

Submission by

Hamilton City Council

LAND TRANSPORT RULE - SETTING OF SPEED LIMITS 2021

25 June 2021

1.0 EXECUTIVE SUMMARY

1.1 Support the overall intent and direction of the Government's reform of the Land Transport Rule - Setting of Speed Limits 2021.

1.2 Notes that the key outcomes that Hamilton City Council want to see achieved with this new approach are to:

- Ensure the ability to continue to make speed limit changes in a timely and responsive manner.
- Minimise costs associated with repetitive consultation.
- Ensure a consistent approach is taken to speed limit changes nationally and regionally.
- Enable ownership by the territorial authority Road Controlling Authorities while contributing to a regional approach.
- Achieve a reduction in deaths and life-changing serious injuries on our roading network.

2.0 INTRODUCTION

2.1 Hamilton City Council would like to thank Waka Kotahi NZ Transport Agency (Waka Kotahi) for the opportunity to make a submission to the Land Transport Rule - Setting of Speed Limits 2021.

2.2 The Waikato Region has been at the forefront of speed management work over the past 6 years and was chosen as one of three regions to trial the New Zealand Speed Management Guide 2016.

2.3 Hamilton City Council has been very supportive of speed management reform and has been actively progressing this work under the direction of the Waikato Regional Safe Network Programme Working Group.

2.4 Hamilton City Council supports the general direction of the new approach to speed management and the desired outcome to achieve consistency of speed management setting between Road Controlling Authorities (RCAs) within a region as well as between regions.

2.5 We support simplification of the process, the development of Regional Speed Management Plans and the removal of the bylaw requirement. However, Hamilton City Council would like to see simplification of the processes (especially consultation) and similar processes to the development of Regional Land Transport Plans where all RCAs, including Waka Kotahi, have their information included in one regional document for consultation.

2.6 The Regional Speed Management Plan needs to be a simple and concise document that just sets out what is going to happen, when, and by whom - so that it is something that the general public will engage with and refer to. The current list of components for inclusion in the Plan

includes too much detail of the technical workings, which should be dealt with in the development stages of the document.

- 2.7 Hamilton City Council also strongly request the continued development of a centralised online tool that enables the process of requesting changes to Waka Kotahi's estimate of what is the safe and appropriate speed limit for the road to be completed simply and easily by the RCAs in the development of their programmes. This information could then be utilised by the RTCs when pulling together the Regional Speed Management Plan - in a similar way to the use of the Transport Investment Online (TIO) tool for the development of the Regional Land Transport Plans.
- 2.8 Feedback on the specific questions posed in the consultation documents is included in **Appendix 1** of this submission.

3.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR SUBMISSION

- 3.1 Should Waka Kotahi NZ Transport Agency require clarification of Hamilton City Council's submission, or additional information, please contact **Robyn Denton** (Network operations Team Leader, City Transportation) on 07 838 6910 or 021 971 127, email robyn.denton@hcc.govt.nz in the first instance.
- 3.2 Hamilton City Council would welcome the opportunity to meet with representatives from Waka Kotahi NZ Transport Agency to discuss the content of our submission in more detail.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

APPENDIX 1: RESPONSES TO SPECIFIC QUESTIONS IN THE CONSULTATION DOCUMENTS

Speed Management Plans and Speed Management Committee

1. Do you think the proposed Speed Management planning process should replace the existing bylaw process? If not, why not?

Yes. Hamilton City Council supports the proposed change in the speed management planning process in the expectation that this change will:

- Ensure the ability to continue to make speed limit changes in a timely and responsive manner.
- Minimise costs associated with repetitive consultation.
- Ensure a consistent approach is taken to speed limit changes nationally and regionally.
- Enable ownership by the territorial authority RCAs while contributing to a regional approach.
- Achieve a reduction in deaths and life-changing serious injuries on our roading network.

It is understood that some RCAs do have difficulties with the current bylaw process due to costs associated with the consultation and ability to make timely and responsive changes.

Hamilton City Council adopted changes to the Hamilton Speed Limit bylaw in 2015 in conjunction with the development of a Speed Management Plan for the city and have found this an effective way for addressing the concerns that had previously been experienced. It is hoped that the proposed changes in the Speed Limits Rule will enable this to happen at a regional level in the future, which should provide further efficiencies in the processes, but also ensure progress towards a more consistent approach nationally.

