

NZ Transport Agency

Guidelines for preparing regional public transport plans

Summary and response to submissions on the document "*Interim guidelines for preparing regional public transport plans*" released 8 October 2013

Introduction

In April 2012, the Government announced a new public transport operating model (PTOM). Amendments to the Land Transport Management Act 2003 to give effect to PTOM (among other things) came into force on 13 June 2013. The amendments introduced significant changes to the contents and process for developing regional public content plans.

The Transport Agency has been working on the operational policy required to support the implementation of PTOM, including preparing new guidelines for preparing regional public transport plans ('the guidelines'), and amending the Transport Agency's procurement manual.

To support the development of the guidelines, the Transport Agency worked with a reference group of staff from regional councils and the Bus and Coach Association, and provided an opportunity for stakeholders to submit feedback on interim guidelines.

The guidelines have now been finalised and can be found on the Transport Agency's website in its General Circular section under "*General Circular 13/09 (New NZ Transport Agency guidelines for preparing regional public transport plans)*".

<http://www.nzta.govt.nz/resources/general-circulars/general-circulars.html>

Purpose of this Document

The purpose of this document is to summarise significant issues raised by submitters, and to provide the Transport Agency's response to those issues. If regions require additional information related to their submission they should contact their Transport Agency regional representative. Other submitters wanting further information should contact Sarah Stevenson, Principal Advisor (Planning and Investment Group) email sarah.stevenson@nzta.govt.nz or DDI 04 890 4742.

List of Submissions received

Submission Number	Submitter
01	Ministry of Transport
02	Greater Wellington Regional Council
03	Environment Canterbury
04	Auckland Regional Public Health Service
05	Bus and Coach Association
06	Waikato Regional Council
07	Mana/Newlands Coach Services
08	Northland Regional Council
09	Otago Regional Council
10	Fullers Group Ltd
11	Taranaki Regional Council
12	TransDev

Executive Summary

Most submitters supported the general direction and structure of the guidelines, welcoming the collaborative approach to using a reference group to drive their development. Operators in particular were appreciative of the guidelines' focus on partnership and collaboration.

There were a number of points of clarification sought, and those points of clarification are provided in the following table.

The Transport Agency has considered suggestions taking into account the high level policy direction provided by the government, the prescriptive provisions in legislation, and the need to balance the interests of stakeholders. In response to submissions, the Transport Agency has made the most substantial changes in the following areas of the guidelines:

- Public interest
- The meaning of terms "should/must/may"
- Partnership and collaboration
- Relationship with Regional Land Transport Plan
- Information provisions – s129/s152
- School services
- Infrastructure planning

Details of changes or retention of original text are listed in the table overleaf under the name of the submitting organisation. Explanation is also provided, where relevant.

16 December 2013

NZ Transport Agency interim guidelines for preparing regional public transport plans

Submissions received and changes made (significant points only)

Organisation Name	Guidelines reference	Submission Point	Changes made
Ministry of Transport	Page 23	2 nd to last para – Suggest that the last sentence refer to plural RPTPs. Also, is Transport Agency legal comfortable that there is authority to impose this content requirement?	RPTPs (plural) clarified. Wording changed to reflect that any policy on farebox recovery must be in the RPTP.
	Page 26	The discussion of ‘in the public interest’ needs to be reconsidered as in this context the concept is not intended to capture things the public has an interest in, or is concerned about. Rather, the focus of ‘in the public interest’ is on the common good. Refer departmental report: A term is needed that reflects that decision-makers need to turn their minds to the impact of any decision on economic, social, cultural and environmental wellbeing. The term ‘public interest’ has a similar breadth of meaning, is widely used in New Zealand legislation, albeit not as part of purpose statements, and captures the need to consider multiple interests in decision making.	Wording changed to reflect policy intent.
Wellington Regional Council	General	GWRC supports the general direction and structure of the interim guidelines - the guidelines contain the necessary content, and provide useful additional information. The reference group provided a useful forum for resolving issues, and we would like to formally record our appreciation of the way officers took the feedback on board. As a result, most of our feedback on the guidelines is about relatively minor matters.	Noted, thank you.
	Page 3	1.2 – it is not clear whether the word “should” means “must” or “may”. Recommend clarifying intent in this section, or avoid using the word “should” throughout the document.	Wording has been altered and intent clarified.
	Page 5	3.0 Partnership and collaboration – ensure the guidelines reflect the final version of Procurement Manual.	Wording is consistent.
	Page 12	6.6 – linkage between RPTP and procurement strategy - the last sentence of the first paragraph is unclear.	Wording has been altered to clarify. Additional wording notes need to comply with Procurement Manual.
	Page 14	7.1.1 – services integral to the network. The rule of thumb proposed is a much higher test than WRC would use.	Wording altered.
	Page 18	7.2 Unit establishment – like for like units. There is no legal requirement that units with higher commerciality ratios should be allocated as like for like units, and there are only a limited number of regions where like for like applies – parties should work through the more detailed Procurement Manual.	Deleted second to last sentence and included reference to Procurement Manual.

