



THE NEW ZEALAND
AUTOMOBILE
ASSOCIATION
INCORPORATED

342-352 Lambton Quay
Wellington
New Zealand
PO Box 1
Wellington
New Zealand

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T. +64 4 931 9999

Rules Team
NZ Transport Agency
Private Bag 6995
WELLINGTON 6141
Email: rules@nzta.govt.nz

SUBMISSION FROM NZAA ON THE LAND TRANSPORT RULE: SETTING OF SPEED LIMITS 2021

1. The NZ Automobile Association (NZAA) appreciates the opportunity to comment on the proposed Land Transport Rule: Setting of Speed Limits 2021.
2. The NZAA has over 1.7 million members throughout New Zealand, and 17 District Councils that represent the interests of AA Members in their local areas.
3. In recent years, speed management – including the process of identifying and setting speed limits – has been a major focus of NZAA policy and advocacy work. The NZAA strongly believes that:
 - 3.1 Speed limits should be fair, consistent, predictable, credible and based on evidence that they are both safe and appropriate;
 - 3.2 Compliance with speed limits is essential; speed limit reductions will not be effective in improving road safety if compliance is low;
 - 3.3 Speed limit changes are not the only means of improving road safety and should therefore be considered alongside other possible interventions, such as road safety upgrades;
 - 3.4 People who are affected by speed limit changes should be given ample opportunity to have a say on proposed changes to speed limits, and their views should be taken into account when decisions are being made.
4. The NZAA's submission on the proposed Rule, which has been informed by feedback from AA District Councils, is therefore predicated on these principles.

Overview

5. The NZAA supports the overall thrust of the proposed Land Transport Rule: Setting of Speed Limits 2021; we support the concept of a speed management plan approach to setting speed limits; we agree that lower speed limits are warranted around schools; we believe that 70km/h and 90km/h speed limits make sense on some road corridors and therefore need to be 'on the table', and; we believe it makes sense to remove barriers to road controlling authorities setting variable speed limits for safety purposes.

6. That said, we also have a number of concerns with the specifics of these (and other) proposals in the draft Rule, which are outlined in detail below. To summarise, we are concerned that:
 - 6.1 cumulatively, without a considerably improved effort in engagement and consultation, the proposals could result in a reduction in meaningful public engagement in speed limit setting;
 - 6.2 the evidence base (i.e. the methods for calculating 'safe and appropriate speeds' and 'mean speeds') needs to be reviewed;
 - 6.3 the continued shift towards 'guiding' speed limits, along with more speed limits being available to road controlling authorities to choose from, may increasingly see motorists questioning the speed limit in any given location unless there are considerable improvements in identification of speed limits on the ground (e.g. through use of road markings);
 - 6.4 despite the fact that a key aim of the new approach to setting speed limits is to improve consistency, we're increasingly seeing more inconsistency as speed limit changes are rolled out differently in different locations and at different rates around the country.
7. We provide further detail on these concerns throughout the remainder of this submission, along with steps that should be taken to address these issues.

NZAA positions

8. The NZAA's views on key components of the proposed Rule are set out below.

Proposal: Speed Management Plans

NZAA views:

- *The current evidence needs improving: MegaMaps needs to be independently reviewed, 70km/h and 90km/h need to be included in the outputs, and the definition of 'mean operating speeds' needs to be amended*
 - *Speed management plans must include the evidence base for speed management proposals (i.e. why an intervention is proposed and what it is expected to achieve)*
 - *Speed management plans should include clear reporting on the effect that the previous plan's changes have had on crashes and vehicle speeds*
 - *More time should be made available for consultation*
 - *We are concerned about the public not having sufficient visibility of speed management proposals*
 - *We believe the public should have full visibility of any direction given on the content of speed management plans*
9. The NZAA supports the concept of the 'speed management plan' approach to speed management decisions. To our thinking, it has the potential to be a comprehensive approach to speed management planning and decision making, which should provide more clarity to the public about authorities' intentions for speed management over the short to medium term.

