

Land Transport Rule: Vehicle Dimensions and Mass 2016 (Bicycle Racks on Urban Buses) Class Exemption Notice 2022.

Pursuant to section 168D of the Land Transport Act 1998, the Director of Land Transport, after being satisfied of the matters set out in section 168D(3) of that Act, gives the following notice.

1 Title

This notice is the **Land Transport Rule: Vehicle Dimensions and Mass 2016 (Bicycle Racks on Urban Buses) Class Exemption Notice 2022.**

2 Commencement

This notice comes into force on 7 October 2022.

3 Expiry

This notice expires at the close of 30 September 2026.

4 Application

This notice applies to any public transport service bus-

- (a) of class MD3, MD4, or ME as specified and described in *Table A – Vehicle classes* in Part 2 of the Rule; and
- (b) which is fitted with a bicycle rack that extends beyond the front of the body of the public transport service bus; and
- (c) which would, if the bicycle rack were not fitted, comply with all legal requirements applicable to that public transport service bus.

5 Interpretation

- (1) In this notice-

Act means the Land Transport Act 1998

Public transport service bus means a passenger service vehicle that is operating in a public transport service that is identified in or under a regional public transport plan as defined in the Land Transport Management Act 2003

Rule means the Land Transport Rule: Vehicle Dimensions and Mass 2016

- (2) Any term or expression that is defined in the Act, the Land Transport Management Act 2003, or the Rule and used, but not defined, in this notice has the same meaning as in the respective Act or the Rule.

6 Class exemption

- (1) A vehicle described in clause 4 of this notice is exempt from clauses 3.1(1) and 3.2(1) of the Rule, but only to the extent necessary for the fitment and operation of a bicycle rack (including when stowed or loaded with one or more bicycles), and does not need the specific verification otherwise required by clauses 3.5(1) and (2) of the Rule.

- (2) The exemption in subclause (1) is subject to the conditions specified in clause 7 of this notice.
- (3) Nothing in this notice affects the application of all other general and specific legal requirements applicable to the vehicle, including:
 - (a) clause 3.1(2) of the Rule which requires that a vehicle must be manoeuvrable, fit safely on a road, and interact safely with road users for the route on which it operates; and
 - (b) clauses 6.4 and 7.4 of the Land Transport Rule: Vehicle Standards Compliance 2002 which require that, before certifying a vehicle, a vehicle inspector must be satisfied that the vehicle has been designed and constructed using components and materials that are fit for their purpose and is within safe tolerance of its state when manufactured or modified.

7 Conditions applying to vehicles being operated in reliance on this class exemption

- (1) No part of the bicycle rack may extend beyond 1200 millimetres from the forwardmost point of the vehicle; and
- (2) The bicycle rack must be centrally mounted relative to the longitudinal centreline of the vehicle and be no wider than 2100 millimetres.

Signed at Wellington on 29 September 2022.

Kane Patena

Director of Land
Transport

Explanatory Note

This note is not part of the notice. This note indicates the notice's general effect and the reasons for it being given.

This notice comes into force on 7 October 2022. It expires at the close of 30 September 2026 and may be amended, replaced, or revoked in accordance with section 168E(2) of the Act.

General effect of the class exemption

The notice grants a temporary class exemption with the effect of allowing public transport service buses to be fitted with bicycle racks within certain dimensions without the need for verification of the vehicle's low speed turning performance as would ordinarily be required by clauses 3.5(1) and (2) of the Rule.

In deciding to grant this exemption the Director of Land Transport has considered the matters set out in section 168D(3) of the Act. The Director is satisfied that the exemption is appropriate considering the Agency's objective, the need to maintain or improve land transport safety, and other relevant and appropriate matters. The Director is also satisfied that the exemption is no broader than is reasonably necessary to address the matters that gave rise to it.

Reasons for giving the class exemption

Bicycle racks fitted to the front of buses can in some cases cause the bus to exceed allowable overall length and forward distance. Current legislation (clauses 3.5(1) and (2) of the Rule) allows the excess length and forward distance to be disregarded provided the low speed turning performance of the vehicle is verified for compliance with specified requirements.

Although different bus and bicycle rack combinations create different low speed turning performance results, the variation in practice is minor and the need to carry out individual or make-model low speed turning performance assessments is diminished when the bicycle rack fits within certain dimensions. Further, several years of experience of operation of bicycle racks on buses in Aotearoa (and overseas) has not revealed any safety issues with low speed turning performance.

The purpose of this class exemption is to provide a temporary and simpler alternative to compliance with clauses 3.5(1) and (2) of the Rule for bicycle racks up to a certain size. During the currency of this class exemption work will be undertaken to propose how clauses 3.5(1) and (2) can be updated with equally effective yet simpler requirements.