

10.1. DECISION Reports Infrastructure Services



21-112

Title: 21-112 Speed Rule Consultation and NSLR Programme Update
Section: Journeys Infrastructure
Prepared by: Tina Middlemiss - Asset Planning Manager
Meeting Date: Wednesday 26 May 2021

Legal: Yes

Financial: No

Significance: **Low**

Report to OPERATIONS Committee for decision

PURPOSE

The purpose of this report is to consider our feedback to NZ Transport Agency (Waka Kotahi) on the Land Transport Rule: Setting of Speed Limits Rule 2021, which is currently under consultation.

SUMMARY

On 23 April 2021 Waka Kotahi began consultation on the Land Transport Rule: Setting of Speed Limits Rule. Deadline for submissions is 25 June 2021. Feedback on the rule change is outlined in this report.

Previous advice has been given to the Regional Land Transport Committee in [Report 20-244](#) Speed Management on 3 September 2020.

This rule is intended to give effect to the new regulatory framework with changes that support a new, more co-ordinated approach to speed management, using 10 year plans for speed limit and safety treatment implementation. The current process requires Road Controlling Authorities (RCAs) to make speed changes road-by-road via bylaws which, according to Waka Kotahi, can be resource-intensive, time-consuming and complex.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Operations Committee:

- 1. Approves the draft Council submission on the points listed in the table under clause 10.**

Authorised by:

David Wilson - Director Lifelines

Keywords: speed

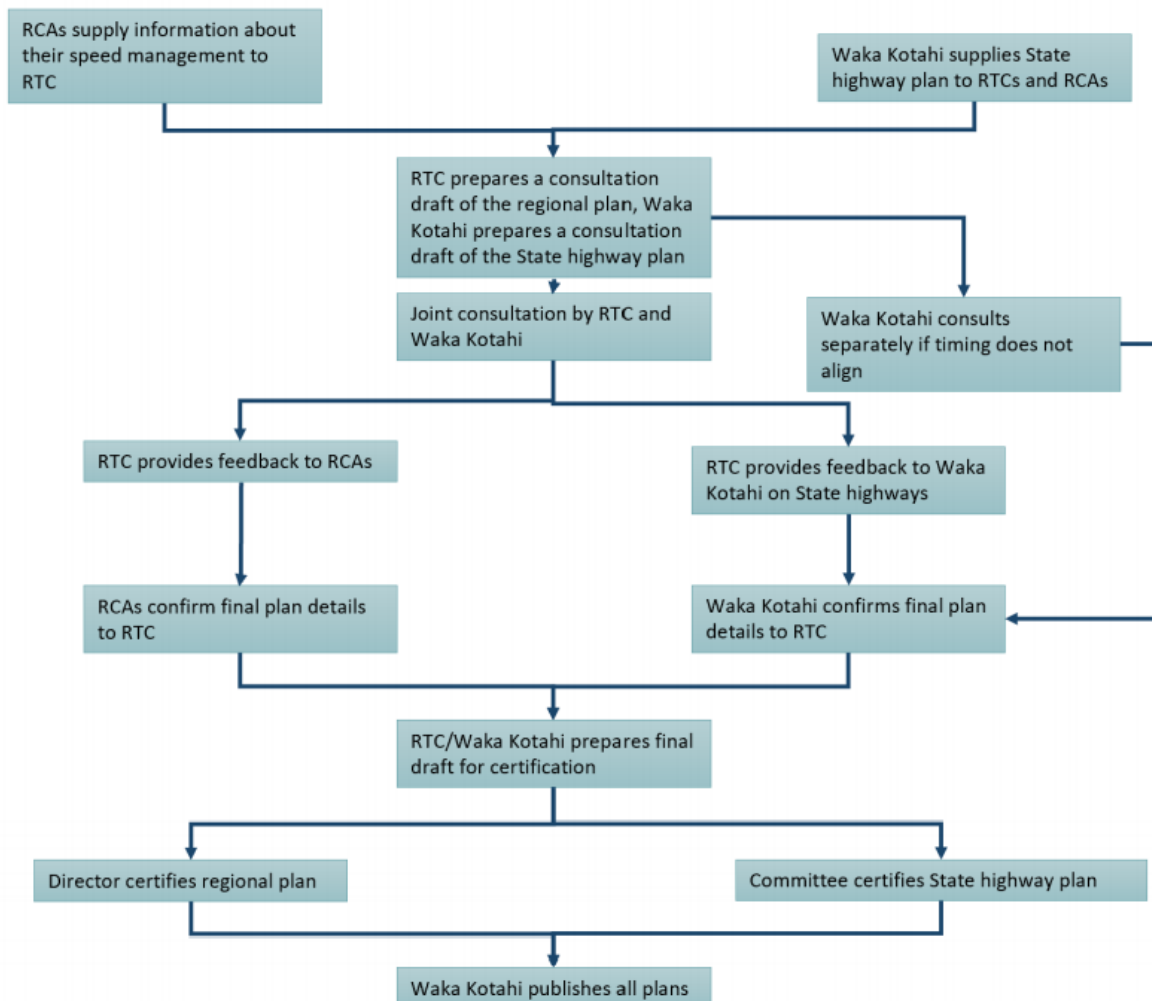
BACKGROUND

1. The Land Transport Rule: Setting of Speed Limits 2021 rule change comes from the Tackling Unsafe Speeds programme approved by cabinet in November 2019. The programme is part of the action plan for the road safety strategy, **Road to Zero**.
2. In July 2020 the Ministry of Transport gave early visibility of the overall approach and rule changes to enable local government to provide additional input into the draft ahead of formal consultation (refer previous advice given to the Regional Land Transport Committee in the [20-244](#) Speed Management report on 3 September 2020).

DISCUSSION and OPTIONS

3. The rule change requires regional councils/regional transport committees (RTC) to develop draft Regional Speed Management Plans (RSMP) based on input from Road Controlling Authorities (RCA) as per the process map below. RCA include territorial authorities (who are also members of RTC) and non-territorial authorities (eg, supermarkets, the Department of Corrections) and Waka Kotahi is RCA for State Highways.

Figure 1: Proposed regional and State highway speed management plan process interactions



- 4. Waka Kotahi is publicly consulting to determine if the proposals have any impact on costs of implementation or compliance, or if there are any disadvantages or benefits to any groups or individuals.
- 5. For further detail of the rule change consultation refer the Waka Kotahi Website: [Land Transport Rule: Setting of Speed Limits 2021 consultation | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](https://www.nzta.govt.nz/consultation/land-transport-rule-setting-of-speed-limits-2021-consultation)
- 6. The timeframes for setting and reviewing Regional Speed Management Plans (RSMP) is intended to mimic the Regional Land Management Plan (RLTP) from 2024/25 as it is recognised that regional councils/regional transport committees have traditionally managed the RLTP process, with RCA input.

Speed Limits around schools

- 7. One of the key action items in the road safety strategy, **Road to Zero**, is to transition to safer speeds around all schools by 31 December 2029. Mainly the intent of this is to encourage more children to walk, cycle or scoot to school for health, wellbeing and environmental benefits.
- 8. The rule sets speeds at 30km/h (or 40km/h in some circumstances) around urban schools and up to a maximum of 60km/h around rural schools. These limits can be either variable or permanent. RCAs will be required to complete 40% of these changes by June 2024. Once approved this rule would dictate what our speed management and school safety budgets can be spent on in order to meet this target.