2. How do you think the timing of the Speed Management Plans should fit with the National Land Transport Programme process and Regional Land Transport Plans? For example, do you think the Speed Management Plans should be prepared at the same time as the Regional Land Transport Plans?

We believe that the development of Speed Management Plans will need to be completed (or at least well advanced) prior to the commencement of the development of the Regional Land Transport Plans. This will be necessary so that the outcomes of the consultation completed for the Speed Management Plans will be able to feed into the development of the engineering and education components of the RCA programme and funding applications to the RLTP development.

While the TIO application provides a centralised national tool for managing the financial component of the RLTP and NLTP, there is still significant work for regional council staff to develop the strategic, policy and objectives part of the document in accordance with the Waka Kotahi business case requirements.

There is a need for a national online tool (similar to TIO) that makes it quick and easy to submit, review and approve speed limits that are different to Waka Kotahi's estimate of what is the safe and appropriate speed limit for the road. This tool should also be able to be utilised by the RCA to develop their programme of works and to submit this to the RTC for collation in the Regional SMP.

3. Do you support the proposed joint consultation process for State highway and Regional Speed Management Plans? If not, why not?

Hamilton City Council strongly support a joint consultation process and believe that it will be critical in order for the community and stakeholders to be able to understand the logic of proposed speed limit changes and the inter-relationship between the state highway network and local road network. The regional speed management plans need to be able to illustrate all proposed changes to the network (both local roads and state highways) in one document.

We are concerned that the draft Speed Limits Rule 2021 provides an ongoing provision for the State Highway Speed Management Plans to be consulted upon separately (Clause 3.4). This provision should only be in place as an interim provision until the first Regional Speed Management Plan has been established. From that point onwards, there should not be a need for State Highways to have a different process, except for Step 6 - Certification.

We believe that the Speed Management Committee would benefit from being able to see how the proposed state highway changes relate to the changes proposed on the local roads, so the Regional Speed management Plans could be used for the certification of the state highway programme by the Speed Management Committee and would not require a separate document - creating a 'one stop shop' for all speed management in a region.

4. Do you think the content requirements are appropriate, both for full and interim Regional Speed Management Plans? If not, why not?

Schedule 3, Clause 12 sets out the proposed Form and Content of Interim Plans. Hamilton City Council notes the following in regard to this clause and its subsections:

- Clause (1). Hamilton City Council is concerned that we will have to produce a new Speed Management Plan to replace that which we already have in place and complete further consultation again. We seek the ability to have our existing Speed Management Plans recognised and certified, noting that it has already been in place for a period of time and was completed via consultation with the community and key stakeholders. Furthermore, we have been successfully implementing speed limit changes on the basis of this approach since the adoption of the Hamilton Speed Management Plan in June 2019.
- Clause (2). This section could be simplified by just noting that the interim plan may also include the other content of the plan as set out in Section 3.7 of the Rule.
- Clause (4). Early notification on the likelihood of the form of an interim plan (if any) being specified by Waka Kotahi will be important to understand sooner rather than later, so that RCAs are able to start work now (as needed) to create these plans and have them in place for when the Speed Limits Rule 2021 goes live, and the existing bylaw provisions are no longer available. Hamilton City Council has an ongoing programme of speed limit changes which we do not wish to have delayed or legally frustrated, given that the exact timing of the Rule coming into force cannot be determined with any large degree of certainty.

(Full) Plans

The content of the plans is currently covered in two sections of the Rule - Section 3.5 'Process for Preparing Regional Speed Management Plans', and Section 3.7 'Form and Content of (full) Plans'.

Hamilton City Council notes the following specific points in regard to these sections:

- Clause 3.5 (1) (a). It is not appropriate to expect that the territorial authority RCAs will be able to provide information on safety cameras as these are going to be managed by Waka Kotahi, and while the process for determining safety camera sites may include consultation with the RCAs, they are not responsible for the safety programme or its implementation.

