Land Transport Rule: Setting of Speed Limits [2017]*—also referred to as the proposed Rule.

Please read the overview carefully and consider the effects that the proposed Rule would have on you or your organisation.

To assist in setting the proposed changes in context, the New Zealand Transport Agency (Transport Agency) will include, on its consultation web page, a comparison table that shows equivalent provisions between the 2003 Rule and the proposed Rule, and a list of key changes.

The consultation web address is: www.nzta.govt.nz/setting-of-speed-limits-rule.

The proposed Rule is likely to come into effect in the fourth quarter of 2017.

Making a submission

If you wish to make a submission on the proposed changes please read the information below.

Before making your submission

Please read the information provided in the overview.

Please include the following information in your submission

- the title of this document
- your name, and title if applicable
- your organisation's name if applicable
- your address – postal, and email if applicable

Sending your submission

If possible, send your submission by using the online submission form or you can send it by email to rules@nzta.govt.nz and, if you wish, follow this up with a signed copy. The online submission form is available at:

www.nzta.govt.nz/setting-of-speed-limits-rule.

If posting your submission, address it to

Setting of Speed Limits Rule [2017]

Rules Team

NZ Transport Agency

Private Bag 6995

WELLINGTON 6141

Please note the deadline for submissions

The deadline for submissions is **5pm on Friday 16 June 2017**.

Your submission is public information

Please note that your submission may become publicly available and the Transport Agency may publish any information that you submit, and may identify you as the submitter should it publish your submission or provide it to a third party.

Please indicate clearly, therefore, if your comments are commercially sensitive, or if, for some other reason, they should not be disclosed, or the reason why you should not be identified as the submitter. Any request for non-disclosure will be considered in terms of the *Official Information Act 1982*.

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Summary of proposed Rule changes

This summary explains the purpose and intent of *Land Transport Rule: Setting of Speed Limits [2017]* (the proposed Rule). The proposed Rule enables a new approach to speed management on New Zealand roads.

Under the *Land Transport Act 1998* (the Act), the power to manage speed and set speed limits is given to bodies known as road controlling authorities (RCAs). Generally, local authorities are the RCA for local roads. The New Zealand Transport Agency (Transport Agency) is the RCA for state highways.

The existing *Land Transport Rule: Setting of Speed Limits 2003* (the 2003 Rule) sets out the requirements and processes for RCAs to follow when managing and setting speed limits.

The 2003 Rule incorporates Speeds Limits New Zealand (SLNZ) as the methodology for calculating speed limits. However, this methodology is now out of date and the practice for assessing safe speeds has improved.

The Transport Agency has recently produced the Speed Management Guide (the Guide), which modernises the approach to managing speed in New Zealand. The Guide is underpinned by the Safe System approach and One Network Road Classification (ONRC). These approaches are discussed further in this overview.

The Guide has been developed in association with the transport sector including RCAs, New Zealand Police, and the Automobile Association. A demonstration was carried out in the Waikato region over 2015 and 2016.

The design of the proposed Rule enables key elements of this new approach to speed management. In particular, the proposed Rule—

- requires the Transport Agency to provide guidance to RCAs on how to set safe and appropriate speeds for roads within their respective jurisdictions and that RCAs must have regard to this guidance when reviewing speed limits ; and
- encourages a consistent approach to speed management throughout New Zealand; and
- replaces the methodology of SLNZ with assessment criteria and outcome statements based on the approach in the Guide.

This consultation document seeks your feedback on the following key proposed changes to the current approach:

- a new requirement for the Transport Agency to develop and maintain information about the safe and appropriate speed (which is a travel speed that optimises safety and efficiency outcomes) for each road:

- a new requirement for the Transport Agency to supply safe and appropriate speed information to RCAs, and prioritise information about roads where achieving safe and appropriate speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both:
- the replacement of SLNZ with a set of mandatory criteria in the proposed Rule that the Transport Agency must consider when developing safe and appropriate speed information, and that RCAs must have regard to when reviewing speed limits:
- allowing for a more flexible approach for speed limit signage requirements, where RCAs will not be required to place repeater speed limit signs at the prescribed maximum distances in certain circumstances:
- enabling the setting of a 110km/h speed limit on roads where it is safe and appropriate to do so, and requiring Transport Agency approval for this speed limit:
- requiring RCAs to notify the Transport Agency of any proposal to set a variable speed limit or a speed limit of 70 km/h, 90km/h, or 110km/h before carrying out the process of setting a speed limit:
- a new requirement for an RCA to get approval from the Transport Agency before it may set a new 70km/h speed limit on a road:
- enabling RCAs to set emergency speed limits where an emergency has affected the use of any road and has caused a risk of danger to the public or a risk of damage to a road. Examples of an emergency situation include earthquake, tsunami, land movement, flood, storm, or technological failure:
- clarifying the grounds upon which an RCA may set a temporary speed limit.

The consultation document also seeks your feedback on elements of the 2003 Rule that have been updated and modernised in the proposed Rule. These proposed changes are summarised in the table under the heading Minor Changes to the Speed Setting Regime on page 18.

Why are Rule changes being proposed?

To support the Safer Journeys Strategy goal of a sustained reduction in deaths and serious injuries on New Zealand roads, the Government has endorsed a new approach to managing speed, including the setting of speed limits. The proposed Rule will give effect to this new approach.

The 2003 Rule

Land Transport Rule: Setting of Speed Limits 2003 (the 2003 Rule), sets out the current requirements and processes for setting a speed limit. It creates a default speed limit of 100 km/h for rural or open roads and 50 km/h for urban roads.

The 2003 Rule incorporates Speeds Limits New Zealand (SLNZ) as the methodology for calculating speed limits.

