

Regulatory Impact Statement

Land Transport Rule: Road User Amendment Rule 2009

Executive Summary

The purpose of the Land Transport Rule: Road User Amendment Rule 2009 (the proposed Rule) is to make changes to the Land Transport (Road User) Rule 2004, which sets out requirements for the safe and efficient use of roads by road users – drivers, riders, passengers, and pedestrians.

A major change contained in the proposed Rule is banning the use of hand-held mobile phones while driving and creating a new offence for a breach of this ban. Between 2003 and 2008, there were 25 fatal crashes and 482 injury crashes where the use of a mobile phone or other communications device was cited as a contributing factor. These crashes had a combined social cost estimated at \$187.9 million (at 2008 prices).¹

Clear evidence exists that using a mobile phone while driving increases the risk of a crash. Research shows that using a mobile phone while driving increases a driver's risk of being involved in a crash by a factor of four². If no action is taken, crashes caused by the use of mobile phones are expected to further increase in the future as mobile phone technology becomes more accessible and convenient, and the capabilities of phones are further enhanced.

The banning of the use of hand-held mobile phones while driving would be accompanied by a campaign aimed at raising public awareness, not only about mobile phones as a cause of driver distraction, but also of the road safety risk caused by all sources of driver distraction. Elements of this advertising campaign have started to be rolled out.

The proposed Rule will also introduce a requirement for the riders of motorcycles and mopeds to operate either daytime running lights or their vehicles headlights during daylight hours. The requirement will make motorcyclists and moped riders more visible to other motorists. The number of motorcycle crashes (fatal, serious injury and minor injury) has increased by almost 95 percent since 2001.

The proposed Rule also contains 23 other changes of a relatively minor or technical nature. Some of these changes include setting a maximum speed for mopeds, allowing New Zealand Customs Service and Ministry of Fisheries vehicles to operate blue beacons, and clarifying the obligations of bus drivers in relation to the restraints worn by their passengers. The minor changes in

¹ The social cost of a road crash or a road injury includes the following components: loss of life and life quality, loss of output due to temporary incapacitation, medical costs, legal costs and property damage costs. The social cost estimate per fatal crash is \$4.039 million and per injury crash is \$64,900.

² Drews & Strayer. (2008). Chapter 11: Cellular phones and driver distraction, in Regan et al., (Eds.), *Driver distraction: Theory, effects and mitigation*. CRC Press, London.

the proposed Rule are intended to improve the safety of road users, clarify existing requirements, increase compliance, or improve traffic efficiency.

In total 25 amendments are proposed.

Adequacy Statement

This Regulatory Impact Statement has been assessed by the Ministry of Transport as adequate in accordance with the Regulatory Impact Analysis criteria.

Status Quo and Problem – Mobile phones

Mobile phones are a high risk distraction. To use a mobile phone while driving is complex because it involves the driver conducting a number of different types of physical actions and requires a high degree of cognitive attention.

Mobile phones differ from more 'traditional' distractions because of the frequency and the nature of the interaction required. 'Traditional' distractions, such as talking to passengers or tuning the radio can be avoided or reduced during demanding traffic situations. For example, passengers are aware of the road environment and will generally let the conversation lapse during a demanding driving situation. A person on the other end of a mobile phone, however, is not aware of potential hazards and will often continue to talk, distracting the driver at critical moments.

The use of mobile phones while driving is not specifically banned but is discouraged by the police and road safety agencies. Enforcement action can be taken against drivers whose driving is impaired because they are using a mobile phone. A person can be charged with careless or inconsiderate driving or reckless or dangerous driving under the *Land Transport Act 1998*. Currently these charges are normally laid only when an incident of sufficient seriousness (i.e. a serious injury or death) to justify Police and Court time has occurred.

The current approach makes it too difficult for police to address through enforcement actions the dangers associated with operating a hand-held mobile phone while driving, as enforcement intervention can only occur after the dangerous driving act has occurred.

Because the use of mobile phones while driving is not specifically prohibited, the impression is created that it is a safe practice.