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	Page 25	7.6 Policy on significance – need to consider situations where RLTP and LGA significance policy are inconsistent (particularly in light of possible upcoming changes). Need also to recognise that thresholds are not universally applied – factors and criteria are also used.	Wording changed “the RPTP policy on significance will ideally be consistent...” Wording changed to reflect the range of tools available – factors, criteria or thresholds.
	Page 26	7.7.1 – the discussion on public interest is unclear.	Wording has been amended to clarify (also reflecting MoT comments above).
	Page 31	9.2 – Consultation with key stakeholders – need to clarify existing potential operators can be consulted together or separately.	Reworded and clarified.
	Page 36	10.0 – Monitoring – there is no statutory requirement to monitor the RPTP – the monitoring requirement is in relation to unit performance – the RPTP must be “reviewed”. Monitoring the public transport network as a whole should be undertaken as part of monitoring the RLTPan – which includes PT as one part of the network.	Reworded to clarify monitoring relates to units, rather than the RPTP per se.
Environment Canterbury	Page 21-23	7.4 – aligning services and infrastructure planning – support.	Noted, thank you.
	Page 36	10.0 – Monitoring and review – support. For simplicity this section should simply state that RPTPs must be reviewed every 3 years and the Transport Agency reserves the right to audit the review to ensure the RPTP complies with legislation.	Text remains unchanged – the text in 10.0 provides context for the rest of the chapter and is considered helpful.
	Page 36	10.2 – review of the RPTP – support.	Noted, thank you.
Bus and Coach Association	Page 33	9.2 – consultation with key stakeholders – BCA are supportive of the point noted regarding engaging with existing public transport operators in the region at an early stage in preparation of an RPTP. Operator knowledge would be very helpful, and early engagement will enable all parties to determine the best outcome for the network - will also deter issues arising later in the process as they are identified early.	Noted, thank you.
	General	BCA considers the content in the 2013 interim guidelines to be well drafted.	Noted, thank you.
Waikato Regional Council	Page 4	2.0 Public Transport Operating Model (PTOM) – recommend the word ‘urban’ be removed or clearly defined – some core components of PTOM will need to be implemented in all regions.	Word “urban” removed.
	Page 12	6.5 Relationship with regional land transport plan – the guidelines need to reflect the complexity of the land transport funding system, and the interdependency between the LTP, RLTP, and RPTP, particularly regarding funding for public transport services and infrastructure. The RPTP will identify services and infrastructure integral to the region. This will enable TAs and regional councils to consider the level of services through the LTP process, before feeding into the	Additional text added – but note this is a transition environment, and ultimately (ideally) the RLTP will set the strategic direction for the land transport network before the RPTP then gives effect to it (RLTP will drive the RPTP, not the other way around). The Transport Agency is working with regional councils to develop RLTP guidance (including a workshop with RTOs 6 December).