Although SLNZ takes into account factors such as urban development and roadside activity when setting speed limits, it does not incorporate all the elements of the 'Safe System approach' to setting speed limits. Furthermore, SLNZ does not take into account One Network Road Classification (ONRC). Both approaches have been developed since SLNZ was formulated and are explained further below.

Under the *Land Transport Act 1998* (the Act), the power to set speed limits is given to bodies known as road controlling authorities (RCAs). RCAs include—

- local authorities, which set speed limits for local roads:
- the New Zealand Transport Agency (Transport Agency), which sets speed limits for state highways:
- other bodies, such as airports, which set speed limits on the roads they control.

As the practice for assessing safe speeds has advanced, RCAs have often, in recent years, used the exception clause (*clause 3.2(5)*) in the 2003 Rule) to set speed limits that differ from the limits calculated using the SLNZ methodology. While this ensures that the speed limit set is safe and appropriate for the road in question it is procedurally inefficient for RCAs.

In addition, because elements of the 2003 Rule and SLNZ are open to interpretation and allow for considerable discretion there has been an inconsistent application of speed limits by RCAs across the country.

A modernised approach to speed management

The Government has been working to improve road safety through the Safer Journeys Strategy (Safer Journeys) launched in 2010. Safer Journeys embeds the Safe System approach to improve road safety.

The Safe System approach recognises the role human errors play in causing many crashes and the limits to what the human body can endure in a crash. It aims to create a forgiving road system that minimises human errors, and the trauma resulting from crashes.

In terms of speed management, the Safe System approach takes into account factors including the road classification, the strategic function and use of the road, and the presence and absence of safety features such as median barriers.

Another development is One Network Road Classification (ONRC). ONRC is a classification method which categorises roads based on the functions they perform as part of an integrated national network. ONRC considers factors such as road function, design, and traffic volumes and is a key input to calculating safe and appropriate travel speeds.

A key initiative of Safer Journeys was the production of the Speed Management Guide (the Guide). The Guide contains a Speed Management Framework, which combines the Safe System approach and the ONRC to create a framework for safe and appropriate travel speeds across the national road network.

The Speed Management Framework recognises that for some roads, where current travel speed or speed limits may be too high, changes are necessary. These changes could include improving the road design or lowering the speed limit to ensure that the speed limit set is a safe and appropriate one. The Speed Management Framework also recognises that in some cases, with appropriate investment, speed limits could be increased without compromising safety on roads.

The new approach recognises that not all roads are the same. This is reflected in the proposed Rule, which will allow for speed limits of 110 km/h on some very high quality roads, and a less prescriptive approach to repeater signage where the actual travel speeds are lower than the speed limit due to the nature of the road.

Need for new speed setting Rule

The change in speed management methodology from SLNZ to the Speed Management Framework is significant and, as such, a new Rule is required rather than an amendment to the 2003 Rule.

What are we seeking your feedback on?

The Transport Agency welcomes your comments on the proposed changes set out in this overview and in the proposed Rule.

The proposals that follow focus on the changes within the proposed Rule that set out different responsibilities, or envisage new processes, than those in the 2003 Rule.

When you provide your feedback, it would be helpful if you would consider and comment on the following:

- What impact would the proposals have, and on whom? The Transport Agency is particularly interested in your comments on any costs (to you or to your organisation) of implementing the proposals.
- Would any groups or individuals, in particular, be disadvantaged by the proposals, and how?
- Would any groups or individuals, in particular, benefit from the proposals, and how?
- Are there any implementation or compliance issues that would need to be considered?

Wherever possible, when making your comments please provide examples to illustrate your point.

What changes are proposed?

PROPOSAL 1

Establish a new speed-setting mechanism that focuses on assisting RCAs to achieve safe and appropriate travel speeds, in particular for areas where there are high benefit opportunities to optimise safety outcomes, economic productivity or both.

The proposed Rule reflects the Government's revised approach to speed management, embedded in the Speed Management Guide (the Guide).

The fundamental obligation of an RCA is to set safe and appropriate speed limits whenever it reviews a speed limit.

To assist RCAs in meeting this obligation, the proposed Rule requires the Transport Agency to provide to RCAs—

- guidance on speed management and how this Rule is to apply; and
- information about safe and appropriate speeds for roads in New Zealand and in doing so to 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.

In practice, the Transport Agency will issue guidance to RCAs through the Guide.

The Guide has been created as a part of the Safer Journeys Strategy and incorporates the Safe System approach and One Network Road Classification (ONRC), linking travel speeds to levels of safety and road classification. It aims for higher speeds on higher classification, economically important routes, and managing safety through low cost improvements or lowering the speed limit where necessary on lower classification routes. The Guide modernises the approach to managing speed in New Zealand to ensure a more consistent network-wide approach to speed management.

The proposed Rule specifies the following criteria that must be considered by RCAs and the Agency in assessing the safe and appropriate speed for a road when carrying out their respective functions under the Rule:

- the function and use of the road
- crash risk for all road users
- the characteristics of the road and roadsides
- adjacent land use
- number of intersections and property accessways
- traffic volume.

RCA's must also have regard to any relevant guidance on speed management provided by the Transport Agency, (the Guide).

The Transport Agency will develop and maintain information about the safe and appropriate speed for each road¹ in New Zealand and will provide that information to RCA's about roads under their respective jurisdictions, focusing on roads where achieving safe and appropriate travel speeds is likely to deliver the highest benefits in terms of safety outcomes, economic productivity, or both.

In practice, this information will be provided to RCA's by enabling them to access regional maps that provide a range of data about all roads within the RCA's jurisdiction and highlight the top 5-10 % 'high benefit' speed management opportunities. These maps also highlight for RCA's appropriate interventions for these high benefit opportunities based on road function, which may include safety improvements or changes to speed limits or a combination of both.