Current situation / what the research shows

During the six years 2003-2008, there were 482 injury crashes and 25 fatal crashes where the use of a mobile phone or other telecommunications device by a driver was identified as a contributing factor to the crash. It is likely that the number of crashes where the use of a mobile phone is a factor is underestimated, given the difficulties in identifying mobile phone use after the fact. Table 1 shows that from 2003 to 2008, the total number of casualty crashes where telecommunications devices were contributing factors to a

crash has increased by over 100%. Over this six year period the social cost associated with these crashes is estimated at \$187.9 million.

Table 1. Crashes where mobile phone communications device was a contributing factor and social cost				
Year	Fatal	Injury	Total crashes	Social cost (2008\$, real)
2003	4	46	50	21.7m
2004	5	59	64	31.8m
2005	7	72	79	42.5m
2006	2	93	95	27.0m
2007	6	96	102	38.5m
2008	1	116	117	26.6m

Clear evidence exists that using a mobile phone while driving increases the risk of a crash by a factor of four³. Preliminary research indicates that this increase in risk is comparable to a driver with a blood alcohol concentration at the legal limit of 0.08 percent. Research also shows that the increase in crash risk for a hands-free phone is similar to that of a hands-held phone when conversing. A British study⁴ has shown driver's reaction times to hazards were on average 30 percent slower when conversing on a hand-held mobile phone than when driving under the influence of alcohol, and 50 percent slower than under normal driving conditions.

In other jurisdictions the risks caused by driving while using hand-held mobile phones while driving has been addressed by a ban. Countries which have banned mobile phones while driving include most countries throughout the European Union and all Australian states.

Scale of problem

A survey conducted in 2004⁵ showed approximately 65 percent of New Zealanders owned a mobile phone, and 57 percent of those surveyed used a mobile phone, at least occasionally, while driving. The number of mobile phone crashes has increased steadily over the last six years and is expected to increase further as this type of technology becomes more accessible and affordable and the capabilities of phones are further enhanced.

Using mobile phones for text messaging increases the risk of a crash

Mobile phones can already be used to talk, read and send text messages, download and play video clips from the internet, and perform other functions. A recent rise in the number of crashes in New Zealand where text messaging has been a contributing factor highlights a growing area of concern.

³ Drews and Strayer. (2008). Chapter 11: Cellular phones and driver distraction, in Regan et al., (Eds.), *Driver distraction: Theory, effects and mitigation*. CRC Press, London.

⁴ A British Study conducted by the Transport Research Laboratory (TRL) for Direct Line Insurance in 2002

⁵ Sullman and Baas (2004). Mobile phone use amongst New Zealand drivers. *Transportation Research Part F*, 7, 95-105

Text messaging has detrimental effects on safe driving, and the limited research to date suggests that the behavioural impairment is at least similar, and possibly considerably higher, than that for hands-held and hands-free conversation. The number of people sending or receiving text messages while driving has been steadily increasing, and this is particularly evident within the youth population. A study conducted by Telstra in Australia in 2003 concluded one in six drivers regularly send text messages when driving.

Objectives – Mobile phones

The public policy objective is to reduce the risks caused by driver distraction, particularly those related to the use of hand-held communication devices.

Alternative Options (costs, benefits and risks) – Mobile phones

Publicity campaign to increase driver awareness

This would leave the status quo, but enhance it with a widespread publicity campaign advising drivers of the risks of using mobile phones while driving.

Such an approach on its own is unlikely to deliver the safety gains of an approach based both on education/advertising and legislative change. Work to address mobile phone related driver distraction has relied solely on advertising/education to date, but the scale of the problem is increasing. Also, an approach based solely on advertising/education will result in substantial ongoing costs.

This approach would make it too difficult for police to address through enforcement actions the dangers associated with operating a hand-held mobile phone while driving, as enforcement intervention can only occur after the dangerous driving act has occurred.

Because the use of mobile phones while driving (including for texting) is not specifically prohibited, the incorrect impression is created that it is a safe practice.

A comprehensive ban on using a mobile phone while driving

An option considered to prevent crashes involving the use of mobile phones, is to ban the use of both hand-held and hands-free mobile phones while driving. A number of research studies have identified the cognitive involvement of using a mobile phone as a greater distraction than the physical act of using a mobile phone. Research shows the risk of having a crash is decreased when using a hands-free phone compared to using a hand-held phone while driving, but is still high, and there is little difference in risk between hands-held and hands-free phones when conversing.

