

New Zealand Transport Agency (Christchurch-Lyttelton Motorway Tunnel) Bylaw 2016

Pursuant to section 61(3) of the Government Roading Powers Act 1989, for the purposes specified in section 22AB of the Land Transport Act 1998, the NZ Transport Agency makes the following bylaw.

Bylaw

1. Title and commencement—This bylaw is the *New Zealand Transport Agency (Christchurch-Lyttelton Motorway Tunnel) Bylaw 2016*, and comes into force 28 days after the date of its publication in the *New Zealand Gazette*. This bylaw replaces the *Transit New Zealand Bylaw 1996/20*.

2. Application—This bylaw applies to the section of the Christchurch-Lyttelton Motorway and State Highway 74 between a point 200 metres north of the intersection with Bridle Path Road (on-ramp) and the roundabout at the Lyttelton Portal of the Tunnel.

3. Interpretation—In this bylaw, unless the context otherwise requires:

Agency means the NZ Transport Agency.

Cycle has the same meaning as in the Land Transport (Road User) Rule 2004.

Dangerous goods has the same meaning as in the Land Transport Rule: Dangerous Goods 2005.

Enforcement Officer has the same meaning as in section 2 of the Land Transport Act 1998.

Goods service vehicle has the same meaning as in section 2 of the Land Transport Act 1998.

Loose bulk load means the transport of unpackaged material that is capable of generating or releasing dust due to wind action or movement and includes but is not limited to fertiliser, construction or demolition material, waste, soil, sand, or stock feed, but excludes bulk materials such as logs or scrap metal.

Pedestrian has the same meaning as in the Land Transport (Road User) Rule 2004.

Tunnel means the section of the Christchurch-Lyttelton Motorway between the Heathcote tunnel portal and the Lyttelton tunnel portal.

Tunnel control building means the building, adjacent to the Heathcote portal of the Tunnel, from which tunnel control operations are carried out.

Tunnel Control Officer means any employee, agent or contractor of the Agency who:

(a) holds a warrant of appointment as an Enforcement Officer from the Commissioner of Police under section 208 of the Land Transport Act 1998; and

(b) performs duties relating to the enforcement of this bylaw on the section of the Christchurch-Lyttelton Motorway and State Highway 74 between a point 200 metres north of the intersection with Bridle Path Road (on-ramp) and the intersection of Norwich Quay and Oxford Street.

Tunnel Manager means an employee of the Agency who is appointed or designated the Manager of the Tunnel and is a Tunnel Control Officer.

U-turn means undertake a turn which involves turning from facing or travelling in one direction to facing or travelling in the opposite direction.

Wheeled recreational device has the same meaning as in the Land Transport (Road User) Rule 2004.

4. Activity within the Tunnel regulated:

(1) A person in the Tunnel must comply with any instruction or direction given by a Tunnel Control Officer.

(2) A person in the Tunnel must not:

(a) tow any vehicle other than:

(i) with a rigid pole or A-frame; or

(ii) a trailer;

(b) propel any vehicle by pushing it with another vehicle;

(c) change any tyre or wheel on a vehicle;

(d) repair any vehicle;

(e) fuel any vehicle;

(f) alight from any vehicle or leave any vehicle unattended except as provided in clause 5 of this bylaw;

(g) deposit any glass, dirt, rubbish or matter in or on the Tunnel;

(h) drive or ride any vehicle at a speed so low as to block or impede the normal and reasonable movement

of traffic;

(i) cross the continuous lines separating the traffic travelling in opposite directions;

(j) overtake any other vehicle;

(k) make or attempt to make a U-turn;

(l) reverse the vehicle; or

(m) stop or permit the vehicle to remain stationary unless under the control of a red traffic signal or being compelled to stop by an accident or other unavoidable cause.

(3) Any vehicle left unattended or stopped in contravention of clause 4(2)(f) or 4(2)(m) in the Tunnel may be removed by towing and the reasonable costs of the removal recovered from the owner of the vehicle.

5. Pedestrians

(1) A pedestrian must not enter or remain in the Tunnel unless:

(a) the person obtains permission from a Tunnel Control Officer and is engaged on Agency business;

(b) as a result of any crash, breakdown or other emergency; or

(c) the person has a special authorisation from the Tunnel Manager.

(2) A pedestrian must not approach the tunnel control building unless the person obtains permission from a Tunnel Control Officer and is engaged on business with the Tunnel control operation.

6. Cycles and wheeled recreational devices—A person must not ride a cycle or wheeled recreational device in the Tunnel unless the person obtains a special authorisation from the Tunnel Manager.

7. Animals—A person must not drive an animal in the Tunnel unless the person obtains a special authorisation from the Tunnel Manager. In this clause, “drive” means to urge or force an animal to move in a particular direction and includes leading, herding and riding but does not include the transportation of an animal in a vehicle.

8. Unsecured material on vehicles prohibited—A vehicle must not enter the Tunnel if it is loaded with, or is otherwise carrying, any material that is so unsafely secured or contained that the material moves freely, escapes or falls from the vehicle, or is likely to do so.

9. Loose bulk loads to be covered—A goods service vehicle that is, or has been, used for carrying a loose bulk load must not enter the Tunnel unless the vehicle is covered in a manner that minimises any dust or residue from the load escaping from the vehicle.

10. Vehicle dimension limits

(1) Vehicle dimension limits that apply in the Tunnel are:

(a) The maximum height for a vehicle is 4.27 metres.

(b) The maximum width for a vehicle is 2.6 metres.

(2) A vehicle that exceeds 4.27 metres in height must not enter the Tunnel.