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		RLTP for regional prioritisation (and NLTP for national prioritisation).	And our Planning and Investment Signals will also cover off RLTP development.
	Page 36	9.4 Commercially sensitive information and 4.4 information requirements – clarification of intention of wording sought – further clarify provisions and processes around commercial sensitivity and whether information is published or not. S129 of the Act clearly demonstrates when fare information can be released, in comparison s152 of the Act (transitional provisions for certain existing operators) states a regional council MAY disclose the fare revenue data.	Wording has been clarified and a cross reference included from 4.4 to 9.4.
	Appendix C	Business Case Approach - support principles behind the business case approach, and support it being referenced as a suggested tool.	Noted, thank you.
Mana/ Newlands Coach Services	Page 15	7.2 – Unit establishment – like for like units. Not comfortable with the guidelines restricting in-service kilometres to <i>'equivalent'</i> to the quantum under existing registered commercial services. The changes of units meeting other criteria, having higher commerciality ratios, and having equivalent in-service kilometres are slim at best. Propose the wording is changed to <i>'equivalent or greater'</i> . Also – not comfortable with wording “Where possible, units with higher commerciality ratios should be allocated” – propose wording is changed to reflect s156 “ <i>all reasonable endeavours</i> must be used to ensure units with higher commerciality ratios <i>are</i> allocated”. Suggest sentence “it is possible regional councils may need to adjust the size of units slightly” can be deleted, given previous changes suggested.	No changes made. We need to retain the word "equivalent" to preserve consistency with Rule 10.30 of the Procurement manual. The common meaning of the word "equivalent" is "equal in value or amount" and this is what was envisaged in like for like unit negotiation. Mana/Newlands Coach Service's point that the existence of a unit or units of exactly the same in service kilometres is unlikely is taken, however this is where the AO's ability to tweak the size of a unit comes into play. Since section 156 of the LTMA requires regions to use all reasonable endeavours not to disadvantage operators it is unlikely they will be offered units with fewer in service km. Wording altered to reflect LTMA. No changes made – it is considered important to communicate the potential for flexibility.
Northland Regional Council	Page 4	2.0 – Public Transport Operating Model (PTOM) – NRC was of the understanding PTOM would apply to all public transport services, not be urban specific. Recommend the word “urban” be removed.	Word “urban” removed.
	Page 21	7.3.1 - Total Mobility Services – NRC is phasing out vouchers.	Wording amended to read “vouchers or other means”.
	Page 31	9.0 – Consultation – council notes provision for the use of the special consultative procedure. Seeks provision for regional councils who have minor changes to make to their RPTPs to not need to go through the full consultative process.	No changes proposed - use of the special consultative procedure is not mandatory, however councils need to consult in accordance with the consultative principles in s82 of the LGA.
	Page 35	9.4 Commercially sensitive information and 4.4 information requirements – there may be an opportunity to further clarify provisions and process around	Wording clarified and a cross reference included from 4.4 to 9.4.

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		commercial sensitivity and when information is published or not. S129 – when fare information CAN be released, s152 – states a regional council MAY disclose fare revenue data. Clarification of the intention of the wording may be useful.	
	Page 45	15 – Business case approach – support inclusion in appendices, support the principles of the business case approach and reference as a suggested tool. This will provide flexibility.	Noted, thank you.
Otago Regional Council	Page 3	1.1 and 6.7 reference to Statement of Intent – is not mentioned elsewhere in the Guidelines and not shown in the diagram on page 13. Seek removal of all reference to the NZ Transport Agency Statement of Intent.	No changes proposed. Reference to the Statement of Intent clarifies that planning occurs often with the intention to obtain NLTF investment.
	Page 16	7.1, 7.2 – school buses operating within integrated public transport networks. There should be more guidance on how to deal with school services, e.g. section 7.1.1 states school services not provided by the Ministry of Education must be arranged into units. This is somewhat at odds with advice that they may be exempt services.	Wording amended to clarify that contracted school services not provided by the Ministry of Education must be arranged into units. Fully commercial services not provided by the Ministry of Education are, as per previous advice, exempt services. Also set out excluded services. We can provide more information and assistance on a case by case basis.
	Page 5	3.0 Reference to procurement manual concerning partnering, unit establishment. Presumably the RPTP guidelines have precedence over operational policy – this should be clarified.	No changes proposed. There are no inconsistencies in the text. Procurement manual and RPTP Guidelines have equal weight, applied to different processes (procurement, and planning respectively).
	Page 20	7.3 Assisting the transport disadvantaged – s35 of the LTMA requires the RLTP to address this matter through objectives, policies and measures – the RPTP should be consistent with and derive from the RLTP.	Wording amended to note the RPTP then needs to be consistent with and derive its provisions from the RLTP.
	Page 22	7.4 Infrastructure planning – s120 LTMA does not require infrastructure planning to be included in the RPTP. The requirement in s117(a) to provide a statement of the infrastructure that supports public transport services could be addressed by a policy (rather than by listing specific infrastructure). If councils own significant infrastructure they should have asset management plans to back up their LTP – the RPTP is not a substitute for an asset management plan. Seek that the guidelines make clear that suggestions on infrastructure content are suggestions only, and discretionary.	No changes proposed – the content is suggestions (prefaced with the word “should”) and considered necessary and helpful to encourage an understanding of the interdependencies between services and infrastructure. Using the word “should” clarifies there may be valid reasons in particular circumstances to ignore a course, but the full implications must be understood and weighed before choosing a different course.
	Page 28	7.7.2 Available funding and testing willingness to pay – it would be more appropriate to test the community’s willingness to pay for public transport services in the LTP because this is the document that addresses rating levels and (in ORCs case) the levels of bus fares.	Wording amended to reflect the fact willingness to pay may have already been addressed through the LTP.
Fullers Ferry Services	Page 5	3.0 Partnership and collaboration – Fullers is supportive, content clearly explains s115 and the overriding principles which exist outside a formal contract and continue on after a contract is signed.	Noted, thank you.

