

## Submission by

# Hamilton City Council

## LAND TRANSPORT (RAIL) LEGISLATION BILL

14 February 2020

### 1.0 REQUESTED CHANGES TO BILL

- 1.1 Hamilton City Council (HCC) would like to see an amendment to Section 22A (2) (b) requiring KiwiRail to clearly outline where the funding sources for rail network improvements will come from.
- 1.2 HCC would like to see amendments to Section 22C (1)(a) and 22F (1) (c) requiring Waka Kotahi NZ Transport Agency to also advise whether the Rail Network Investment Programme (RNIP) has an appropriate balance of funding sources, as well as whether it contributes to the purpose of the Act and is consistent with the GPS.
- 1.3 Given the commencement of the Hamilton to Auckland Passenger Rail service and also given that this is being administered by the Waikato Regional Council, HCC submits that the Waikato Regional Transport Committee (RTC) should be added to Section 105 A (1).

### 2.0 INTRODUCTION

- 2.1 HCC welcomes the opportunity to make a submission to the 'Land Transport (Rail) Legislation Bill' (the Bill).
- 2.2 HCC supports appropriate investment into the rail network for both freight and passenger services.
- 2.3 HCC has been actively involved working with central government, Waka Kotahi NZ Transport Agency (the Transport Agency), KiwiRail and other Waikato councils to establish the Hamilton to Auckland Start-up Passenger Rail service and would like to see this progress to a Rapid Rail service which will grow into a New Zealand wide initiative.
- 2.4 Overall, HCC supports the intent to ensure that rail investment decisions are taken under the Land Transport Management Act, which will result in the national rail network being planned and funded alongside the rest of the land transport system, including the road and public transport networks.
- 2.5 HCC intends to provide early feedback (prior to the formal engagement process) to the Draft New Zealand Rail Plan 2019. The feedback will be of a similar nature to matters raised in this submission.

### 3.0 SPECIFIC COMMENTS

#### 3.1 Rail Funding Sources

- 3.1.1 It is unclear at this stage how much investment from the NLTF will be directed to heavy rail activities in relation to the funding that will be contributed by rail.
- 3.1.2 There will be no certainty on this issue until the further work underway to establish track user

charges is complete and the Government signals its investment priorities through the GPS on Land Transport (GPS), and KiwiRail develops its first Rail Network Investment Programme (RNIP).

- 3.1.3 HCC is concerned that the quantum of NLTF investment required to upgrade the rail network will be significantly out of proportion with the contributions from rail related fees and charges at the expense of achieving other Government land transport objectives e.g. Road to Zero initiatives.
- 3.1.4 The only safeguard built into the legislation is that the Minister must seek advice from the Transport Agency regarding whether the RNIP contributes to the purposes of the LTMA and is consistent with the GPS.
- 3.1.5 HCC understands that the GPS will determine likely Government investment in rail activities and that the GPS is not a matter for this legislation.
- 3.1.6 HCC understands that the RNIP can include rail activities to be provided by KiwiRail directly and rail activities that could be funded fully or partially by the NLTF.
- 3.1.7 HCC considers that there should be a mechanism to ensure an appropriate balance of funding from the NLTF compared to other funding sources.
- 3.1.8 **HCC would like to see an amendment to Section 22A (2) (b) requiring KiwiRail to clearly outline where the funding sources for rail network improvements will come from.**
- 3.1.9 **HCC would like to see amendments to Section 22C (1)(a) and 22F (1) (c) requiring the Transport Agency to also advise whether the RNIP has an appropriate balance of funding sources, as well as whether it contributes to the purpose of the Act and is consistent with the GPS.**
- 3.1.10 Section 22F (1) (d) requires the Transport Agency to provide advice on whether the activity or combinations of activities are *“efficient and effective”*.
- 3.1.11 Section 22F (3) requires the Transport Agency to develop and make available an assessment method(s) to use when giving advice on whether the RNIP contributes to the purpose of the Act and is consistent with the GPS, as well as each activity or combinations of activities are *“efficient and effective”*.
- 3.1.12 HCC supports the Waikato Regional Transport Committee’s submission that submits these assessments must be consistent with the assessment methods used by the Transport Agency when evaluating other transport activities being included in the NLTP.

### **3.2 Role of the Waikato Region**

- 3.2.1 For the purposes of the Bill, Section 105A (1) defines Regional Transport Committee to mean only those for the Wellington Region and for Auckland.
- 3.2.2 **Given the commencement of the Hamilton to Auckland Passenger Rail service and given that this is being administered by the Waikato Regional Council, HCC submits that the Waikato Regional Transport Committee (RTC) should be added to Section 105 A (1).**
- 3.2.3 If this recommendation is not adopted, HCC would request that the Minister names Waikato RTC as an RTC for the purposes of the Bill by notice in the *Gazettes* as allowed for by Section 105 A (5) of the Bill.
- 3.2.4 HCC supports the Waikato RTC submission that submits that KiwiRail should be required to consult or engage on the RNIP with Regional Transport Committees prior to it being received by the Minister.

### **3.3 Track Charges**

- 3.3.1 Part 2 of the Bill amends the Land Transport Act 1998 to allow fees and charges to be treated as land transport revenue for the purposes of the LTMA.

3.3.2 HCC supports the Waikato RTC submission that supports greater transparency of the track network charging process to ensure that the charges do not rise to levels that do not support passenger transport outcomes.

### 3.4 Partial Integration

3.4.1 HCC supports the Partial Integration Model proposed.

## 4.0 CONCLUSION

4.1 HCC thanks the Transport and Infrastructure Select Committee for the opportunity to submit on the Land Transport (Rail) Legislation Bill.

4.2 HCC is **supportive** of the provisions in the Bill which implement a new planning and funding framework for the heavy rail track network owned by KiwiRail.

4.3 HCC seeks that a number of changes as sought in the submission be made to the legislation before it is finalised.

## 5.0 FURTHER INFORMATION AND HEARINGS

5.1 Should the Transport and Infrastructure Select Committee require clarification of the points raised in this submission, or additional information, please contact Chris Allen (General Manager Development), phone 07 838 6748 or 021 224 7939, email [chris.allen@hcc.govt.nz](mailto:chris.allen@hcc.govt.nz) in the first instance.

5.2 Hamilton City Council **does wish to speak** at the Transport and Infrastructure Committee hearings in support of this written submission.

Yours faithfully



**Richard Briggs**  
**CHIEF EXECUTIVE**