10. That said, we have some concerns around the specifics of the proposal.

We have some concerns with the evidence base

10.1 We note that, under the draft Rule, the key component of the evidence base behind proposals included in the speed management plan will come from MegaMaps.

- As Waka Kotahi is aware, we have some concerns around MegaMaps, principally the fact that we are seeing speed limits proposed that don't make sense to motorists and simply seem to be the result of mathematical formulas. We had always expected MegaMaps would be tested to determine how much sense the recommended speed limits made to drivers, and our view is that now is the time for an independent review to take place.
- We also note that MegaMaps will need to be amended to include 70km/h and 90km/h as 'safe and appropriate speed limits', assuming this proposal to allow them is taken forward, so that these limits are genuine options for road controlling authorities.

10.2 We are also concerned that the definition of 'mean operating speeds' in the draft Rule should be amended. Mean operating speeds form part of the evidence base for signalling the speed at which the road 'explains' to motorists. However, the way mean operating speeds are defined – and therefore calculated – means that they are influenced by:

- Congestion; roads that suffer from congestion stand to have a 'mean operating speed' that's significantly lower than the free-flow travel speed – free flow travel speeds in urban areas are a much better indication of the way in which the road 'explains' to road users for speed limit setting purposes
- Sections of road that are winding and tortuous; the calculation stands to indicate that travel speeds are lower than they may be on parts of a road, if other parts of that road are winding and tortuous (e.g. it wouldn't be accurate to say a road 'explains' at 75km/h on the basis that the 'mean' speeds are 50km/h for half the road and 100km/h for the other half).

10.3 We would be very happy to discuss our concerns in more detail with Waka Kotahi at an appropriate time.

The rationale for proposals needs to be included in speed management plans

10.4 We are concerned that while speed management plans are required to cover the 'what' (i.e. what is proposed) they are not required to cover the 'why' – there doesn't seem to be any requirement for speed management plans to indicate, for example:

- Why a specific road has been selected for speed management (e.g. road's crash history and risk rating);
- Why a speed limit reduction (for example) is being proposed relative to a different speed management treatment;
- Why the specific proposed speed limit has been landed on, rather than an alternative speed limit, including what the reduction is expected to achieve (e.g. the expected reduction in crashes and trauma).

- 10.5 To our minds, the public is not able to form an informed view as to whether or not the proposals in speed management plans should be taken forward, without understanding the rationale behind them.
- 10.6 We think it essential that speed management plans be required to include the rationale for proposed changes, including why they were settled on relative to alternative interventions.

The proposed review requirements are insufficient

- 10.7 We note that the proposed Rule includes a requirement that speed management plans include a summary of the extent to which speed management treatments that were delivered under the previous plan have been effective.
- 10.8 To our thinking, this proposal should go further and be more specific; requiring road controlling authorities to publish, for each road that received speed management treatment in the previous five years, mean and 85th percentile travel speeds, the number and nature (i.e. minor, serious, fatal) of any crashes along the route, alongside any further steps which may be taken to address ongoing issues.
- 10.9 Including a requirement for this kind of review, with the results to be issued publicly, will help to ensure that roads where there are ongoing issues after speed management interventions are delivered, are identified and addressed.

There is insufficient time available for consultation

- 10.10 We're concerned that the amount of time that is proposed to be required for consultation on draft speed management plans simply isn't long enough for effective engagement.
- 10.11 We note that, under the draft Rule, Waka Kotahi will be required to provide at least four weeks for consultation on its draft State highway speed management plan, while regional transport committees must consult in accordance with section 82 of the Local Government Act 2002, which requires people to be given a 'reasonable opportunity' to present their views.
- 10.12 Submitters need sufficient time to form a view as to whether the proposals make sense for every kilometre of network where a speed treatment is proposed, should the submitted have an interest in that part of the network. This means that for up to every kilometre of road subject to a proposed new speed limit, for example, submitters need sufficient time to:
- Understand what is proposed and why (i.e. in the case of a speed limit reduction, the factors which gave rise to the proposal including whether the road in question is an area of high risk); and
 - Determine whether the proposal is appropriate (i.e. whether the proposal makes sense and is justified, relative to other options that could have been taken forward); and
 - Draft a submission responding to all proposals put forward in the draft speed management plan