- Clause 3.5 (1) (b). Timeframes for which the change is proposed should only be as specific as the financial year for which funding is proposed for that activity.
- Clause 3.5 (1) (d). Speed limits that do not align with Waka Kotahi’s assessment of a Safe and Appropriate Speed (SAAS). This list should only be for those locations which agreement with Waka Kotahi has not been achieved in the technical process via the online tool. It is recognised that the RCA will have additional knowledge of a site that is beyond that which Waka Kotahi has in Mega Maps to estimate the safe and appropriate speed e.g., upcoming upgrade, new development adjacent to the road or new intersection controls. In the first instance, a discussion between Waka Kotahi and the RCA should seek to agree on a SAAS in the early stages, and if that can be agreed, then then this should just update Mega Maps and not require any further discussion. It should only be those locations where agreement at a technical level cannot be agreed that get specifically listed in a Regional Speed Management Plan.
- Hamilton City Council notes that Section 3.7 (‘Form and Content of Plans’) also requires additional information from the RCAs for inclusion above and beyond that listed in Section 3.5 and requests that these sections are better aligned. Examples include:
 - Clause 3.7 (1) (c) (i). Requests information to be (to the extent practicable) that which would need to be submitted to the Registrar to set the speed limit. This would require very specific information on extents and dates which will not necessarily be known at the time of creating the plan. This requirement is greater than that set out in Clause 3.5 (1) (a).
 - Clause 3.7 (1) (d). Rural school designations are not requested in Section 3.5. Hamilton City Council note that this matter should be sorted at a technical level by the RCA in consultation with Waka Kotahi. Refer comments on designation of rural schools later in this submission.
 - Clauses 3.7 (1) (e) and (f) are not included in Section 3.5. However, our preference is for these requirements to be removed. These clauses are just creating extra work and clutter in the Regional SMP, which are unnecessary. Evaluation and monitoring safety performance of a road network can never be attributed solely to one activity, and we recommend that this should be evaluated at a regional level - and is probably already reflected in the monitoring and reporting within the Regional Land Transport Plan. Providing a list of work not completed does not add any value to the consultation document, which the SMP is meant to be.
 - Hamilton City Council also note that for Clause 3.7 (2) (g), this list should simply be those locations where prior agreement with Waka Kotahi has not been reached via the technical process undertaken by the RCA in Step 1 of the plan development process.

5. Do you support the proposed approach for the transitional period prior to 2023? If not, why not?

Hamilton City Council is very supportive of the inclusion of a transitional period and believe that this will be very important to allow RCAs (including Waka Kotahi) to continue to progress speed limit changes in parallel with the development of the regional SMPS.

Hamilton City Council does, however, note that the draft Rule does not currently have an end date for this transition period (Schedule 3 1 (b) (ii)).

Hamilton City Council recommend that the transition period should extend to the end of the current RLTP period - which is to the end of June 2024 - not 2023 as suggested in the question. This would then enable the RLTP process to be complete alongside the Regional SMP process.

6. Do you think the respective roles of RCAs and RTCs proposed under the new rule are appropriate? If not, why not?

Yes.

7. Do you support the proposed approach for consultation, including the separate requirement for Māori? If not, why not?

Section 3.8 (7) should only refer to Treaty obligations if this is not adequately covered by Section 82 of the Local Government Act 2002, noting that Clause 2 in Section 82 specifically refers to consultation with Maori.

Section 3.9 'Maori Contribution to Creation of Plans' seems to be in the wrong location and should at least be included prior to Section 3.9 'Consultation Requirements'.

8. Do you think the Speed Management Plan certification requirements are appropriate? If not, why not?

Yes.

9. Do you think the scope of the Speed Management Committee's role is appropriate? If not, why not?

No. The role of the proposed Independent Speed Management Committee could be expanded to deal with more than just approval of the State Highway SMP and could provide an avenue for providing technical advice on Regional SMPs, including resolving points of difference/inconsistencies between RCAs, RTCs and Waka Kotahi.

10. Do you think the Speed Management Committee member requirements are appropriate? If not, why not?

Yes - but we note that the specific requirement regarding diversity included in the Crown Entities Act has been omitted. Diversity will be important for this committee to ensure that the committee is able to be representative of the all the parties listed in Schedule 2, Clause 1 (3) (b).

