

11 July 2024

The Ministry of Transport Te Manatu Waka
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Director of Land Transport – Submission on Setting of Speed Limits Rule 2024

This submission provides feedback to the Ministry of Transport (the Ministry) on elements of the proposed Land Transport Rule: Setting of Speed Limits 2024 (proposed Rule), including in relation to the Director's role under the proposed Rule.

This submission is made primarily in accordance with the Director's functions and powers under section 104B(2)(a) and 104B(2)(g)(i) of the Land Transport Management Act 2003 (LTMA), being the provision of leadership within the New Zealand Transport Agency Waka Kotahi in relation to regulatory matters and the power to comment on any matter relating to the regulation of land transport.

Evidence based decision making

There is well founded evidence, nationally and internationally, that establishes the link between vehicle speed and the likelihood of a crash occurring, as well as the severity and consequences of any crash. In making a decision on the proposed rule, I encourage and support the use of the available evidence and refer in the first instance to the safety impacts summary provided on pages 13 and 14 in the Ministry's Regulatory Impact Statement of 1 May 2024.

Safety implications of policy changes

I recognize the policy objectives sought by the Government in ensuring that the proposed Rule appropriately balances economic impacts, the views of road users and communities, and safety.

In accordance with my statutory functions and powers, a key focus is on ensuring that the proposed Rule supports and improves safety across the road network. As such, I ask that the decision making on the proposed Rule gives appropriate weight to this factor and demonstrates mindfulness of the proposed Rule's impact upon road network safety, particularly in relation to deaths and serious injuries.

Implementation challenges

There are a number of areas where it seems likely that the proposed Rule will create implementation challenges. Examples include:

- The timeframes within which the speed limits reversal must happen are very tight. This process would require road controlling authorities to identify specified roads, assess 'public acceptability' and variable school speed limits as relevant, seek Director certification and implement all new or reversed speed limits by 1 July 2025.

- Clause 12.3(1)(b) and (c), and clause 12.4(1) and (2) of the proposed Rule require the Director, as opposed to the relevant road controlling authority, to set the particular speed limited by submitting the required information to the Registrar under s200L of the Land Transport Act 1998. This appears to be a departure from the role of the Director in the setting of speed limits under both the current and proposed framework, where the Director *certifies* (i.e. *approves*) the proposed speed limit, but it is the road controlling authority that *implements* the speed limit (including through submission to the Registrar).

These are two examples where the proposed Rule seems likely to impose administrative burden and cost on road controlling authorities, as well as NZTA, that is not outweighed by the benefit. There may well be other such instances in the proposed Rule. I recommend that the proposed Rule be carefully analysed from an implementation perspective, to identify and address any issues (including in the examples above).

Monitoring and reporting

As noted above, I recommend that the safety implications of the proposed Rule are carefully considered before decisions are made.

In accordance with my statutory functions and powers, I will be monitoring the safety impacts of the proposed Rule (if implemented) and, if I have significant concerns, I may then comment or report in accordance with the functions and powers under of the Director under section 104B of the LTMA.

Yours sincerely



Brent Alderton
Director of Land Transport