This option would be likely to produce the most favourable safety outcome, because it would be aimed at removing both the cognitive and physical distractions associated with mobile phone use while driving. However, some drivers would be likely to regard this as being unnecessarily regulatory and might take risks to use mobile phones covertly to avoid detection, making enforcement difficult.

A total ban would also produce economic and productivity disadvantages. Given that mobile phones are an essential business tool, particularly for trades-people and small businesses, many of these businesses would be economically disadvantaged without the ability to be contactable while travelling.

Due to the perception that a total ban would result in a significant negative impact on business activities, the level of public acceptability is likely to be low.

Preferred Option – Banning the use of hand-held mobile phones while driving

It is proposed that the Rule be amended to:

- Ban the use of hand-held mobile phones while driving;
- Exempt the use of hands-free mobile phones and two-way radio; and
- Provide that it will not be a breach of the ban on the use of hand-held mobile phones while driving when 111 calls are made in a genuine emergency, and it is unsafe or impracticable to pull over and make a call. Police are also exempt from the ban.

This proposal would be accompanied by a campaign aimed at raising public awareness, not only about mobile phones as a cause of driver distraction, but also of the road safety risk caused by all sources of drive distraction.

Benefits

The introduction of a ban on the use of hand-held mobile phones while driving will improve road safety and decrease the number of injuries and fatalities occurring on our road network.

There is limited research on the effectiveness of hand-held mobile phone bans. One study, from Japan, has estimated the effect of a hands-held phone ban on crashes. This study⁶ found a 20 percent reduction in the number of people killed and a 50 percent reduction in the number of people injured in such crashes. However this is likely to be close to a full compliance situation which we are not expecting in New Zealand. There are also two studies that have examined the effect of a ban on using hands-held mobile phones while driving on the amount mobile phones are used. The first study showed a non-significant 21 percent reduction⁷ and the second study a 50 percent reduction⁸ in hands-held phone use while driving one year after the introduction of the ban.

In New Zealand the Ministry of Transport estimates that there will be a 17.8 percent reduction in police-reported crashes involving mobile phones or other telecommunications devices, as result of a ban on hands-held mobile phone

⁶ RoSPA. (2001). *The risk of using a mobile phone while driving*. The Royal Society for the Prevention of Accidents, UK.

⁷ McCartt & Geary. (2004). Longer term effects of New York state's law on drivers' hand-held cell phone use. *Injury Prevention*, 10, 11-15.

⁸ McCartt et al. (2006). Effects of Washington DC law on drivers' hand-held cell phone use. *Traffic Injury Prevention*, 7, 1-5.

use while driving.⁹ For the purpose of the analysis in this paper, we are using a 17 percent reduction (to allow for some tailing off effects). In 2008, there were 117 police-reported crashes where the use of a mobile phone or other telecommunications device by a driver was a contributing factor to the crash. The introduction of the ban is estimated to save 21 of these crashes. To translate this 17 percent reduction into the number of crashes avoided and the social cost savings officials have looked at two scenarios. A high benefit scenario – in the absence of a mobile phone ban the increasing trend for mobile phone related crashes continues over the next 5 years. A low benefit scenario – in the absence of a mobile phone ban the increasing trend starts to saturate and remains reasonably flat at about 120 crashes per year over the next 5 years.

Table 2: Estimated reduction in social cost of mobile phone related crashes (2008\$, real terms)

Year	2010	2011	2012	2013	2014
High	\$9.1m	\$10.0m	\$10.9m	\$11.7m	\$12.6m
Low	\$7.6m	\$7.6m	\$7.6m	\$7.6m	\$7.6m

A ban on the use of hand-held mobile phone use while driving will make enforcement easier for Police, as it will be enforced through infringements (instant fines) rather than having to prove careless or inconsiderate driving charges through the Court system. Currently these charges are normally laid only when an incident of sufficient seriousness (i.e. a serious injury or death) to justify Police and Court time has occurred.

Costs

It is recognised that mobile phones increase personal convenience, and it is accepted that banning hand-held mobile phone use while driving may inconvenience some people.

The purchase of a hands-free kit is expected to cost approximately \$39.