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	Page 25	7.6 Policy on significance and 9.0 Consultation – suggest the guidelines may further state that despite the insignificance of a variation and a regional councils own variation policy, a regional council must still consult “persons who will or may be affected by or have an interest in the proposed variation” – s126(4) and 125(2)(a) of the LTMA, s82 of the LGA. These parts may also benefit from the reiteration of s115.	Wording added in both sections clarifying obligation to consult interested or affected persons.
Taranaki Regional Council	Page 4	2.0 – reference to “urban” – suggest removing the word “urban”	Wording amended.
	Page 11	6.3 – When to prepare the RPTP – states a new RPTP needs to be prepared before any new contracted service commences operation. Could be interpreted as allowing a regional council to issue a tender and award a contract prior to renewing the RPTP as long as the RPTP is renewed before contract commences. Recommend removing words “or before any new contracted service commences operation”	No changes proposed – the effect of the legislation is that it is an offence to <u>operate</u> a service that is not part of a unit in an RPTP.
	Page 14	7.1.1 Services integral to the public transport network – Total Mobility – remove requirement to include exemptions to 24-hour operation – hours of taxi operation are outside council control.	Reference removed.
	Page 21	7.3.1 Total Mobility services – remove reference to vouchers – not all regions use them now.	Reference removed.
	Page 21	7.4 Aligning services and infrastructure planning – the guidelines require significant information to be included regarding infrastructure however the LTMA only requires councils engage with and work together with TAs. Is NZTA intending to engage with TAs or is it being left to regional councils to get the message through? Please clarify the level of infrastructure detail and information NZTA expects to see in an RPTP.	No changes proposed – the guidelines suggest information to be included – if there are valid reasons why it is not appropriate, the information does not have to be included. NZTA is communicating with RCAs (through the RCA Forum) regarding partnering obligations. Ultimately though, the obligation falls on regional councils, along with operators, and territorial authorities.
	Page 25	7.6 Policy on significance – third paragraph – TRC supports the intention of this paragraph however seeks inclusion of the word “relatively” before the word “small”.	Word “relatively” added.
Auckland Regional Public Health Service		General: Suggest a wider consideration of the wider effects of the public transport and health and environment issues. Public transport should operate on a public good basis, where health, safety, accessibility and the environment should be prioritised and not compromised due to commercialisation.	No change proposed. Operational matters such as this are the responsibility of the regional council to decide in the context of their local environment, rating base, community needs, and resourcing.
		We understand and appreciate the response to the government’s aim of growing patronage with less reliance on subsidy, but have argued increasing patronage will come from various avenues rather than only the commercialisation of public transport.	No change proposed. Although we do agree, increasing patronage comes from various avenues, as noted in the research report “Appraisal of factors influencing public

