LAND TRANSPORT RULE: TRAFFIC CONTROL DEVICES AMENDMENT 2020 FAQS

Frequently asked questions

29 JULY 2020

What is the Land Transport Rule: Traffic Control Devices Amendment 2020?

The Land Transport Rule: Traffic Control Devices Amendment 2020 (the amendment) is an amendment to the Land Transport Rule: Traffic Control Devices 2004 (the TCD Rule).

The TCD Rule specifies requirements for the design, construction, installation, operation and maintenance of traffic control devices, and sets out the functions and responsibilities of road controlling authorities.

The amendment is a change that enables the use of roadway art (features like colourful designs and murals marked within the roadway) and allows road controlling authorities to install it, provided:

- it is installed in a lower risk environment (operating speeds of 30km/h or less),
- it does not resemble or mislead users about existing traffic control devices. (roadway art should not be confused with give way markings or zebra crossings, for example), and
- it is not part of, or visually integrated into a marking specified in Schedule 2 of the TCD Rule.

Why was the Traffic Control Devices Amendment 2020 made?

In New Zealand, road controlling authorities (RCAs) can only install art on footpaths, shared paths or parts of the road that have been physically separated from vehicle traffic (eg spaces like delineated kerb build-outs and pedestrian areas). They cannot install roadway art on the roadway.

This poses a challenge for RCAs who have expressed interest in using roadway art alongside other interventions in urban areas (like planter boxes and street furniture), to reinforce the context of a street as a lower-speed and people friendly environment to create safer, more vibrant shared spaces.

To overcome this challenge, the new amendment enables the use of roadway art in lower risk environments and set up a clear legal framework so it can be utilised safely.

When do the changes come into effect?

This amendment comes into force on 30 August 2020.

Was the public consulted on the changes?

Land Transport Rules made by the Governor-General are not subject to the public notification, submission period, and consultation requirements, which apply to rules made by the Minister of Transport, in section 161(2) of the Land Transport Act 1998.

To improve the design of the amendment, Waka Kotahi NZ Transport Agency undertook targeted stakeholder engagement with urban RCAs (eg Hamilton, Tauranga, Queenstown, Nelson, Auckland, Wellington, Christchurch) in addition to several other transport safety technical experts.

How can I obtain a copy of the Land Transport Rule: Traffic Control Devices Amendment 2020?

The amendment is available online via the links below:

- Online text version
- PDF version

Rules can be read, free of charge, at the Waka Kotahi NZ Transport Agency National Office and their regional offices. To purchase a hard copy, email rules@nzta.govt.nz

Does the Traffic Control Devices Amendment 2020 give me all the information I need to understand the changes?

This is an amendment rule so therefore only contains the amending provisions. The amendment rule should be read in conjunction with the principal rule, being the TCD Rule. The TCD Rule is also available on the Waka Kotahi website. A consolidated copy of the TCD Rule, with the amendments made, will be published on 30 August 2020 when the amendments come into force.

What is roadway art?

Roadway art is, in essence, any marking on the roadway that is not used to control traffic and is not considered a traffic control device. The full definition will be in clause 5.6(1) of the amended the TCD Rule.

Examples of roadway art are features like colourful designs and murals marked within the roadway. They are often used to highlight crossing zones or alongside features like street furniture and planter boxes to influence safe motorist behaviour, show support for the community, or to enhance a streetscape by making it more vibrant and colourful.

What is a lower risk environment?

A lower risk environment is an area:

- the road controlling authority manages speeds, through the use of any combination of traffic control devices, roadside developments, roadway art and other changes in the road environment, with the aim to achieve an outcome where the operating speed of vehicles (except in emergency situations) is not more than 30km/h (whether or not the speed limit for the area is 30km/h); and

- in relation to which it is reasonable for the road controlling authority to believe that outcome has been or will be achieved.

How will the Rule be enforced?

If a road controlling authority installs non-conforming roadway art (roadway art that does not meet the requirements in the amendment), Waka Kotahi will talk with road controlling authorities, and work with them to make improvements.

If a road controlling authority continues to use non-conforming roadway art, Waka Kotahi can issue a notice to remove it. The TCD Rule also provides Waka Kotahi the power to step in and:

- remove non-conforming roadway art and other markings if an RCA does not comply with a notice, or
- make physical changes to the environment so that the roadway art meets the criteria for a lower risk environment.

Roadway art guidance

Waka Kotahi is currently producing guidance, which will include a range of scenarios with visuals. This will be updated over time.

Guidance will include information about:

- examples of roadway art that will or will not conform with the amended the TCD Rule
- how to identify a lower risk environment, (ie the context in which roadway art can be used)
- areas with traffic control devices in place, and where roadway art could or could not be used (ie at pedestrian crossings)
- additional safety measures (eg using skid resistant paint)
- how roadway art may impact different community groups (eg iwi and the disability sector) and how to consider this in decisions
- how to engage and inform people about installing roadway art
- impacts on operating speeds
- case studies and examples of designs.