



WELLINGTON, NEW ZEALAND

PURSUANT to *sections 152, 155(a) and (ea), 158(a) and (b) and 159* of the Land Transport Act 1998

I, *Steven Joyce*, Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Traction Engines

SIGNED AT Wellington

This 22nd day of February 2010

Steven Joyce

Minister of Transport

Land Transport Rule
Traction Engines 2010
Rule 63001/2010

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Land Transport Rule

Traction Engines 2010

Rule 63001/2010

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Objective of the Rule

Land Transport Rule: Traction Engines 2010 (the Rule) sets out the requirements for the safety certification of traction engines and the qualifications required for users of traction engines.

The objective of the Rule is to ensure that traction engines are safely operated when used in a public place. The Rule defines a traction engine as a steam powered vehicle (other than a railway engine) that is designed only to carry persons who are involved in its operation (and not goods or other persons).

The requirement for traction engines to be operated in a safe condition, by appropriately qualified persons, is prescribed in the *Land Transport Act 1998* (the Act). The Act imposes a duty of care on those persons who use a traction engine in a public place and this applies at all times when the engine is under steam, whether it is stationary or being driven. The requirements in the Act, and in this Rule, only apply when a traction engine is used in a “public place”. The provisions in the Act replaced and updated older legislation (for example, the *Boilers, Lifts, and Cranes Act 1950*). The Act enables the making of a Land Transport Rule that specifies detailed requirements for traction engines. The *Land Transport (Traction Engine Safety) Regulations 2006* were introduced as a temporary measure while the Rule was developed.

The Rule largely carries over the previous requirements, but has relaxed these requirements where appropriate. The Rule sets out the qualifications the ‘engine driver’ and ‘steerer’ must hold in order to ensure the safe operation of traction engines. The **engine driver** is the person responsible for the operation of the traction engine’s pressure equipment and pressure levels and the **steerer** is the person who steers or directs the traction engine. The Rule’s qualification requirements are less onerous than the 2006 regulations, which required all persons using a traction engine to hold a Class 2 driver licence (for driving a rigid vehicle of 4.5 to 18 tonnes).

The objective of the Rule is to ensure a traction engine that is used in a public place is ‘fit for its purpose’ and is not a hazard to members of the public. To ensure this, the Rule provides for a certificate of inspection.

A number of states in Australia and the United States of America, and the United Kingdom, regulate the use of traction engines, and overseas best practice was taken into account in developing the Rule.

Extent of consultation

Prior to drafting the Rule, the then Land Transport New Zealand consulted with interested groups (mainly operators of traction engines) about the Rule proposals.

Formal consultation on the Rule began in April 2008 when Land Transport NZ released the public consultation (yellow) draft of the Rule. Organisations and individuals with an interest in the Rule were advised of the Minister's intention to make the Rule and copies of the yellow draft were sent to key stakeholder groups. The availability of the yellow draft was publicised in metropolitan and selected regional daily newspapers and in the *New Zealand Gazette*. The draft was also made available, together with Questions and Answers, on the Land Transport NZ website.

Nine submissions on the draft Rule were received. The comments were taken into account in redrafting the Rule.

In November 2008, the NZ Transport Agency sent a green (post-consultation) information draft to inspection bodies authorised to carry out boiler certification. The comments that were received were taken into account in redrafting the Rule before the Rule was submitted to Cabinet, and then to the Minister of Transport for signature.

Part 1

Rule requirements

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Traction Engines 2010*.

1.2 Date when Rule comes into force

This Rule comes into force on 1 April 2010.

1.3 Scope of Rule

This Rule applies to every traction engine operated in a public place.

Section 2 Person in charge of traction engine

2.1 Licence and qualifications

There must, at all times, be a person in charge of a traction engine who has:

- (a) a New Zealand Class 1 full driver licence; and
- (b) an approved engine driver or steerer qualification.

Note: See *clause 88* of the *Land Transport (Driver Licensing) Rule 1999* regarding overseas driver licences that are deemed to be New Zealand Class 1 full driver licences.

Section 3 Vehicle in motion or under power

3.1 Licence and qualifications

When a traction engine is in motion or under power:

- (a) the engine driver must hold a New Zealand Class 1 full driver licence and an approved engine driver qualification; and
- (b) the steerer must hold a New Zealand Class 1 full driver licence and an approved steerer qualification.

3.2 Person under supervision

3.2(1) Despite 3.1 and subject to 3.2(2), a person who holds a New Zealand driver licence (of any class) may drive or steer a

traction engine if he or she is supervised by a person who holds all of the following:

- (a) a New Zealand Class 1 full driver licence; and
- (b) an approved engine driver qualification; and
- (c) an approved steerer qualification.

3.2(2) Only one person may be supervised on any traction engine at any given time.

Section 4 Production of licence and qualifications

4.1 Production of licence and qualifications

Every person who uses a traction engine in a public place must:

- (a) carry the licence, and a copy of the qualification or qualifications prescribed in this Rule; and
- (b) produce them, on demand, to an enforcement officer.

Section 5 Inspection requirements

5.1 Traction engine must be fit for purpose

Every traction engine must be fit for purpose.

5.2 Certificate of inspection

5.2(1) Every traction engine must have a current certificate of inspection of the vehicle's pressure equipment issued within the previous two years in accordance with the *Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999*.

5.2(2) A copy of the certificate of inspection must be displayed prominently on the vehicle.