A cost associated with implementing a ban on hand-held mobile phone use is the compliance cost to businesses, relating to the purchasing of hands-free kits. These cost approximately \$39 each. Some businesses may be able to get a reduced price if they bulk purchase. Alternatively, drivers can choose to pull over to the side of the road to take calls or have their phone's voicemail function take calls.

As mobile phones enhance business communication, reduced use while driving could result in economic loss as a result of any decline in or delay to business activities. It is anticipated that any losses will be restricted to the short-term until most heavy mobile phone users have purchased and installed hands-free kits or avoided by purchasing the kits before the law takes effect. Any missed calls while driving may represent a transfer of business rather than a loss of business to that business sector.

⁹ The 17.8 percent reduction was based on an in-house analysis carried out by the Ministry which consisted data from police reported crashes involving mobile phones, related surveys and potential crash risk and estimated savings.

Analysis undertaken by the former Land Transport Safety Authority in 2003 estimated that around 20 to 30 percent of businesses already had hands-free devices fitted. It would be reasonable to assume that since this analysis was undertaken there has been an increase in the uptake of this type of technology. It should also be noted that many businesses would have safe driving policies in place which provide for the use of hands-free kits for staff who regularly use their mobile phone, and some will have policies disallowing the use of mobile phones when driving.

The Ministry of Transport has estimated that between 6-14 percent¹⁰ of those who use their mobile phones while driving will switch to using a hands-free device. This would mean that the cost of purchasing hands-free devices would be between \$6 and \$14 million. This estimate is for all users not just business users.

This proposal will require funding to publicise the regulatory change. The cost of developing and implementing an awareness raising campaign will not exceed \$200,000. The NZTA will meet this cost through its 2009/10 advertising budget. A high level of media interest and comment is expected, which will support the implementation of the Rule.

The enforcement costs associated with banning the use of hand-held mobile phones (e.g. infringement fee processing and collection costs) is estimated to be \$850,000 in the first year and \$720,000 over the following two years. However, enforcing a ban on hand-held mobile phone use would simply be another law enforcement priority for police and would be absorbed within current resource levels.

Based on the costs discussed – advertising, enforcement, and the purchasing of hands-free kits – the costs of the proposal are summarised in Table 3. The high cost scenario relates to a total cost of \$14m on hands-free devices, where as the low cost scenario relates to the \$6m cost.

Table 3: Estimated total cost of the proposed hands-held ban (2008\$, real terms)

Year	2010	2011	2012	2013	2014
High	\$15.25m	\$0.72m	\$0.72m	\$0.72m	\$0.72m
Low	\$7.25m	\$0.72m	\$0.72m	\$0.72m	\$0.72m

Risks

A ban on the use of hand-held mobile phones while driving could be ineffective and drivers might continue this practice, despite it being illegal. However, international research shows that where a ban has been well enforced and been supported with publicity the number of people using hand-held mobile phones while driving has reduced. There is a risk that banning hand-held mobile phone use could reinforce the mistaken belief that hands-free devices are low risk and therefore provide a false sense of security that

¹⁰ This estimate is based on the results of a survey taken in Washington DC after a hand-held mobile phone ban was introduced and the results of a 2003 Colmar Brunton mobile phone use survey.

they are safe within the driving environment. In order to maintain this risk education messages will need to reinforce the message that there are risks associated with the use of all mobile phone devices while driving.

The safety benefit of a hand-held mobile phone ban largely depends on how many people choose to stop using a mobile phone while driving, whether texting, using a hand-held device or using a hands-free device. It is expected that there will be a degree of non-compliance with a hands-held ban; Australian experience for example suggests a non-compliance level of around 30 percent. In addition a number of vehicles, private or business related already have hands-free devices fitted, and the Ministry of Transport estimates that between 6-14 percent¹¹ of those who currently use a hand-held device will switch to a hands-free device.

Net benefit

Based on the above safety benefit estimates and the costs of the proposal, the benefit cost ratio is estimated to be between 1.3 and 3.3.

Table 4: Estimated benefit to cost ratio under different scenarios

	High benefit	Low benefit
High cost	1.7	1.3
Low cost	3.3	2.5

On balance, this proposal is the preferred option because it addresses the growing number of serious crashes, and increased risk, associated with using a mobile phone while driving, while maintaining the benefits that the use of mobile phones bring.