Feedback on the Rule Change Proposals

- 9. The consultation document introduces 11 proposals:
 - Proposal 1 – Speed management plans.....
 - Proposal 2 – Alternative process for setting speed limits
 - Proposal 3 – Formal certification of speed management plans.....
 - Proposal 4 – Speed limits must be entered into the register
 - Proposal 5 – Establishment of an independent speed management committee ...
 - Proposal 6 – Speed limits around schools.....
 - Proposal 7 – Temporary and emergency speed limits
 - Proposal 8 – Approval for certain speed limits
 - Proposal 9 – Use of variable speed limits.....
 - Proposal 10 – Speed limit areas
 - Proposal 11 – Other proposals

10. We propose a submission based on response to proposals 1, 2, 5, 6 & 11.

Proposal	Feedback on the Rule Change Proposals
1	Speed management plans
	Need a clearer understanding of the difference between the functions of the RTC and regional councils.
	Aligning RSMP timeframes with RLTP will stretch resources at a critical time and consultation will likely overshadow each other while a staggered approach may incur additional consultation costs unless efficiencies can be made apparent in the rule for unitary authorities.
	Clarification as to whether or not the consultation process proposed is more onerous for unitary councils than the current bylaw system.
	Co-ordinating other non-territorial authority RCA to do SMP may prove to be problematic if this rule includes supermarkets, Housing NZ and rest homes etc of which Gisborne has many.
	Duplication of documentation in RSMP by including a list of the safety infrastructure improvements planned out over 3 years. This detail is currently already supplied in other planning documentation required by Waka Kotahi, for example the investment portal, RLTP and asset management plans. This will have the potential for documents to overlap/ override one another causing confusion.
	The interim plans during the transitional period have contradictions around timing in the definitions and make the rule appear more complex than it needs to be.
2	Alternative process for setting speed limits
	That 'Alternative process' for setting speed limits be called a 'Variation' with a similar process to the RLTP, for consistency. It would be more consistent if the rule could use similar terminology and processes to those for the RLTP.
5	Establishment of an independent speed management committee
	Ensuring that there is fair representation of regional councils/RTCs on the new independent Speed Management Committee which certifies the State Highway Plan and oversees guidance to RCAs.
6	Speed limits around schools
	40% of the new speed limits around schools are to be implemented by 30 June 2024. This will require further work to review and reprioritisation of work planned in SMP and school safety in current NLTP applications of which funding applications are already due 21 May 2021 and so will be too late to ask for the extra funding required.
11	Other proposals
	Being required to have regard to the use of mean operating speed when proposing changes to, or setting, speed limits has proved difficult so far with the work we are currently doing on the speed management plan because there is still a lack of educational resources to explain this concept to the public with.

The National Speed Limit Register

11. Waka Kotahi is in the process of uploading current RCA speed limit data into the National Speed Limit Register which is due to go live if and when the rule change is approved by the Minister. Estimates at this stage are that this will occur in November 2021.
12. Gisborne is scheduled for upload in October 2021. This will involve uploading the current GDC 2013 Speed Limit bylaw data into the national register which will act as the new source-of-truth when it goes live.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: **Low** Significance

Inconsistency with Council's current strategy and policy

Overall Process: **Low** Significance

The effects on all or a large part of the Gisborne district

Overall Process: **Low** Significance

The effects on individuals or specific communities

Overall Process: **Low** Significance

The level or history of public interest in the matter or issue

Overall Process: **Low** Significance

13. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.
14. This report is intended to promote understanding and feedback only and as such is deemed of low significance.

TANGATA WHENUA/MĀORI ENGAGEMENT

15. Clause 3.8 (7) of the rule change states that when required to consult under clause 3.4 or clause 3.5, the Agency (NZTA as RCA) or a RTC must do everything reasonably practical to separately consult Māori affected by any proposed change in a draft plan that affects or is likely to affect:
 - a) Māori land; or
 - b) land subject to any Māori claims settlement Act; or
 - c) Māori historical, cultural, or spiritual interests.
16. Clause 3.9 of the rule change outlines Māori contribution to creation of plans. This states that the Agency (NZTA as RCA) and RTC must establish and maintain processes to provide opportunities for Māori to contribute and consider ways to foster development of Māori capacity to contribute to the preparation of the plan.