11. Do you think the settings for when to use the alternative process for making speed management changes are appropriate? If not, why not? Are there are any other situations where the alternative process could be helpful?

Section 2.5 of the Rule sets out that a speed limit can only be set if it is in accordance with the relevant [Regional Speed management Plan] or where there is a difference only in the timeframe or a **minor difference** in the exact point on the road where the speed limit changes from that included in the relevant plan.

The proposed content for a RSMP is only a three-year programme - so there is real potential for speed limit changes that will be for roads that were initially considered to be outside the 3-year window of the RSMP and would therefore require use of Section 2.6 - Director Approval.

Without guidance on the definition of 'minor difference', it is difficult to say whether this will result in having to utilise Section 2.6 'Director Approval to Set Speed Limits'.

12. Do you think the process for RCAs that are not territorial authorities to make speed management changes is appropriate? If not, why not?

Section 6 sets out the process clearly - but it does not reflect the fact that the RCA should be considering the speed limits in the surrounding road network and consulting with the neighbouring RCA (which will generally be a territorial authority) in developing any speed limit changes/programmes.

It is noted that many of these RCA roads blend into the general territorial authority without being noticeably different and the general public will not understand the boundary between the two RCAs.

There is a need to ensure that the speed limits being proposed by the non-territorial authorities are logical and consistent with any similar situations within the district/city.

Use and Lodgement of Speed Limits

1. Do you support the proposed approach for creating an emergency speed limit? If not, why not?

Yes - basically the same as the current requirements set out in Section 8 of the Speed Limits Rule 2017 with appropriate variations to recognise the use of the Register moving forward.

2. Do you see any issues with temporary speed limits sitting outside the Register for the time being? If so, what are these?

No. Hamilton City Council has previously expressed concerns with the proposal for temporary speed limits coming into the Register in the longer term. This process will include a lot of work for very short-term changes - there are hundreds of them in terms of temporary traffic management sites each year in Hamilton City alone.

More thinking is required on how temporary speed limits would come into the Register because of the large numbers involved. Current Corridor Access Approval processes would also need to be integrated into the register if there is an intention to try and capture all temporary speed limits in a timely manner.

There will need to be the ability of the on-site staff to be able to register the speed limit at the time of installing the temporary speed limit signage to cater for the use of generic plans and on-site changes that occur to deal with unplanned situations.

3. Do you think it is clear how the Register should be used? If not, why not?

Yes - for the purpose of the Rule. It is expected that there will be additional information provided in the guidance being developed by Waka Kotahi in response to the creation of the National Speed Limits Register, which will be useful for those who have not yet been involved with its development and proposed use.

4. Do you support RCAs being able to set 70 and 90 km/h speed limits without approval from Waka Kotahi? If not, why not?

No - we have an ongoing approach to progressively limit the use of these speed limits via the Speed Limits Rule 2017. A lot of progress has already been made nationally to remove the

70km/h speed limits and there are only limited numbers of 90km/h restrictions that are currently in place.

Noting the desire for consistency nationally - we are supportive of these speed limits only being used as interim speed limits with a plan being developed and approved by Waka Kotahi for any new installations.

Allowing ongoing and unrestricted installation of new 70 and 90km/h speed limits is not necessary on a longer-term basis and does not support the creation of a self-explaining environments and not having speed limits that constantly change, which are two key requests from key stakeholders and the public.

5. Do you think RCAs should only have the ability to use 70 and 90 km/h speed limits as interim speed limits (as opposed to permanent speed limits)? If so, would three years be an appropriate term for these speed limits?

As noted above, yes, we support interim speed limits as a tool that will enable progress to be made in reducing Deaths and Serious Injuries on the road network - but they should only be interim and part of an approved plan that includes completion of physical changes on the network to support the limit moving either up or down to the appropriate long-term speed limit as agreed by the Director and RCA.

The consultation document suggested a 3-year term for these limits. We believe that it should be on a case-by-case basis, noting that the proposed plan for improvements or changes to the network and associated funding will form part of the proposal presented to the Director when seeking approval to use these speed limits.

The proposed Rule does not include any requirements regarding these limits, and we believe that it should include the current requirements from Clause 4.5 of the Speed Limits Rule 2017.