It is up to RCA's to make decisions about whether to review and change speed limits. However, under the proposed Rule, if an RCA chooses to review a speed limit it must have regard to any safe and appropriate speed information for that particular road provided by the Transport Agency and any relevant guidance on speed management provided by the Transport Agency, (the Guide).

In addition to this requirement, an RCA must assess the information provided by considering local factors, such as areas of high growth and where their primary networks are for specific modes (e.g. public transport and cycling), and take into account the views of their road users and communities.

An RCA must consult in accordance with the Rule and any other enactment the RCA may operate under, and have regard to the views of interested parties in making its final decision.

The proposals require an RCA to have regard to the information on the maps when setting speed limits, but do not oblige an RCA to follow any recommendations the Transport Agency may give.

In setting a permanent or holiday speed limit, an RCA must aim to achieve a mean operating speed less than 10% above that speed limit.

[Reference: proposed clauses 1.3, 2.1, 4.2, 4.3, 4.4].

¹ "road" has a very broad meaning in legislation – the Transport Agency will maintain data on formed roads available for public use.

PROPOSAL 2

Enable the setting of a 110 km/h speed limit on roads where it is safe and appropriate to do so.

The Speed Management Framework recognises that not all roads are the same and for economically important routes it can be viable to make improvements to support higher travel speeds without compromising safety. By allowing speed limits of 110 km/h on roads where it is safe and appropriate, travelling times for road users will be reduced, although not significantly.

It is proposed to enable an RCA to set 110 km/h speed limits on roads that can be shown to be designed, constructed, maintained and operated to safely support 110 km/h travel speeds. Before doing so, the RCA must seek the approval of the Agency.

The Transport Agency may approve the setting of a 110 km/h speed limit. Before doing so, it will consider a range of factors, including whether the road—

- is a high volume national road
- is median divided with at least two travel lanes in each direction
- has no direct property access
- has grade-separated intersections
- has measured crash risks of low to medium for personal risk and no more than medium-high for collective risk²
- has a low road structure risk

Some of the most heavily used sections of the national road network meet the criteria for a 110 km/h speed limit. The Transport Agency is the RCA for these stretches of road, which include the Upper Harbour Motorway (SH18), parts of the Waikato Expressway (SH1), and the Tauranga Eastern Link (SH2). Some other sections of road are likely to be eligible for 110 km/h in the near future.

RCAs other than the Transport Agency may also set speed limits at 110 km/h if given approval to do so by the Transport Agency.

There is no proposal to raise the default (100 km/h) speed limit on rural roads and motorways.

[Reference: proposed clauses 3.2, 4.5, 5.3]

² Personal risk is the number of fatal and serious injury crashes per 100 million vehicle kilometres travelled and is usually lowest on higher standard roads; collective risk is the number of fatal and serious injury crashes per kilometre of road and is usually highest on busier roads.

PROPOSAL 3

Allow for a more flexible, efficient and outcomes-based approach to the requirements for permanent repeater speed limit signs.

The 2003 Rule has prescriptive requirements for notifying road users of the speed limit. In particular, the 2003 Rule requires a regular repeater sign at 2-3 km spacing where the permanent speed limit is over 50 km/h and is not the default rural speed limit of 100 km/h.

The general obligation to install these repeater signs is carried over into the proposed Rule. However, this prescriptive approach to repeater signs is not always cost-effective for RCAs. In particular, repeater signs may be unnecessary on roads where the actual travel speeds are lower than the speed limit due to the nature of the road. The speed limit on those roads is self-explaining to drivers and riders.

The proposed Rule establishes a more flexible approach to repeater sign requirements for roads with permanent and holiday speed limits.

Under the proposed Rule an RCA is not obliged to install repeater signs if:

- (a) the 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 length of the road; and
- (b) the mean operating speed is less than 10% above the speed limit for that length of road.

This proposed Rule change only applies to roads with permanent and holiday speed limits. It does not affect the obligation of an RCA setting a temporary speed limit to install regular repeater signs.

The provision is intended to be used, for example, on a particularly bendy stretch of road with a speed limit of 80 km/h, where providing repeater signs at the prescribed distance would be superfluous given the nature of the road and actual travel speeds.

The Transport Agency will be supplying maps to all RCAs showing the mean actual travel speeds (in 5 km/h bands) for all roads within the RCA's respective jurisdiction.

In addition, in order to create roads that are more self-explaining to drivers, the Guide provides RCAs with information on a broader range of options to convey information to drivers including—

- alternative methods of indicating safe and appropriate travel speeds such as road markings and other road-edge marker devices;
- Speed Threshold Treatments – these are a combination of a speed limit sign, place name sign and other road markings, side island or plantings: and
- the re-allocation of road space to narrow the appearance of the lanes for motor vehicles.

These options will convey messages to a reasonable road user, enabling ready comprehension of a speed limit, which will enable the RCA to avoid the use of repeater signs at the prescribed distances.

[Reference: proposed clause 9.2]

PROPOSAL 4

Enable an RCA to set emergency speed limits on roads directly and indirectly affected by an emergency.

The proposed ability to set speed limits in emergency situations has been developed following the recent Kaikoura earthquakes. After those earthquakes, State Highway 1 was blocked by a number of slips. Various inland roads from Blenheim, through Renwick, St Arnaud, Murchison, Springs Junction, and Waipara south to Christchurch became the only practicable route through the top part of the South Island. These roads are generally not as high quality as State Highway 1 was prior to the earthquakes, and ordinarily carry a low volume of traffic.

The diversion significantly increased traffic volume along these routes, in particular the number of heavy vehicles. The increased traffic volume made the operating speeds pose a significant safety risk. Reducing the speed limits on those roads was the primary measure used to mitigate the risk.

However, as the need for lowered speed limits was not based on the presence of a construction site or work programme, or a special event (which are the only grounds for installing a temporary speed limit under the 2003 Rule), RCAs could not set temporary speed limits. Instead, the Transport Agency used section 162 of the *Land Transport Act 1998* to make an emergency rule lowering speed limits on these roads.