COMMUNITY ENGAGEMENT

17. On the 23 April 2021 Waka Kotahi began consultation on the Land Transport Rule: Setting of Speed Limits Rule. Deadline for submissions is 25th June 2021. The consultation documentation is available on the Waka Kotahi Website for feedback refer : [Land Transport Rule: Setting of Speed Limits 2021 consultation | Waka Kotahi NZ Transport Agency \(nzta.govt.nz\)](#)

CLIMATE CHANGE – Impacts / Implications

18. A key intent of this rule change is to encourage more children to walk, cycle or scoot to school for health, wellbeing and environmental benefits.
19. The rule change will require RCAs to have regard to guidance on the use of mean operating speed in preparing speed management plans. The intent of this is to provide consistent speeds by posting speeds that resemble what the average speed people are actually doing on the roads. The mean speeds contribute to the calculated safe and appropriate speed guidance by Waka Kotahi which have calculated CO2 savings against them. For example, if the Gisborne Region were to fully adopt all of the Safe And Appropriate Speeds (SAAS) suggested by Waka Kotahi the calculated CO2 savings would be equivalent to taking 200 cars off the road.

CONSIDERATIONS

Financial/Budget

20. Aligning speed management plan deadlines and consultation timeframes with RLTP's was tried in Gisborne but difficult to execute. Resources were stretched at a critical time and engagement processes overshadow each other. This caused a staggered approach and incurred additional consultation. Legal advice is being sought in regards to the effects of the rule change upon the amount of consultation and engagement process required compared to the current law.
21. The Speed Limits Around Schools target of 40%, to be implemented by 30 June 2024, will require another review and reprioritisation of work planned in SMP and school safety in current NLTP applications of which funding applications are due to close 21 May 2021. Given the funding timeframes for the 2021-2024 NLTP are set before the rule is likely to come into effect the scheduling of this work will not be able to secure any additional funding it may need to be implemented.

Legal

22. Once the rule gains approval from the Minister it is expected to take effect late November 2021 alongside The National Speed Limit Register going live. The current 2013 speed limit bylaws will have been uploaded to the new register prior to that and any future changes to speed limits will be directly into the register avoiding the need to use the bylaw process to be legally enforceable.
23. Further advice is being sought as to how the timing of the rule and clauses around the interim process will affect the work we are currently doing on our draft speed management plan engagement and consultation.

POLICY and PLANNING IMPLICATIONS

24. The rule change gives effect to new regulatory framework, **Road to Zero**, that is consistent with Council's Strategic outcomes and well-beings to provide more safe and accessible liveable streets and roads as per the table below taken from the Roads and Pathways Management Plan.

GDC Outcomes		Well-being	Levels of Service (LoS)
Community	Maori		
1,2,3,4,7	2,3,4		We ensure the roading network is designed and managed for safe use with low crash and injury rates.
1,2,3,4,5,7,8	1,2,3,4	   	We operate and maintain a reliable roading network that is up to date, in good condition and fit for purpose.
2,3,4,5,6,7	1,4	  	We provide and maintain affordable and accessible transportation services that balance the needs of all users.

 Social
  Economic
  Environmental
  Cultural

RISKS

25. As Gisborne District Council is a unitary authority, co-ordinating speed management plans from territorial authorities consistently is not a problem like it must be for other regions with multiple RCAs. However, should any other non-territorial authority RCA want to opt into the process, an amount of extra work would likely arise.
26. Note that Waka Kotahi has an option to consult separately if there are delays by the RCA however RCAs do not have this option. This could lead to issues for regional councils/RTC co-ordinating the regional speed management plan if Waka Kotahi do not have to be ready in time.
27. Council is taking legal advice as to how the timing of the rule and clauses around the interim process will affect the work we are currently doing on our draft speed management plan engagement and consultation.
28. The proposed submission addresses the risks inherent in the rule change.

NEXT STEPS

Date	Action/Milestone	Comments
25 June 2021	Deadline for submissions to the rule change	The contents of this report will form the basis of the submission
Oct 2021	Upload current 2013 speed limit bylaw data into the new National Speed Limit Register (NSLR)	GIS has this data stored already and has been updated with RAMM
Nov 2021	NSLR ready to go live once rule change is approved by Minister.	Local government bylaws will be replaced by the NSLR as the legal instrument for setting speeds.