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			transport patronage” http://www.nzta.govt.nz/resources/research/reports/434/docs/434.pdf However, the process and content of the Public Transport Operating Model (and the PTMA before it) have resulted in the purpose of RPTPs as set out in s117 of the LMTA.
		Our recommendations emphasise the importance of including human health and environmental considerations in the preparation of Regional Transport Plans (sic).	No change proposed. Public transport is one mode within an integrated transport network – itself integrated with land use. Regional councils include human health and environmental considerations in developing their strategic policy statements and plans through the RMA, LGA and LTMA process – i.e. Regional Policy Statements, Regional Plans, Long Term Plans, District Plans, Annual Plans, and Regional Land Transport Plans. Regional Public Transport Plans are operational and reflect that strategic direction of the other documents.
		ARPHS believes the definition of ‘public good’ provided by ourselves needs to be the primary principle guiding RPTP.	No change proposed. The principles guiding RPTPs are set out in s115 of the LTMA, and are implemented in the context of the purpose of RPTPs set out in s117 of the LTMA.
		RPTPs should advise councils to assure health, social, economic and cultural well being benefits are integral to the planning of transport.	The guidelines have been amended to elaborate on the term “in the public interest” giving guidance regarding the wider considerations decision makers must take into account.
		We advise regional councils in developing RPTPs should try to maximise, compliment and encourage active transport.	No change proposed. The correct place for this level of planning is the Regional Land Transport Plan, where active transport can integrate with other modes as part of one network. Active modes and public transport cannot work successfully in isolation from the rest of the network (and its planning).
		ARPHS advocates Guidelines should guide the design and location of bus stops to maximise mitigation of potential harm from emissions from vehicles.	No change proposed. The Transport Agency is currently developing Public Transport Infrastructure Guidelines.
		We recommend regional councils are given a robust resource database to help them formulate, design, plan, implement, action and evaluate RPTP.	Noted. No change proposed to the guidelines at this stage, however.
		We recommend that all public transport plans have a goal to reduce the production of greenhouse gases in the transport sector for their community.	No change proposed. All vehicles entering New Zealand have to meet the standards set out in the Land Transport Rule: Vehicle Exhaust Emissions 2007. Regional councils may consider higher standards depending on local circumstances.
		In conjunction with the public transport plans goal to reduce the production of greenhouse gases, they should detail reducing mechanisms.	Noted. The NZTA has developed a bus quality standard with the public transport sector, including regional councils called Requirements for Urban Buses in New Zealand. This is reviewed

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			every three years and measures to reduce the pollutants from older buses can be considered as part of this process. Buses meeting Euro 2 standards or equivalent are much fewer than previously, particularly operating in more congested areas of Auckland and Wellington. Christchurch has no Euro 2 vehicles operating in urban services.
		Utilising and implementation of technologies that will reduce emissions.	No change proposed. The NZTA has developed a bus quality standard with the public transport sector, including regional councils called Requirements for Urban Buses in New Zealand. This is reviewed every three years and measures to reduce the pollutants from older buses can be considered as part of this process.
		Investing in alternative energy sources and power deliveries (as outlined in Table 2) such as electricity or low carbon emission fuels.	No change proposed. The NZTA has developed a bus quality standard with the public transport sector, including regional councils called Requirements for Urban Buses in New Zealand. This quality standard allows all modes of propulsion. Investing in alternatives modes of propulsion however comes at significantly increased capital, and in some cases, operational cost. This would need to be considered as part of the business cases that regional councils put up to the NZTA for new investment in their public transport networks. Also, the operators who own the vehicles need to be part of any proposals in this area, given the partnering premise behind the new contracting model for public transport.
		The removal and replacement of older diesel buses whose carbon emissions are unsafe for both the public and the environment.	No change proposed. Older vehicles are phased out through bus quality standards and average fleet age requirements in public transport contracts.
		ARPHS advocates the RPTP Guidelines must incorporate a robust and systematic safe land practice.	No change proposed. Land use is planned and regulated through regional policy statements, regional plans, and district plans. RPTPs work in combination with these documents and Regional Land Transport Plans to ensure integration between land use and the transport network, addressing matters such as safety.
		ARPHS recommends that all public transport plans have the goal of increasing the accessibility of their already established networks, and look for new routes that may encourage patronage.	No change proposed. This already occurs through network reviews (operational activities), the results of which feed into RPTPs.
		We recommend that these guidelines also advise on mechanisms to seek the view of transport disadvantaged.	Included suggestions for groups that could help (including district health boards)
		Guidelines need to ensure all seats, facilities, and services at all times on all routes available to all members of the public.	No change proposed. This is covered by Bill of Rights and Human Rights legislation.