The proposed Rule introduces a new category of speed limit, for situations where an emergency affects the condition or use of any road. The definition of emergency is based on that used in the *Civil Defence Emergency Management Act 2002* and covers major disasters and emergencies, such as, floods, technological failures, and epidemics where those events endanger the safety of the public or cause damage to a road.

Under the proposed Rule an RCA can set an emergency speed limit by installing speed limit signs in accordance with the Rule. However, within 10 working days, the RCA must publish a notice in the *New Zealand Gazette* with details of the emergency speed limit, including the RCA's reasons for considering that the emergency speed limit is necessary.

An emergency speed limit may be in force for no longer than 6 months.

The proposed ability to set speed limits in emergency situations will allow an RCA to rapidly address speed management concerns where an emergency has affected the use of a road.

[Reference: proposed section 7]

PROPOSAL 5

Clarify the grounds upon which an RCA may set a temporary speed limit.

The 2003 Rule contains only two grounds upon which an RCA can set a temporary speed limit: where there is a construction site or work programme creating a risk of danger, or where there is a special event.

The proposed Rule clarifies these provisions. “Construction site or work programme” from the 2003 Rule has been split out into 2 replacement grounds—

- where physical work occurring on or adjacent to a road impacts the function of the road; and
- where an unsafe road surface or structure is present.

The Transport Agency intends to issue guidance to RCAs on how and when these new temporary speed limit powers may be used.

[Reference: proposed clauses 6.1, 6.4]

PROPOSAL 6

Approval from the Transport Agency is required before an RCA may set a speed limit of 70 km/h on a road.

The 2003 Rule allows an RCA to set a speed limit of 70 km/h without requiring approval from the Transport Agency. SLNZ outlines particular situations in which a speed limit of 70 km/h may be appropriate.

However, the Speed Management Framework and Guide do not recommend the use of a permanent speed limit of 70 km/h or 90 km/h and direct that these speed limits be used as interim measures either until the road is improved to support travel speeds of 80 km/h or 100 km/h respectively, or until there is support to reduce the speed limits to 60 km/h or 80 km/h respectively.

There are various policy reasons that underlie this approach—

- at higher travel speeds drivers have trouble differentiating speed differences of just 10 km/h:
- by using 20 km/h increments for speed limits between 60 km/h and 100 km/h there are fewer and more recognisable speed limit categories for people to understand and recall:
- by limiting the use of different speed limits, a more consistent and intuitive speed management system can be created across the network, where people have a greater understanding and appreciation of risk and what a safe and appropriate speed is on a particular stretch of road.

The proposed Rule will require RCAs to obtain approval from the Transport Agency before a speed limit of 70 km/h can be set on a road, reflecting the recommendations of the Guide. In this way the Transport Agency can work with RCAs to ensure that speed limits of 70 km/h are set only in appropriate situations.

The new requirements only apply to the setting of new 70 km/h speed limits and do not affect any existing 70 km/h speed limit.

As in the 2003 Rule, RCAs are required to obtain approval from the Transport Agency before a speed limit of 90 km/h can be set. The criteria for approval have been updated in the proposed Rule to match those applying to new 70 km/h speed limits.

[Reference: proposed clauses 2.11, 5.2,]

PROPOSAL 7

Require an RCA to notify the Transport Agency of any proposal to set a speed limit of 70 km/h, 90 km/h, 110 km/h, or a variable speed limit.

For speed limits in excess of 50 km/h the intention is to work towards 60 km/h, 80 km/h and 100 km/h being the predominant limits across the network. This is expected to, over time, result in greater distinction between different speed limits, making the safe and appropriate speed easier to recognise for road users.

Consequently, an RCA may not propose a variable, 70 km/h, 90 km/h, or 110 km/h speed limit without first notifying the Transport Agency.

It is important that an RCA is aware of the circumstances in which one of these speed limits may receive Transport Agency approval before they consult on a proposal. Similarly, it would be beneficial for RCAs to have an indication from the Transport Agency about whether the Transport Agency is likely to approve the speed limit proposed.

If, after consultation, an RCA comes to a conclusion that a speed limit of 70 km/h, 90 km/h or 110 km/h or a variable speed limit is appropriate, the RCA must apply to the Transport Agency for approval of the speed limit before the RCA can set that limit.

The steps of notifying the Transport Agency and gaining Transport Agency approval are additional to the usual procedure set out in section 4 of the proposed Rule in accordance with which an RCA may set a permanent, holiday, or variable speed limit and must occur before the RCA sets the speed limit.

All speed limits set before the commencement of the proposed Rule will remain in effect until an RCA or the Transport Agency changes them in accordance with the proposed Rule.

[Reference: proposed clauses 2.11, 4.5, 5.1, 5.2, 5.3]

