

20 June 2022

[REDACTED]

REF: OIA-10159

Dear [REDACTED]

Request made under the Official Information Act 1982

Thank you for your email of 20 May 2022 requesting the following information under the Official Information Act 1982 (the Act):

1a) Why are e-scooters limited to a maximum power output not exceeding 300W, but cars have no limit?

1b) Please provide the supporting evidence that was used in the the decision making process for the aforementioned power limit.

2) Is NZTA considering instituting a power output limit for cars as part of the road to zero policy? If not, what is the reason for that?

I will respond to each part of your request in turn.

1a) Why are e-scooters limited to a maximum power output not exceeding 300W, but cars have no limit?

Electric scooters (e-scooters) are classified as low-powered vehicles. To meet the requirements for a low-powered vehicle, the wheels must not exceed 355mm in diameter and the motor must have a maximum power output (MPO) not exceeding 300 Watts. An e-scooter does not meet the definition of a motor vehicle and have been declared not to be a motor vehicle, and so you can use one without registration or a driver's licence. An e-scooter is designed in the style of a traditional push scooter, with a footboard, two or three wheels, a long steering handle, and an electric propulsion motor.

The regulated limit of 300 Watts for e-scooters helps to distinguish e-scooters from motor vehicles or cars. The design of an e-scooter means that they cannot meet the same basic safety requirements for registration and Warrant of Fitness requirements, that are required for motor vehicles. In addition, limiting the MPO to 300 Watts limits their acceleration to a safe level for pedestrians and reduces the incentive for users to tamper with speed restrictions set within E-Scooter control systems. Waka Kotahi has further information about this which is available here on our website www.nzta.govt.nz/vehicles/vehicle-types/low-powered-vehicles/

There are a range of low-powered devices that New Zealanders use for travel or recreation. While these vehicles and devices offer the benefit of increased mobility, they can also increase safety risks on and around the road and so rules such as the above are required in cases such as e-scooters.

1b) Please provide the supporting evidence that was used in the decision making process for the aforementioned power limit.

The report titled *Departmental Report – Transport Legislation Bill* was prepared in 2004 for the Land Transport Amendment Act 2005 by the Ministry of Transport. This document falls within the scope of your request, but due to the length of time since the document was prepared, Waka Kotahi has been unable to locate it despite a substantive search and consultation with the Ministry of Transport.

As a result, I am required to refuse the release of this document under section 18(e) of the Act as document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Below is a link to the Bill in question on the parliament website, where you can also read the report from the Transport and Industrial Relations Select Committee. The matter of low-powered vehicles is addressed on pages 9, and 106/7: www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/00DBHOH_BILL6195_1/tab/sop.

The decision around power limits for low-powered vehicles was also informed by a notice in the New Zealand Gazette, which is publicly available here: gazette.govt.nz/notice/id/2018-au4674.

2) Is NZTA considering instituting a power output limit for cars as part of the road to zero policy? If not, what is the reason for that?

No, instituting a power output limit is not part of the Government's Road to Zero strategy. This is due to almost all vehicles in our fleet, including low-powered vehicles, being capable of speeds that can result in a death or serious injury (DSI) for vehicle occupants, and that other road users and high-powered vehicles are not overrepresented in DSI statistics.

The Vehicle Safety Focus Area of the strategy is, however, investigating a wide variety of vehicle safety technologies that are likely to have a greater impact on DSI reductions. One of the technologies being investigated is Intelligent Speed Adaptation, which can advise or limit the speed of a vehicle regardless of its power output. The priority order that we will be recommending these features to be implemented has been mapped to New Zealand's predominant crash types for maximum DSI reduction, as well as mapped to vehicle supply to ensure minimal socio-economic impacts.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse part of this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

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

If you would like to discuss this reply with Waka Kotahi, please contact Ministerial Services by email at official.correspondence@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Rodley', written in a cursive style.

Chris Rodley

Manager Policy, Op Policy and Standards and Network