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		<p>ARPHS recommends the additions to Section 11 of these Guidelines:</p> <ul style="list-style-type: none"> • level of emissions, fuel efficiency, and patron satisfaction to the performance standard. • Emissions and fuel efficiency to the quality standards, whilst accessibility should be more clearly defined as outlined by the ARPHS. 	No change proposed. Covered by the Requirements for Urban Buses and customer satisfaction surveys, and Land Transport Rules.
		ARPHS recommends customer satisfaction and quality monitoring should be incorporated into these guidelines.	No change proposed. Regional councils already undertake passenger satisfaction surveys but these relate to the operation (rather than the planning and procurement) of the public transport service. Operational matters are for the regional council to manage.
		We recommend these guidelines foster benchmarking best management processes for the organisation to emulate.	No change proposed. Organisational management is a matter for the organisation itself.
		<p>Suggested amendments to contents of an RPTP:</p> <p>Primary objective is ensuring public transport is planned and operated in the fullest sense of a public good. Secondly to grow commerciality of public transport services and create incentives for services to become fully commercial, but not at any cost to the primary objective.</p>	No change proposed. These changes would conflict with government objectives for the Public Transport Operating Model, and the LTMA.
		<p>The purpose of an RPTP is:</p> <ul style="list-style-type: none"> • .. (three points as set out in LTMA and interim guidelines). • Emphasise the importance of including human health and environmental considerations in the preparation of RPTPs; • Encourage a reduction in the production of greenhouse gases in the transport sector for their community; • Incorporate a robust and systematic safe land practice; and • Foster best practice benchmarking. 	No change proposed. The purpose of an RPTP is set out by s117 of the LTMA and the guidelines accordingly focus on that statutory purpose.
		<p>To meet ARPHS objectives the following objectives should also be addressed:</p> <ul style="list-style-type: none"> • Provide access to health care services, government services, recreational and sporting facilities, social and cultural engagements. • Encourage healthier lifestyles and increase social inclusion • Reduce health related issues due to public transport and transport in general • Reduce the production of greenhouse gases in the transport sector • Implementation of new technologies to help mitigate environmental and health costs. 	<p>No change proposed. The first three bullet points are operational aspects of network design that are the obligation and responsibility of regional councils.</p> <p>The last two bullet points are covered by Land Transport Rules, NZ Transport Agency's bus quality standards, any relevant proposals that regional councils can make business cases for, and NZ Transport Agency's infrastructure guidelines.</p>
		<p>Monitoring and review of the RPTP: additions:</p> <ul style="list-style-type: none"> • Customer satisfaction and quality monitoring • Emission data from public transport to be reviewed 	No change proposed. Regional councils already undertake passenger satisfaction surveys but these relate to the operation (rather than the planning and procurement) of the public

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		<ul style="list-style-type: none"> All stakeholder advice, benchmarking and evaluation to be reworked and contributed into reshaping definitions of quality, performance indicators and benchmarking processes. Benchmarking best management practices for the organisation to emulate. 	<p>transport service. Operational matters are for the regional council to manage. Emissions data is reported to and analysed by the Ministry for the Environment. Benchmarking best management practices are an organisational operational matter for regional councils to manage themselves.</p>
TransDev		<p>We commend NZTA on the approach that is being taken, in particular the objective to grow the commerciality of public transport services. Very pleased to see:</p> <ul style="list-style-type: none"> Early partnership and collaboration between councils and operators That competitors should have access to regional PT markets, That operators of PT services should be consulted when an RPTP is being prepared, That planning and procurement of PT services should be transparent, That partnering principles be adhered to through procurement and after signing the contract. <p>Transdev is also pleased to see NZTA's comment that 'regional councils may also wish to seek the views of providers who are not currently active in the region, but who may wish to provide services in future' (page 29) and that 'Councils may also like to consider links to annual business planning once partnering contracts are in place.' (page 33).</p>	<p>Noted, thank you.</p>