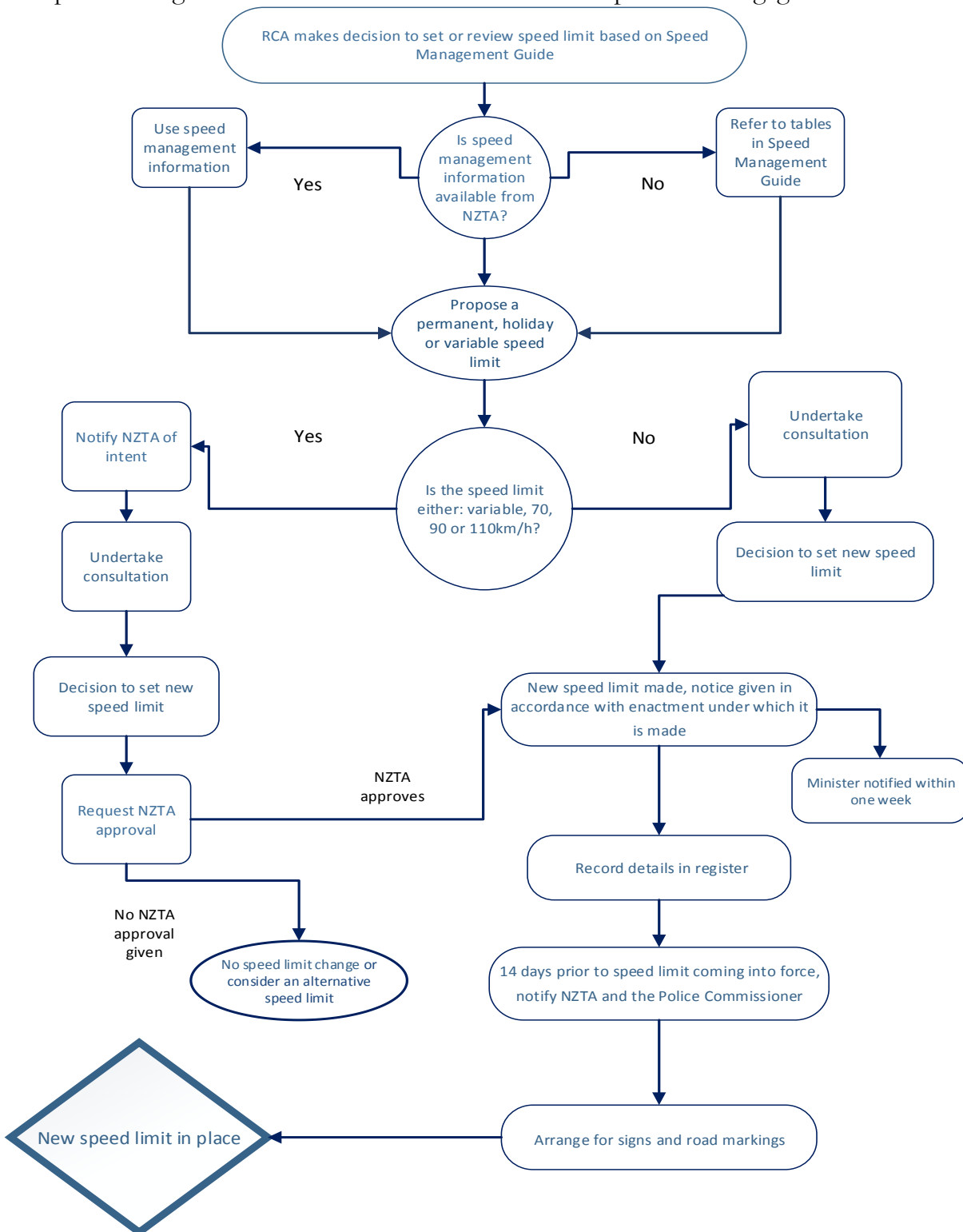
Minor changes to the Speed Setting regime

There are a number of other elements of the current speed setting regime that will be updated and modernised through the proposed Rule. These changes include:

Proposed change	Explanation
Removal of provision for minimum speed limits	This provision was never used under the 2003 Rule
Express reference to motorcyclists included in list of road users to be considered when setting temporary speed limits	To clarify that this is a distinct group of road users with a specific risk profile
Clarifying that an RCA may take measures other than setting a new speed limit if it decides that the existing speed limit is not safe and appropriate for the road	To align with the general principles of the Speed Management Guide
Some definitions deleted: “Calculated speed limit”, “limited speed zone”, “minimum speed limit”, “rural area”, “rural speed limit”, “urban speed limit”, “urban traffic area”	Definitions either unnecessary under the proposed Rule or already defined in the <i>Land Transport Act 1998</i>
Table 2 of Schedule 2 updated: <ul style="list-style-type: none"> • in the row relating to 80 km/h, replaced “2.6km” with “2.7km” • a row relating to 90 km/h inserted 	To align with the rest of Table 2 and other proposed provisions
Replacement of “audit” of RCA by Transport Agency with “investigation”	Auditing is an official inspection of an RCA’s accounts and documentation. Investigating is a formal inquiry into the activities of an RCA
Requiring the Agency to notify an RCA if, following investigation, it considers that the RCA is not compliant with the Rule, and giving the RCA a reasonable opportunity to respond	To comply with the rules of natural justice, and as a result of the wider power of the Agency to “investigate” rather than “audit” an RCA for compliance with the Rule
Clarifying that the point at which a speed limit changes must be at, or close to, a point of “obvious” change (rather than “significant” change)	To clarify the policy intent

Proposed Setting of Speed Limits process - flowchart

The flowchart below details the statutory steps for the review of speed limits under the proposed Rule. Pre-engagement with communities would be encouraged prior to a review and the Speed Management Guide includes some advice on options for engagement.



Clause-by-clause analysis

Section 1 of the proposed Rule sets out the purpose of the Rule and revokes the 2003 Rule. The purpose of the proposed Rule is to—

- produce a nationally-consistent and evidence-based approach to speed management; and
- provide a mechanism for road controlling authorities to set safe and appropriate speed limits for roads in their jurisdictions; and
- 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.

Section 2 of the proposed Rule sets out the general procedure for setting speed limits. Much of this section is carried over from the 2003 Rule.

Clause 2.1(1), a new provision, requires the Transport Agency to provide guidance to RCAs on how the proposed Rule is to apply, and information about safe and appropriate speeds for roads in New Zealand. A safe and appropriate speed is a travel speed that optimises safety and efficiency outcomes. *Clause 2.1(2)* preserves the Transport Agency's power to change, or modify the application of, speed limits, and to carry out any function necessary to ensure that RCAs comply with the proposed Rule when reviewing and setting speed limits.