Impact on existing regulation

The banning of the use of hand held mobile phones requires an amendment to Land Transport Rule: Road User 2004. Offences and penalties regulations will need to be updated in order to reflect the fine and demerit points associated with the new offence.

Implementation and review – ban on hand-held mobile phones

As referred to earlier, implementation will include a raising awareness campaign. The ban would be enforced through the issuing of infringement notices (instant fines) and demerit points. The proposed penalty for breaching the ban is an \$80 fine and 20 demerit points. This would not prevent police continuing to prosecute drivers for careless driving, caused by using a mobile phone when the observed behaviour warrants this.

This would be reviewed as part of the Ministry of Transport’s normal process of reviewing rules.

¹¹ This estimate is based on the results of a survey taken in Washington D.C. after a hand-held mobile phone ban was introduced and the results of a 2003 Colmar Brunton mobile phone use survey.

Consultation – ban on the use of hand-held mobile phones

Of the 95 submissions received on this Rule, 53 specifically discussed the proposal to ban the use of hand-held mobile phones while driving. The submissions to discuss this proposal, including submissions from the NZ Automobile Association and NZ Police, were unanimously (at least in principal) in favour of a ban on the use of hand-held mobile phones while driving. However, some of these submissions disagreed with the initial wording of the amendment, and some submitters argued that the use of hands-free mobile phones should also be banned.

A number of submissions argued that banning the “use” of hand-held mobile phones would be difficult to enforce. Many of these submitters argued that “using” needs to include “holding” by the driver. The NZ Police suggest that prima facie use could be defined as “holding, manipulating or using the device in circumstances that show prima facie use, or intention to use that device, without requiring actual proof of a call or text.” The proposed Rule has been drafted to ensure prima facie use will be sufficient to warrant that an offence has been committed.

Fourteen submissions suggested the use of hands-free mobile phones should also be banned. The submitters of this view were predominantly private individuals and academics. However a number of submitters, including the Motor Trade Association and Federated farmers, support the exemption of hands-free mobile phones. The proposed Rule allows the use of hands-free phones, as to prohibit their use would be costly to businesses and the economy, but will be accompanied by an advertising campaign that notes the dangers associated with all driver distractions.

Many submitters emphasised the importance of the education measures that it is proposed accompany the introduction of a ban on the use of hand-held mobile phones. A common theme among submitters was that education initiatives need to address any incorrect understanding that may exist that the use of hands-free mobile phones is safe.

There are many indications there is broad public support for the banning of hand-held mobile phones. In a recent NZ Automobile Association poll 76 percent of its members supported a ban on the use of hand-held mobile phones. A recent Research New Zealand poll revealed 86 percent public support for a ban on the use of hand-held mobile phones while driving.

Status quo and problem – motorcycles and mopeds

Currently, the drivers of mopeds and motorcycles are required to operate headlights during the hours of darkness.

Motorcycle casualties (fatalities, serious injuries and minor injuries) have increased by almost 95 percent since 2001. Although some increase in the number of casualties can be expected as a result of the nearly 50 percent increase in licensed motorcycles over the same period, it is concerning that the increase is so large. Furthermore, the cost of fuel has risen, and is likely to remain high, so motorcycle ownership and use is likely to increase further.

Table 1: Multi-vehicle crashes involving motorcycles during daylight hours

	Fatal	Serious	Minor	Social cost \$m (2008 prices)
2006	24	211	411	\$ 231.2
2007	23	239	582	\$ 254.9
2008	23	224	605	\$ 247.5

With increasing motorcycles ownership and use, the annual social cost of injuries resulting from multi-vehicle crashes involving motorcycles during daylight under the Status Quo is estimated to increase from \$247.5m to \$344m over the next five years to 2014.

A case control study on motorcycle rider visibility carried out in New Zealand and published in 2004, found that three quarters of motorcycle riders operate headlights during the day.

Objectives – motorcycles and mopeds

Increase the visibility of motorcycles and mopeds.

Alternative options – motorcycles and mopeds

Continuing with the status quo

This option would mean the operation of headlights or daytime running lights by the riders of motorcycles or mopeds would remain voluntary. It would fail to address the high number of serious injury and fatality crashes involving motorcycles and mopeds, which result from lack of visibility.