5.2(3) The inspection body that issues the certificate of inspection must send a copy of that certificate to the Agency within 14 days of issue.

Part 2

Definitions

Agency means the New Zealand Transport Agency established under *section 93* of the *Land Transport Management Act 2003*.

Approved engine driver qualification means:

- (a) NZQA unit standard 21754, 21755 or an equivalent unit standard; or
- (b) a qualification issued, or certificate of competency granted, under the *Boilers, Lifts, and Cranes Act 1950* that:
 - (i) was current immediately before 16 January 2006 and has not been revoked or suspended; and
 - (ii) allowed the holder to fire or operate a traction engine's pressure equipment; or
- (c) an equivalent foreign qualification recognised in writing by the Agency.

Approved steerer qualification means:

- (a) NZQA unit standard 11157, or an equivalent unit standard; or
- (b) a qualification issued, or certificate of competency granted, under the *Boilers, Lifts, and Cranes Act 1950* that:
 - (i) was current immediately before 16 January 2006 and has not been revoked or suspended; and
 - (ii) allowed the holder to steer a traction engine; or
- (c) an equivalent foreign qualification recognised in writing by the Agency.

Engine driver means any person who:

- (a) fires or operates a traction engine's pressure equipment;
- (b) manages a traction engine's steam pressure levels.

Full driver licence means a driver licence that is not subject to the conditions of a learner or restricted licence.

Inspection body has the same meaning as in the *Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999*.

NZQA means the New Zealand Qualifications Authority.

Pressure equipment means a boiler, boiler piping, compressor, fired heater, gas turbine, hot water boiler, piping component, pressure fittings, pressure piping, pressure vessel, pump, steam engine, or steam turbine.

Public place means:

- (a) a place that is open to, or is being used by, the public, whether or not there is a charge for admission; and
- (b) includes a road and any part of a public place.

Rail vehicle

- (a) means any vehicle that runs on, or uses, a railway line; and
- (b) includes:
 - (i) a locomotive, rail carriage, rail wagon, railcar, light rail vehicle, rail maintenance vehicle (whether or not self-propelled), and any other vehicle prescribed as a rail vehicle by regulations; and
 - (ii) a vehicle designed to operate both on rails and off rails, but only when that vehicle is running on rails.

Steerer means a person who steers or directs a traction engine.

Traction engine means a vehicle that:

- (a) is propelled by steam power; and
- (b) is not a rail vehicle within the meaning of *section 4(1)* of the *Railways Act 2005*; and
- (c) is not designed for the carriage of goods or persons other than the driver and, if appropriate, other persons involved in its operation.

Table A—Vehicle classes

| Class | Description |
|---------------------------------|--|
| AA (Pedal cycle) | A vehicle designed to be propelled through a mechanism solely by human power. |
| AB (Power-assisted pedal cycle) | A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts. |
| LA (Moped with two wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> (a) has two wheels; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| LB (Moped with three wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> (a) has three wheels; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| LB 1 | A Class LB motor vehicle that has one wheel at the front and two wheels at the rear. |
| LB 2 | A Class LB motor vehicle that has two wheels at the front and one wheel at the rear. |
| LC (Motor cycle) | A motor vehicle that: <ul style="list-style-type: none"> (a) has two wheels; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| LD (Motor cycle and side-car) | A motor vehicle that: <ul style="list-style-type: none"> (a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| Side-car | A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel. |
| LE (Motor tri-cycle) | A motor vehicle that: <ul style="list-style-type: none"> (a) has three wheels symmetrically arranged in relation to the longitudinal median axis; and (b) has a gross vehicle mass not exceeding one tonne; and |

| Class | Description |
|--|---|
| | (c) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| LE 1 | A Class LE motor vehicle that has one wheel at the front and two wheels at the rear. |
| LE 2 | A Class LE motor vehicle that has two wheels at the front and one wheel at the rear. |
| Passenger vehicle | A motor vehicle that: <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of passengers; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. |
| MA (Passenger car) | A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position). |
| MB (Forward control passenger vehicle) | A passenger vehicle (other than a Class MC vehicle): <ul style="list-style-type: none"> (a) that has not more than nine seating positions (including the driver's seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length. |
| MC (Off-road passenger vehicle) | A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that: <ul style="list-style-type: none"> (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: <ul style="list-style-type: none"> (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200 mm; (v) a front axle clearance, rear axle clearance, or suspension clearance of not less than 175 mm. |
| Omnibus | A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle. |
| MD (Light omnibus) | An omnibus that has a gross vehicle mass not exceeding 5 tonnes. |
| MD 1 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and not more than 12 seats. |

| Class | Description |
|---------------------------|---|
| MD 2 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats. |
| MD 3 | An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes. |
| MD 4 | An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes. |
| ME (Heavy omnibus) | An omnibus that has a gross vehicle mass exceeding 5 tonnes. |
| Goods vehicle | <p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of goods; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. <p>For the purpose of this description:</p> <ul style="list-style-type: none"> (a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass; (b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods; (c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle. |
| NA (Light goods vehicle) | A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes. |
| NB (Medium goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes. |
| NC (Heavy goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 12 tonnes. |
| Trailer | A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle. |
| TA (Very light trailer) | A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes. |
| TB (Light trailer) | A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes. |
| TC (Medium trailer) | A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes. |

| Class | Description |
|--------------------|--|
| TD (Heavy trailer) | A trailer that has a gross vehicle mass exceeding 10 tonnes. |