Clause 2.2 sets out the primary powers, duties, and functions of RCAs. An RCA must review and set speed limits in accordance with the Rule and must consider the safe and appropriate speed limit for a road in accordance with the proposed Rule.

Clause 2.3 sets out consultation requirements. *Clause 2.4* sets out additional information required when consulting on certain speed limits.

Clause 2.5 contains decision-making procedures and provides for the notification of set speed limits, and designated urban traffic areas, to the Transport Agency and the Commissioner of Police. Speed limits are set, and urban traffic areas are designated, by bylaw. Notably, *clause 2.5(2)* provides that a consultation process undertaken in accordance with the proposed Rule may be carried out at the same time as, or as part of, any consultative procedure required under another enactment. For example, a road controlling authority that is a local authority has consultation requirements under both the proposed Rule and the Local Government Act 2002. *Clause 2.5(2)* allows the RCA to combine these processes.

Clause 2.6 is carried over from the 2003 Rule. It requires RCAs to continue maintaining the registers of speed limits and urban traffic areas established under the 2003 Rule. Registers must be available for inspection by members of the public, at reasonable times, on request.

Clause 2.7 is carried over from the 2003 Rule. It relates to record-keeping and provides that an RCA must keep certain material relating to the setting of a speed limit for 7 years after the speed limit is set.

Clause 2.8 is carried over, with some modification, from the 2003 Rule and—

- requires an RCA to have processes to ensure quality control of its procedures for reviewing and setting speed limits:
- gives the Transport Agency a power to investigate RCAs for compliance with the proposed Rule:
- requires the Transport Agency to notify an RCA if it considers that the RCA has not complied with the proposed Rule, and gives the RCA a reasonable opportunity to respond:
- gives the Transport Agency a power, if it is not satisfied with an RCA's response to notification of non-compliance, to issue directions:
- requires RCAs to comply with any directions given by the Transport Agency or the Commissioner of Police under the proposed Rule:
- gives the Transport Agency a power to exercise the appropriate responsibilities of an RCA if an RCA fails to comply with directions given by the Transport Agency, and provides that the RCA is then responsible for any reasonable expenses incurred by the Transport Agency in doing so.

Clause 2.9 is carried over from the 2003 Rule. It requires all traffic control devices installed on a road to be safe, effective, and appropriate for the speed limit before that speed limit comes into force.

Clause 2.10 is carried over from the 2003 Rule. It is a technical provision that establishes when speed limits are set or changed and when they come into force.

Clause 2.11 is a new provision. It provides that a speed limit set before the commencement of this Rule remains in effect until an RCA or the Agency changes it in accordance with this Rule.

Section 3 of the Rule is largely carried over from the 2003 Rule. Clauses 3.1-3.4 —

- set out the categories of speed limits that may be set in accordance with the proposed Rule:
- set out the range of possible speed limits, including 110 km/h:
- provide that a road (or part of a road) for which a speed limit is set must be of a reasonable and safe length:
- provide that the point at which a speed limit changes must be at, or close to, a point of significant change in the roadside development or the road environment:
- provide that the speed limit in an urban traffic area is 50 km/h and in a rural area or on a motorway is 100 km/h unless otherwise set in accordance with any enactment.

Clause 3.5 is carried over from the 2003 Rule with some modification. The clause allows an RCA to designate an area as an urban traffic area or vary the boundaries of an existing urban traffic area. In doing so, an RCA must have regard to the relevant factors set out in *clause 4.4(2)* and may set a speed limit other than 50 km/h for a road in that area. This clause does not require an RCA to review a road that was in an existing urban traffic area prior to the variation.

Section 4 replaces the mechanism of the 2003 Rule for the setting of permanent, holiday, and variable speed limits.

Clause 4.1 is an application provision.

Clause 4.2 requires the Transport Agency to develop (having regard to a number of mandatory criteria) safe and appropriate speed information (which is information that supports travel speeds that optimise safety and efficiency outcomes) for roads throughout New Zealand.

Clause 4.3 requires the Transport Agency to supply an RCA with information about the safe and appropriate speed for roads within that RCA's jurisdiction. The Transport Agency must, in supplying this information, 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. In addition, an RCA may request information about any road in its jurisdiction, and the Transport Agency must supply any such available information.

Clause 4.4 provides that, in reviewing permanent, holiday, or variable speed limits, an RCA must have regard to mandatory criteria relevant to the roads under review. This allows an RCA to thoroughly review any information given by the Transport Agency, adding in any planned modifications an RCA might have for specific roads and their environment and, based on that information, coming to a different view about the safe and appropriate speed for a road than that suggested by the Transport Agency.

An RCA must also have regard to any relevant guidance on speed management provided by the Transport Agency.

Clause 4.5 requires an RCA to consult on a proposed speed limit in accordance with *clauses 2.3* and *2.4*. An RCA must notify the Agency before consulting on a proposed variable, 70 km/h, 90 km/h, or 110 km/h speed limit.

Clause 4.6 gives RCAs the power to set speed limits. In doing so, an RCA must—

- take account of submissions received during consultation:
- have regard to any other factor the RCA considers relevant to achieving the safe and appropriate speed of a road (this provision is the equivalent of *clause 3.2(5)* of the 2003 Rule, commonly known as the exceptions clause):
- aim to achieve a mean operating speed less than 10% above the speed limit.

Section 5 of the proposed Rule provides that certain types of speed limit, require the additional step of Transport Agency approval before they can be set by an RCA. These speed limits are 70 km/h, 90 km/h, and 110 km/h and variable speed limits.

Section 5 also allows 110 km/h speed limits to be introduced to New Zealand. Speed limits of 110 km/h will only be approved for roads that have been designed and constructed, and will be managed and operated, to the standard necessary to support travel speeds of 110 km/h.

The requirements for Transport Agency approval and the criteria for the application of variable and 90 km/h speed limits are carried over from the 2003 Rule.