- 10.13 A four week consultation period simply isn't long enough for parties such as the NZAA, who are interested in all speed management proposals (which in some cases may affect thousands of kilometres of road network), to: read and understand what is proposed; meet and discuss it; request clarification and further information from road controlling authorities as needed; receive responses to any such queries; form views, and; draft a formal submission.
- 10.14 We also understand that the intent is to carry out consultation on speed management plans alongside consultation on regional land transport plans (and note that consultation on these plans often takes place in conjunction with consultation on Long Term Plans). While we understand the rationale for aligning consultation on these planning documents, this puts further pressure on submitters to consider all proposals that are on the table, form a view on these, and respond.
- 10.15 To our minds, a consultation period of at least two months is needed for effective engagement (and even this will likely be an insufficient time period in some cases).

Scope for people to be unaware of proposals

- 10.16 We are concerned that under the speed management plan process, decisions on speed management (including speed limit changes) will likely take place below the radar of most people. As such, once the changes are rolled out on the ground up to three years after consultation took place, many people may feel they didn't have an adequate opportunity to have a say.
- 10.17 We're interested to understand how Waka Kotahi intends to address this issue.

Visibility of direction on plan content

- 10.18 We believe the entire speed management plan certification process, including all feedback provided to regional transport committees/Waka Kotahi from the Director/the speed management committee, should be made publicly available. Doing so will assist with understanding as to what high quality speed management plans should look like.
- 10.19 We also note that Waka Kotahi can direct a road controlling authority to change or modify a speed limit. We are also of the view that Waka Kotahi's direction – and the reasons for it – should be made public, so that the public can understand how any speed limit subject to such a change was arrived at.

Alternative process for setting speed limits

NZAA view: We believe that all speed limits should be consulted upon

11. The proposed Rule sets out a process for setting speed limits outside of the speed management planning cycle. It is envisaged that this would be used in circumstances where a road controlling authority cannot wait for the next relevant plan (e.g. a sudden change in land use).
12. Our understanding is that if a road controlling authority considers there is a need to change a speed limit outside of the speed management planning cycle, they:
 - 12.1 will need to gain the approval of the Director of Land Transport to undertake the alternative speed limit setting process

- 12.2 will not need to consult with the public if the road controlling authority considers the proposed speed limit is only a minor deviation from the speed limit for the road proposed in the relevant plan.
13. We understand that from time to time there may be situations where a speed limit change is needed sooner than may be possible under the speed management plan process. However, we have some concerns with a proposal that permanent speed limit changes can be made without consultation. We are of the view that speed limit changes should always be consulted upon.
14. In the event that an ‘urgent’ speed limit change is needed, we question why this change can’t be either:
- 14.1 consulted on using the current consultation requirements (or similar) or;
- 14.2 put in place as a temporary speed limit, which is then consulted on in the next iteration of the region’s speed management plan.

Transitioning to the speed management plan framework

NZAA view: We are concerned by the proposed speed limit setting process in the interim period

15. We understand the intention is that the new speed management plan framework will begin from 2024, and that in the interim, Waka Kotahi will work with road controlling authorities and regional transport committees to develop interim plans.
16. While the interim plans will have similar content and process requirements, it appears that some of the requirements will be relaxed – for example, road controlling authorities will not be required to explain how they decided to deliver a speed limit reduction rather than a road safety upgrade, and they will not be required to specify the reason for any differences between proposed speed limits and the ‘safe and appropriate’ speed for the road under MegaMaps.
17. We have some concerns with speed limit setting in the transitional period, as it appears that road controlling authorities may be incentivised to make as many changes to speed limits as possible in the interim period, when there are less checks and balances in place to assist with sound decision-making. We question why this is the case, as we see no reason why content requirements around the justification of and evidence behind decisions would be relaxed for interim plans.
18. We also see scope for the interim period being messy, with territorial authorities and regional transport committees able to each publish interim speed management plans. To our thinking, a regional approach should be taken from the beginning – even if some territorial authorities choose not to participate.