6. Do you support RCAs being able to set variable speed limits without approval from Waka Kotahi? If not, why not?

Yes - we believe that there is sufficient guidance and experience in the use of variable speed limits in New Zealand to allow these to be set by the RCA. We support the specific cases set out in Clause 4.8(1)(b) of the draft Rule.

7. Do you think the circumstances for setting variable speed limits without Waka Kotahi approval are appropriate? If not, why not?

Yes - we support the specific circumstances set out in Clause 4.8(1)(b) of the draft Rule for RCAs to be able to set Variable Speed Limits without the Directors approval.

8. Do you think there are any situations where Waka Kotahi approval should be sought? If so, what are these?

We believe the following addition to paragraph (i) of the Clause 4.8(1)(b) as noted below would be beneficial:

- (i) Different numbers and types of road users or different traffic movements by time of day or year.

This would then allow the use of variable speed limits to be used as seasonal speed limit signage, as well as dealing with situations where there are different numbers and types of road users or different traffic movements that are not in the presence of a school e.g., a State Highway running to a town centre.

Given the rapid changes in technology, it is expected that there will continue to be new situations where variable speed limits may be considered as appropriate as a safety or traffic management tool. It is hard to foresee these, but for any new applications of these types of speed limits it is considered appropriate in the first instance that Director approval should be sought so that appropriate monitoring and evaluation of the situation can be completed.

Once evaluated, the circumstance could be added to the list in Clause 4.8(1)(b) of the draft Rule via an Omibus Rule amendment as needed.

9. Do you support the proposal to replace urban traffic areas with speed limits areas? If not, why not?

Yes - these should enable a large reduction in the number of roads being specifically listed for the same speed limit.

10. Do you think it is appropriate to use speed limits areas to set any speed limit (up to 100 km/h)? If not, why not?

Yes - it should make the administration easier in the longer term and move away from having to list a large number of streets that do not meet the current urban traffic area's requirements or the default 100km/h speed limit.

11. Other Comments:

Section 9.1 of the proposed Rule introduced a change for signage to be within 50m of the legal change point instead of current 20m. This proposed change is not supported for a number of reasons:

- There is an ability to update speed limits including start or end point of both during the transitional period under Schedule 3 'Transitional Provisions, Section 6 to ensure that all existing speed limits in the Register are accurate to within 20m.
- There should be an ability by the RCA to provide accurate information at the time of setting any new speed limits to within 20m of the proposed start and end point, and Section 2.5 allows for minor changes to start and end points if these differ to that within the relevant RSMP.
- Increasing the distance to 50m does not help with the future use of the data in the NSLR for in-vehicle technology, which will highlight the difference in location between the legal change point and the location of the sign.
- There is a stated desire in the Rule to have speed limits reflect where there is a 'point of obvious change in the roadside development' e.g., for school speed limits, and this should be able to be determined and signed accurately (within 20m).
- Consistency and self-explaining.
- Ability to install a sign otherwise than required is already provided for in Section 9.1(4) of the proposed Rule if the 20m distance is not sufficient.

- Ability to install other signage in advance of the change point is provided for in the TCD Rules - via the speed limit ahead sign combination.

Speed Limits Around Schools

1. **Do you support the timeframes for introducing safer speed limits around schools (an initial 40% of changes to be completed by 30 June 2024 and the remaining by 31 December 2029)? If not, what do you think would be more suitable timeframes?**

Hamilton City Council is in the fortunate position of having spent the last 20 years implementing 40km/h speed limits in front of all schools (either as part of a permanent 40km/h Safer Speed Area or via installation of electronic variable speed limits).

It is recognised that RCAs have limited funding and in order to achieve the desired reduction in Deaths and Serious Injuries there is a need to target to risk.

It is also recognised that speed limit changes around schools are an effective way to gain community acceptance of speed limit reductions and to support and encourage increased walking and cycling to these schools.

Hamilton City Council is intrigued by the date proposed in section 5.2 (5) of *'on 23 April 2021 and immediately prior to the commencement of this Rule'*. We recommend removal of the specific date of 23 April 2021 from this clause as it is superseded by the remaining component in this sentence, and we are aware that many RCAs have already got programmes in place for implementing school speed limits between now and the proposed go live date of the new Rule.