The requirement for Transport Agency approval of new 70 km/h speed limits, in *clause 5.2*, is introduced. Speed limits of 70 km/h set before the commencement of this Rule are not affected by this provision.

Clause 5.2 sets out the considerations the Transport Agency must take into account in considering a proposed 70 km/h or 90 km/h speed limit. These have changed from the criteria for 90 km/h speed limits under the 2003 Rule.

Section 6 sets out the rules relating to temporary speed limits, which are largely carried over from the 2003 Rule. There are three grounds for setting a temporary speed limit, being:

- where physical work is occurring on or adjacent to a road in a way that impacts the function of the road (which is the equivalent to the “construction site” ground in the 2003 Rule):
- where there is an unsafe road surface or structure present (which is equivalent to the “work programme” ground in the 2003 Rule):
- where there is a special event (which is carried over without modification from the 2003 Rule).

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

Section 7 is new and provides for emergency speed limits. RCAs will be able to set emergency speed limits, which must be lower than the prevailing speed limit, when an emergency that affects the use of any road creates a risk of danger to the public or a risk of damage to a road. The definition of emergency is based on that used in the *Civil Defence Emergency Management Act 2002*. An RCA can set an emergency speed limit by installing speed limit signs in accordance with *section 9* of the proposed Rule, but must, within 10 working days of doing so, place a notice in the *New Zealand Gazette* explaining what the emergency speed limit is, where the emergency speed limit applies, and the reasons for the emergency speed limit.

Section 8 sets out the rules relating to designated locations, which are largely carried over from the 2003 Rule. Certain locations will continue to be designated locations within the meaning of the proposed Rule. The effect of designation is that the relevant RCA may follow a shorter review and consultation process under the Rule before setting a speed limit on a road at that location. Designated locations include, for example, commercial and industrial facilities, airports, cemeteries, car parks, and camping grounds. Roads in designated locations tend to have low traffic volumes and speed limits and only provide access to the particular facility, rather than being through roads.

Section 9 provides for signs and road markings relating to speed limits. These rules are largely carried over from the 2003 Rule and prescribe where speed limit signs must be installed. This includes repeater signs, which are speed limit signs that must be installed at specified regular intervals to remind road users when the speed limit is above 50 km/h but below the default rural speed limit of 100 km/h.

New in this proposed Rule is *clause 9.2(2)*, which provides that an RCA is not obliged to comply with the requirements for repeater signs if the nature of a particular length of road makes the speed limit clear to road users and the measured mean operating speed is less than 10% above the speed limit for that length of road. This provision might be used, for example, on a particularly bendy stretch of a road with a speed

limit of 80 km/h, where providing repeater signs at the prescribed distances is unnecessary given the nature of the road and actual travel speeds.

Clauses 9.3 and 9.4 set out specific requirements for certain types of speed limit signs.

Part 2 of the proposed Rule sets out definitions of terms used in the proposed Rule. Key new definitions include **emergency speed limit** and **safe and appropriate speed**. The definition of **mean operating speed** has been changed from the 2003 Rule.

Process for making Rule changes

The Land Transport Act 1998 (the Act) provides the legal framework for making Land Transport Rules. *Section 161* states the procedures by which the Minister makes ordinary Rules.

What are Land Transport Rules?

Land Transport Rules (Rules) are legislation made by the Minister of Transport or his delegate ('the Minister') under the Act.

The Act sets out principles and the policy framework; Rules contain detailed requirements, including standards and processes, for putting those principles and policy into operation. Rules cover a range of land transport issues. Among the outcomes that Rules aim to achieve are: safeguarding and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and ensuring environmental sustainability.

Compliance with Rules is required because they form part of New Zealand transport law. The specific offences and penalties that apply to each Rule are set out in the Act or in regulations.

Most Rules are drafted by the Transport Agency, by an arrangement with the Chief Executive of the Ministry of Transport, working closely with the Ministry of Transport's policy and legal advisors.

Rules are drafted in plain language to be easily understood. The Transport Agency undertakes consultation on proposed changes to Rules on behalf of the Minister. The issues that are raised in submissions on the proposed Rule will be analysed and taken into account in preparing the Rule for the Minister to sign.

Subject to the approval of the Minister, the proposed Rule would take effect later this year.

Application of Rule-making criteria

Proposed activity or service

Section 164(2) of the Act sets out the matters that the Minister must have regard to when making a rule. This includes the nature of the proposed activity or service for which the Rule is being established.

The proposed Rule will set out criteria, requirements and procedures to be followed by road controlling authorities when reviewing and setting speed limits for roads within their respective jurisdictions.

Risk to land transport safety

Section 164(2)(a), (c) and (d) require the Minister to take into account the level of risk to land transport safety in each proposed activity or service, the level of risk existing to land transport safety in general in New Zealand, and the need to maintain and improve land transport safety and security.

Safer speeds are one of the (four) fundamental building blocks of the Safe Systems approach, which guides government initiatives to manage safety on our roads. The new Rule requires RCAs to take a wider look at the context for each road, including its function and form. This should result, over time, in a more consistent application of speed limits across the country, working from a common database of information about safe and appropriate speeds.

The Rule also emphasises that road improvements (or other interventions) may be a treatment option, and that merely setting a speed limit (without reference to anticipated behaviour by drivers) is not in itself sufficient to create safety gains.

The Rule is designed to improve safety through more effective speed management.

Assisting achievement of strategic objectives for transport.

Section 164(2)(e) of the Act requires that the Minister have regard, and give such weight as he or she considers appropriate in each case, to whether a proposed Rule (i) assists economic development; (ii) improves access and mobility; (iii) protects and promotes public health; and (iv) ensures environmental sustainability.

Assists economic development

The Rule is expected to encourage economic development by encouraging a consistent approach to speed management across the network, thus making the network more efficient, and by facilitating speed limits of 110 km/h on certain high-quality roads.