(3) A vehicle that exceeds 2.6 metres in width must not enter the Tunnel unless the operator:

(a) prior to approaching the Tunnel, contacts a Tunnel Control Officer;

(b) obtains permission to proceed from a Tunnel Control Officer; and

(c) complies with any condition imposed by a Tunnel Control Officer.

11. Vehicles carrying dangerous goods

(1) A vehicle must not enter the Tunnel if that vehicle is carrying dangerous goods in Class 1 explosives, except for articles listed in Table 2.1 of the Land Transport Rule: Dangerous Goods 2005.

(2) This bylaw does not apply to the carriage of dangerous goods that are required for the motive power or control of the vehicle or for an auxiliary vehicle system and are contained within the fuel, electrical, control or auxiliary system.

(3) This bylaw does not apply to the carriage of dangerous goods within the quantity limits and for the purposes set out in Schedule 1 of the Land Transport Rule: Dangerous Goods 2005.

12. Restricted dangerous goods requiring special authorisation from the Tunnel Manager

(1) A vehicle must not enter the Tunnel if that vehicle is carrying the following restricted dangerous goods, unless the operator for each occasion obtains a special authorisation from the Tunnel Manager:

(a) Class 3 flammable liquids, packing groups I and II; or

(b) Class 6 Division 6.1 toxic substances, packing group I.

13. Restricted dangerous goods requiring permission from a Tunnel Control Officer

(1) The carriage of the following dangerous goods in the Tunnel requires permission from a Tunnel Control Officer:

- (a) Class 1 explosive, articles listed in Table 2.1 of the Land Transport Rule: Dangerous Goods 2005;
- (b) Class 2 gases;
- (c) Class 3 flammable liquids, packing group III;
- (d) Class 4 flammable solids; substances liable to spontaneous combustion; substances which, in contact with water, emit flammable gases;
- (e) Class 5 oxidizing substances and organic peroxides;
- (f) Class 6 Division 6.1 toxic substances, packing groups II and III;
- (g) Class 6 Division 6.2 infectious substances, excluding routine diagnostic specimens and low-risk biological products transported in accordance with the Land Transport Rule: Dangerous Goods 2005;
- (h) Class 7 radioactive materials;
- (i) Class 8 corrosive substances; and
- (j) Class 9 miscellaneous dangerous substances and articles.

(2) A vehicle carrying any dangerous goods that require permission from a Tunnel Control Officer must not enter the Tunnel unless the vehicle operator:

- (a) prior to approaching the Tunnel, contacts a Tunnel Control Officer;
- (b) obtains permission to proceed from a Tunnel Control Officer; and
- (c) complies with any condition imposed by a Tunnel Control Officer.

14. Special authorisation to use the Tunnel

(1) The Tunnel Manager may:

- (a) issue a special authorisation to use the Tunnel when exceptional circumstances exist;
- (b) specify a date, time and time period on which a special authorisation may be used; or
- (c) decline any request for a special authorisation to use the Tunnel.

(2) A person who intends to use the Tunnel under a special authorisation from the Tunnel Manager must:

- (a) prior to approaching the Tunnel, contact a Tunnel Control Officer; and
- (b) comply with any additional instructions a Tunnel Control Officer considers are necessary to ensure the safety of persons or property.

15. Permission to use the Tunnel

(1) If a person who is required by this bylaw to obtain permission to use the Tunnel requests permission, a Tunnel Control Officer, after considering the safety of persons and property, may:

- (a) grant permission to use the Tunnel to any person; and
- (b) impose any condition the Tunnel Control Officer considers necessary, including requiring a vehicle to be escorted through the Tunnel by a Tunnel Control Officer; or
- (c) decline permission to use the Tunnel.

16. Tunnel Control Officer may require safety precautions

(1) If a Tunnel Control Officer considers it necessary to maintain the safe and efficient operation of the Tunnel and to ensure the safety of persons or property, the Tunnel Control Officer may:

- (a) stop traffic at or near either entrance of the Tunnel;
- (b) give an instruction or direction to any person who either intends to use, or is in, the Tunnel; or
- (c) control the movement of traffic in the Tunnel.

17. Offences and penalties—Without limiting any provision of any other enactment, a person who breaches clauses 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of this bylaw commits an offence and is liable to a fine not exceeding \$500.00.

18. General exceptions

(1) A person is not in breach of this bylaw if the act or omission that would otherwise constitute a breach:

- (a) was done at the direction of a Tunnel Control Officer or Enforcement Officer; or
- (b) in the case of an act or omission done by a Tunnel Control Officer or Enforcement Officer, was necessary in the execution of the person's duty.

(2) A person is not in breach of this bylaw if the person proves that any act or omission which would otherwise constitute a breach took place in response to a situation in the Tunnel that was not of the person's own making; and:

(a) was taken to avoid the death or injury of a person; or

(b) if the act or omission did not create a risk of death or injury or greater damage to any property, was taken to avoid damage to any property.

19. Revocation—The Transit New Zealand Bylaw 1996/20 Concerning the Christchurch-Lyttelton Motorway Tunnel, published in the *New Zealand Gazette*, 17 October 1996, No. 150, page 3993, is hereby revoked.

20. Savings—Any resolution, approval, permit or other act of authority made pursuant to the bylaw referred to in clause 19 remains in force until revoked by the Agency.

21. Authority to make bylaw—This bylaw was made by the Chief Advisor (Technical Services) Highways and Network Operations, under the delegated authority of the Agency.

Dated at Wellington this 1st day of August 2016.

Signed on behalf of NZ Transport Agency by:

DAVE BATES, Chief Advisor (Technical Services) Highways and Network Operations, NZ Transport Agency.

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