2. **Do you support the proposal that RCAs would designate rural areas? If not, why not?**

No. Consistency in approach throughout the country is key to ensuring that motorists know what to expect and are more likely to understand and comply with the requirements. We would recommend that the Mega Maps tool makes an initial recommendation on whether or not the school is in a rural area or not in the first instance based on the information already contained in Mega Maps.

The RCAs should then consider and where necessary seek approval from Waka Kotahi for having the designation changed based on their local knowledge and observation of the operation of the school. If the rural school has students walking and cycling and crossing the road to access the school then, based on risk, it would be appropriate to have the lower 30km/h speed limit. However, there are many rural schools that are only accessed by school buses and cars then the rural speed limit of 60km/h would more than appropriate to address the risk of a crash in this situation.

We do not support having the proposed designated rural schools included in the Regional Speed Management Plan for public consultation. This should be a technical matter that is sorted prior to the RCA submitting its proposed programme to the RTC.

3. **Do you think the presence of a school nearby meets the 'point of obvious change in the roadside development' requirement for a change in speed limit? If not, why not?**

We think that the mere presence of the school would be insufficient in many cases as the school may be set back well from the road up a driveway or behind other buildings so many not be immediately obvious.

We believe that there is a need for appropriate supporting signage defining the school frontage in order to become an 'obvious change in the roadside development' and to highlight the presence of the school.

4. When setting variable speed limits around schools, do you support RCAs having the ability to determine school travel time periods (whilst having regard to guidance from Waka Kotahi)? If not, why not?

Yes - but there should be caution exercised by RCAs before making any changes beyond that provided in the guidance.

Consistency in approach throughout the country is key to ensuring that motorists know what to expect and are more likely to understand and comply with the requirements.

Other Proposals

1. Do you agree RCAs should not be able to change a speed limit for a period of five years, if directed to change the original speed limit by Waka Kotahi? If not, what do you think would be a more appropriate timeframe?

The timeframe should be determined on a case-by-case basis and should only subject to complying with the requirements of the Speed Limit Rule 2021 and associated guidelines - including inclusion in the relevant Speed Management Plan.

It is very possible that there may be changes to the adjacent land use and physical nature of the transport corridor that would occur within the 5-year period that would make a speed limit change appropriate prior to the expiry of the proposed period.

2. Do you think the minimum length and signage requirements for speed limits should sit in guidance provided by Waka Kotahi? If not, why not?

No - we support having these included in the Speed Limits Rule as they help with the delivery of consistent speed management regionally and nationally.

3. Do you think the use of mean operating speed should sit in guidance provided by Waka Kotahi? If not, why not?

Hamilton City Council is not concerned whether the information on mean operating speeds is included within the Speed Limits Rule, or in guidance, but continues to advocate for the need for requirement as best practice and without it, the achievement of self-explaining roads and the desired reduction in DSIs as set out in Road to Zero will not be possible.

Hamilton City Council did not support the proposal to remove the requirement to achieve a mean operating speed limit less than 10 percent above the speed limit that was included in the proposed approach engagement documents consulted upon in 2020.

Hamilton City Council noted that removing this requirement will 'make life easier' for RCAs, but ethically the existing system helps achieve a safe and appropriate operating speed and a self-explaining environment.

By removing this requirement there is real potential for an increase in deaths and serious injuries - as an example a driver may pull out of an intersection expecting the traffic to be

operating at a certain speed (close to the posted speed limit), but the actual operating speed may be very different.

The requirements in the 2017 Speed Limits Rule were already an easing of the requirements previously in place.

Hamilton City Council recognise that having the mean operating speed less than 10 percent above the speed limit becomes a lot more challenging to achieve when the speed limits are 50km/h and below, but the inclusion of the wording 'must aim' to achieve is an important part of the process. It ensures that signs are not just put up with a new limit without supporting infrastructure in locations where the existing operating speeds are a lot higher than the proposed speed limit.

If a compromise is really needed, perhaps consideration for a 5km/h tolerance could be given for a speed limit of 50km/h and below, and then apply the 10 percent to speed limits greater than 50km/h.