

23 September 2022

Kiri Gillespie
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Bay of Plenty Times and Rotorua Daily Post
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REF: OIA-10874

Dear Kiri

Request made under the Official Information Act 1982

Thank you for your email of 28 August 2022 requesting information under the Official Information Act 1982 (the Act).

For background and context, it is important to note that July 2022 was confirmed as the wettest July on record nationally according to the National Institute of Water and Atmospheric Research (NIWA). Waka Kotahi contractors nationally have been working around the clock to address the impact of the severe weather events on the state highway network, such as slips, downed trees and potholes.

High volumes of rainfall have been affecting both state highways and local roads, making it a challenging environment, particularly regarding potholes. For example, contractors often find potholes that have recently been filled are reappearing due to ongoing rain and the pumping action generated by vehicles that passing over the potholes.

Maintaining our roads safely is a top priority for Waka Kotahi, with \$2.8 billion being invested to maintain and operate the state highway network through the 2021-24 National Land Transport Programme (NLTP). This includes an additional \$400 million over the initial budget, targeted at pavement and surfacing renewals. In the 2021/22 financial year alone, more than 45,000 potholes were repaired across the 11,000km of New Zealand's state highway network.

Claims that the condition of a particular state highway caused damage to a vehicle are assessed on a case-by-case basis. There will be some situations where Waka Kotahi or its contractor takes responsibility and compensates the person concerned. Claims will be declined if our investigation finds that there is no negligence by Waka Kotahi and its contractors, and therefore we are not liable for the damage.

While Waka Kotahi has an obligation to take reasonable care to maintain the state highway network in the best condition possible, we do not guarantee that the entire network will be in perfect condition at all times. Generally, once Waka Kotahi or its contractors learn of a defect on the road, standards and processes are in place which require defects to be addressed, within a reasonable time period.

This is why we encourage anyone who sees a pothole on our state highways to report it by calling our toll-free number 0800 4 HIGHWAYS (0800 44 44 49). Information from the public about potholes and their locations is invaluable for our work crews, and in some cases, potholes reported through the 0800 number can be repaired within hours of the call coming in.

I will now answer each of your question in turn below.

- 1. how many people each month this year to date in the Bay of Plenty have sought compensation from NZTA for damage to vehicles? And how much in compensation in total has already been paid for this in the timeframe referred?**

The statistics you have requested are provided in the following table. Please note, this does not include any requests for compensation that may have been made to our contractors directly.

Number of requests for compensation recorded in Customer Relationship Management System (CRMS)								
January	February	March	April	May	June	July	August	TOTAL
3	3	1	4	3	2	13	6	35

To date, Waka Kotahi NZ Transport Agency has not paid any compensation relating to the claims in the table above.

- 2. how much in compensation each person has sought, and what is or was the result of this (were they paid? if so, how much? was the request declined, if so why? is the request still being considered? etc)?**
- 3. what was the alleged damage to the vehicle in each case and what specifically was it allegedly caused by? If roadworks, which specific roadworks were these? If potholes, where exactly are these potholes?**

The information you have requested in your questions 2 and 3 has been enclosed in the attached spreadsheet.

As noted in the spreadsheet, of 35 requests for compensation received by Waka Kotahi, two of these are still under investigation.

- 4. what changes or repairs have been made or prompted specifically as a result of someone seeking compensation?**

No changes to materials or treatment to the current pothole repairs methodology have been made or prompted specifically as a result of compensation requests.

Materials and methodology of repairs are carried out in accordance with the Maintenance Management Plan (MMP), which is continuously updated and improved. Waka Kotahi Maintenance Contract Managers and Network Managers work in partnership with the contractors to ensure that the correct and appropriate asset management approach is being applied.

In line with Waka Kotahi policy, this response will be published on our website.

If you would like to discuss this reply with Waka Kotahi, please contact Natasha Utting, Media Manager (Waikato and Bay of Plenty), by email to natasha.utting@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Neil Walker', with a long horizontal flourish extending to the right.

Neil Walker

National Manager Maintenance and Operations