Speed limits around schools

NZAA views:

- *We strongly support the flexibility in the proposed Rule*
- *We consider that Waka Kotahi guidance should include assistance with identifying appropriate speed limits around rural schools, and steps that should be taken to ensure the safe reduction of travel speeds*

- *We believe that in many cases, variable speed limits around schools will be most appropriate, and that these should be accompanied by flashing electronic signs to best advise motorists*
19. The NZAA agrees that a safe road environment is essential to protect children coming and going from schools.
 20. The proposed Rule sets out a number of proposals relating to reducing speed limits on roads around schools, including:
 - 20.1 a variable or permanent speed limit of 30km/h or 40km/h around urban schools
 - 20.2 a variable or permanent speed limit of a maximum of 60km/h around rural schools.
 21. We support these proposals. To our thinking, speed limits around schools should be determined on a school by school (and road by road) basis; with the specific road environments and levels and times of day of pedestrian and cyclist activity key determinants of what the speed limit should be and when it should apply. We therefore support the flexibility in the proposed Rule for determining the appropriate speed limit – and when it applies – for any given school.
 22. We note that it is proposed that roads around rural schools will have maximum speed limits of 60km/h (and that these may be either variable or permanent). We agree with this proposal, on the basis that the appropriate speed limit alongside any school – including the time(s) of day at which it applies – should be determined based on the road environment and levels of pedestrian and cyclist activity, and noting that higher speed limits may be appropriate outside rural schools that, for example, aren't typically accessed on foot or by bike and have appropriate off-road drop off and pick up points.
 23. With regard to speed limits around rural schools, we also believe that Waka Kotahi guidance on speed limits around schools should include:
 - 23.1 the factors that should influence the speed limits around rural schools (be they permanent or variable)
 - 23.2 steps that should be taken by road controlling authority to assist with the safe reduction in travel speeds in higher speed (rural) environments (e.g. appropriate type and placement of signage).
 24. We are of the view that in many cases variable speed limits will be appropriate around schools, as the lower speeds will only be suited during periods of high demand by pedestrians and cyclists which will be limited to specific times of the day. We are also of the view that variable speed limits should, wherever possible, be accompanied by flashing electronic signs – particularly in rural settings, where travel speeds are likely to be higher – as such signage will help to ensure motorists are aware of the reduced speed limits and therefore assist with reducing vehicle speeds.
 25. We are somewhat concerned that in some instances, road controlling authorities may opt to implement permanent speed limits where variable limits would be better suited, on the basis that the cost of flashing electronic signs being an obstacle. We do not think this is acceptable, and challenge Waka Kotahi to explore ways to address this issue, should it eventuate.

Speed management committee

NZAA view: The speed management committee needs to be made up of people with skills in governance, regulation and oversight, not people with vested interests in the land transport system

26. We note that under the proposed Rule, the Minister of Transport can appoint to the speed management committee anyone who has knowledge or experience in speed management, road safety or an understanding of the impacts of speed management on various road user groups.
27. We are strongly of the view that the speed management committee needs to function as a regulatory oversight committee, designed to encourage sound process and consistency in the setting of speed limits.
28. We're concerned that, unless changes are made to the proposed Rule, the committee could be made up of representatives of various lobby groups seeking to achieve specific transport outcomes. We therefore strongly believe that the criteria for candidates for appointment to the speed management committee needs to be changed, with applicable skills relating to governance, regulation and oversight.