Improves access and mobility

The Rule is not expected to have any effect on access and mobility.

Protects and promotes public health

The Rule is expected to protect and promote public health by promoting a Safer Speeds approach to speed limits, which will encourage RCAs to focus on roads where a change to the speed limit or investment in road improvements is likely to have the highest benefits in terms of safety outcomes, economic productivity, or both.

Ensure environmental sustainability

The Rule is not expected to have any effect on environmental sustainability.

Costs of implementing the proposed changes

Section 164(2)(ea) of the Act requires that the Minister have regard to the costs of implementing measures proposed in a Rule.

A summary of the costs and benefits of the proposed changes can be found on page 29.

International considerations

Section 164(2)(eb) and (f) of the Act requires that, in making a Rule, the Minister must have regard to New Zealand's international obligations concerning land transport safety, and the international circumstances in respect of land transport safety.

The Rule is consistent with New Zealand's international obligations in respect of land transport.

How the Rule fits with other legislation

The proposed Rule will be made under *sections 152 and 157(d) and (e)* of the *Land Transport Act 1998*. Under those sections, the Minister of Transport is empowered to make rules that provide for the setting of speed limits, and set out criteria, requirements, and procedures to be complied with by road controlling authorities when they set speed limits.

The Transport Agency is both the regulatory Agency under the proposed Rule, responsible for ensuring that RCAs comply with the Rule, and itself an RCA with respect to state highways. These functions are operated separately by different parts of the Transport Agency.

Where a speed limit imposed by another enactment, such as the maximum speed for heavy vehicles set out in Land Transport (Road User) Rule 2004, differs from a speed limit set in accordance with the proposed Rule the lowest applicable speed limit applies.

Bylaws

RCAs are empowered under *section 22AB* of the *Land Transport Act 1998* to make bylaws that set speed limits for roads within their jurisdiction.

The proposed Rule requires RCAs to set permanent, holiday, and variable speed limits through their ordinary bylaw-making process.

Most RCAs are local authorities under the *Local Government Act 2002* and will make any bylaws that set speed limits in accordance with the bylaw-making procedures in that Act. Certain other RCAs must act in compliance with other enactments such as the *Airport Authorities Act 1966*.

Offences and penalties

Land Transport Rules do not contain offences and penalties for breaches of Rule requirements. These provisions are set out in regulations. The proposed Rule is a procedural Rule and does not affect the obligations of the public to comply with speed limits nor does it affect the maximum speed limit that applies to particular categories of vehicle.

There are no offence provisions proposed for breach of the road-controlling authority's obligation to comply with provisions of this Rule. The Rule makes provision for administrative steps to be taken if a RCA fails to fulfil its obligations. The Transport Agency will be able to both change and modify speed limits for particular roads or all roads under the jurisdiction of an RCA.

Fees

No changes to fees and charges are required.

Publication and availability of Rules

Access to consultation material

Copies of this consultation document may be obtained by calling the Transport Agency Contact Centre on 0800 699 000. It is also available on the Transport Agency's website at:

www.nzta.govt.nz/about-us/consultations/

Availability of Rules

Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation. They are also available to be read free of charge at the National Office and regional offices of the Transport Agency. Rules are also available on the Transport Agency's website at:

www.nzta.govt.nz/resources/rules/

Information about Rules

Information about Rules and the Rule-making process is available online at:

www.nzta.govt.nz/resources/rules/about

If you have not registered your interest in the Setting of Speed Limits Rule (or other Land Transport Rules), you can do so by contacting the Transport Agency at our addresses shown in the *Making a submission* section at the front of this publication, or at:

<http://www.nzta.govt.nz/registration-of-interest-in-land-transport-rules/>

This includes a form for registering an interest in Rules.

Regulatory impact of proposed Rule

A summary of the benefits and costs/risks of the Rule proposals are set out in the following table.

Proposal	Benefits	Costs
<p>1. Enable the setting of a 110km/h limit.</p>	<p>Reduced journey times.</p> <p>For large scale infrastructure investments there could be wider economic implications such as more economic concentration and specialisation of business activities.</p> <p>The estimated benefit cost ratios are marginal for some individual road sections tested. However, roads identified for speed limits of 110km are our busiest and as more roads are built to meet the criteria for a 110km/h speed limit, the estimated travel time benefits should increase and the full economic benefits should be realised.</p> <p>Enabling 110km/h speed limits is part of an overall safety programme for signalling safe and appropriate speeds across the network. There is a benefit to road users by providing more points of difference between roads of different function and level of safety.</p>	<p>Additional safety features may need to be added to roads to bring them up to the required standard for 110km/h travel speeds. In addition, roadside infrastructure such as wider, sealed shoulders may be needed to support Police enforcement activity.</p> <p>The main risk of an increase to 110km/h travel speeds is that if there is a crash, the impact speeds could be higher, which could result in greater trauma.</p>
<p>2. Allow RCAs a broader range of options for indicating open road non-default speed limits.</p>	<p>Reduced cost to RCAs as they are not required to install repeater signs every 2–3 km where drivers understand the safe and appropriate travel speed for the road.</p>	<p>No additional costs have been identified with this proposal.</p>
<p>3. Replacing Speed Limits New Zealand (SLNZ) with the Speed Management Guide.</p>	<p>High benefit maps will be provided to RCAs by the Transport Agency at no cost to the RCAs. This enables national consistency, and means RCAs can start speed limit reviews at the point of testing their</p>	<p>The costs to the Transport Agency of generating the maps were not significant (less than \$14,000 per region), were included in business-as-usual baselines, and were a one-off, as the process has</p>

	<p>high benefit maps, and developing their community engagement and future work programmes without the cost of doing the network assessments themselves.</p>	<p>been automated for future use.</p>
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