Waka Kotahi guidance

NZAA views:

- *We would like Waka Kotahi to closely engage with the NZAA when guidance material is being developed*
 - *We see no rationale for the removal of the requirement that road controlling authorities aim to achieve mean operating speeds less than 10% above the posted speed limit, and believe this requirement must be retained*
29. We note that the proposed Rule sets out that Waka Kotahi will be required to issue a significant amount of guidance to support road controlling authorities to meet their requirements under the Rule. This includes guidance on: the use of mean operating speeds when proposing changes to or setting speed limits; the agencies estimate of safe and appropriate speeds; and the setting of speed limits around schools.
 30. In our view, the content of the guidance material will be incredibly important due to the effect it will have, and it is therefore essential that necessary checks and balances are in place to ensure the content is fair and reasonable.
 31. We would like assurance that Waka Kotahi will closely engage with the NZAA when any guidance material is being developed under the Rule.
 32. We're also specifically concerned that the requirement for road controlling authorities to aim to achieve mean operating speeds less than 10% above the posted speed limit is proposed to be removed from the rule, with guidance on the use of mean operating speeds instead being covered in the material that Waka Kotahi will develop.
 33. We see no rationale for the removal of this requirement from the Land Transport Rule: Setting of Speed Limits, and we strongly oppose this change.

34. To our minds, the only possible reason for removing this requirement from the Rule is if speed limits which do not suit the road environment are increasingly being set.
35. We question the road safety value in setting speed limits that are not being adhered to by the majority of motorists – on such roads, road safety will not be improved by a change to the speed limit alone, further work will be needed to bring vehicle speeds down.
36. The current requirement means that speed limits have to be broadly credible – with credibility being demonstrated through compliance – and if they are not, the onus is on the road controlling authority to take steps to bring speeds down (i.e. by making changes to road layout). We think this is central to improving road safety, rather than the alternative of the speed limit being reduced but travel speeds remaining too high.
37. We understand that Waka Kotahi is concerned that this requirement does not fit well with variable speed zones. To our thinking, speed limits (be they permanent, temporary or variable) must always be credible, and the aim should always be to bring actual vehicle speeds in line with the speed limit. However, if for some reason it is not possible or logical to calculate mean speeds on a section of road when a (reduced) variable speed limit is in place, we envisage the Rule could account for this and exclude (reduced) variable speed limits from this requirement.

Variable speed limits

NZAA view: Proposals for variable speeds for congestion management require guidance and warrant additional checks

38. We support enabling road controlling authorities to set variable speed limits for safety purposes without Waka Kotahi's permission. However we are of the view that greater oversight is needed for proposals to set variable speed limits to ease congestion, as the justification for and merits of these initiatives can be a lot less black and white.
39. We therefore believe that any proposals for variable speed limits for congestion management should still require approval of Waka Kotahi, and that Waka Kotahi should issue guidance around the circumstances around when variable speed limits for congestion management purposes may be appropriate.

70km/h and 90km/h speed limits

NZAA view: 70km/h and 90km/h speed limits should be allowed, but further work should be undertaken on how road markings could be used to indicate speed limits

40. We believe 70km/h and 90km/h speed limits are the most appropriate speed limits for some road environments. We therefore support road controlling authorities being able to implement these once again.
41. However, we note if 70km/h and 90km/h speed limits are allowed, it may result in more instances of motorists questioning what the speed limit is in any given location due to the range of speed limits that are on the table. We strongly believe further work should be undertaken on how road markings could be used to signal speed limits.

42. We also note that there will have been 60km/h and 80km/h speed limits that have been put in place since the 2017 Rule came into force that would be better suited to 70km/h and 90km/h speed limits. We therefore consider that 60km/h and 80km/h speed limits that have been put in place since 2017 should be reviewed.

Yours sincerely,

Sarah Geard

Senior Advisor – Infrastructure

sgeard@aa.co.nz