Advertising campaign to increase driver awareness

This option would involve an ongoing advertising campaign aimed at making motorcycle and moped riders aware of the benefits of making themselves as visible as possible.

It is reasonable to consider that such an approach would not be as effective in increasing headlight or daytime running light use as a legislative approach. An ongoing advertising campaign is likely to be costly to develop and run.

Preferred option – require motorbikes and mopeds to use lights all the time

Require the drivers of mopeds and motorcycles manufactured after 1980 to use lights at all times. This rule will improve the visibility of this cohort of motorbikes and mopeds. Eight percent of the fleet are manufactured pre 1980 and will be exempt from the requirement.

To assess the benefits and costs of this proposal the following assumptions were used:

- Motorcycle use and travel will increase by 5 percent per annum
- The level of voluntary DRL/headlamps use during daylight is 75 percent
- 10 percent of the motorcycle fleet (pre-1980 vehicles) will be exempted from the requirement
- The rule will reduce the risk of accidents for the vehicles which the rule applies by 7 percent¹²

Benefits

We estimated that the rule would reduce the social cost associated with motorcycle/moped crashes would be reduced by around 1.7 percent¹³ under the proposal. This is equivalent to a reduction of one fatality and thirty-eight injuries every three years (or 0.3 fatality and 12 injuries per year).

Table 4 summarises the estimated benefits expressed in dollar terms from the compulsory use of lights for motorcycles and mopeds. The total benefits over the five years to 2014 is estimated at \$20.6 million at present value (at a discount rate 8% p.a. real).

Table 4: Social cost of injuries resulting from multi-vehicle crashes involving motorcycles during daylight (\$m June 2008 prices)

	Status Quo \$m	Estimated safety benefits of the proposal \$m
2010	\$283.1	\$4.7
2011	\$297.2	\$4.9
2012	\$312.1	\$5.2
2013	\$327.7	\$5.4
2014	\$344.1	\$5.7
2015	\$361.3	\$6.0
2016	\$379.3	\$6.3
2017	\$398.3	\$6.6
2018	\$418.2	\$7.0
2019	\$439.1	\$7.3

Costs

The operation of a mopeds or motorcycles headlights or daytime running lights results in a slight increase in fuel consumption. The annual total increase in fuel consumption would vary between 21,000 and 62,000 litres (at a factor cost between \$20,000 and \$60,000) per year. These increases can be translated into an increase in CO₂ emission of between 47 and 141 tonnes (at a social cost between \$1,900 and \$5,700) per year.

¹² This figure is based on an average of the results of 5 international studies – Hentlass (1992), Elvik et al (2003), Paine et al (2004), Paine et al (2004), Welles et al (2004).

¹³ The overall reduction is quite small since the majority of riders are already using headlamps during daylight, and the rule will apply to a limited portion of the fleet.

Some motorcyclists may choose to retrofit daytime running lights as a result of this proposed requirement. However, as this is an expensive option officials estimate that few riders will opt for this option given the cost.

An increase in the use of lights will result in increased costs associated with light bulb replacement. This increase is expected to cost motorcycle and moped riders as a group \$63,500 per annum.

Officials estimate there will be a one off cost of \$20,000 for a public awareness campaign to support the Rule. This will be met through baseline funding.

There will be minimal cost to Police in relation to enforcement (as with any new offence this is an opportunity cost), largely through the processing of additional traffic notices. This will be met through baseline funding.

Benefit cost ratio

Based on the information summarised above, the estimated benefit to cost ratio is 9.3:1. This means the benefit of the proposal is 9.3 times the total cost of the proposal.

How does this initiative fit with the larger package of motorcycle safety initiatives?

The majority of motorcycle initiatives approved by the previous government in March 2008 have been incorporated into the *Safer Journeys: Road Safety to 2020 strategy*. Motorcycle safety has been designated a high priority under this strategy due to the fact that it is one of the areas that is likely to offer some of the largest potential gains in road safety over the period 2010–2020 and a significant change in policy direction is required to reverse current trends.

A number of initiatives are being examined to improve motorcycle safety as part of *Safer Journeys: Road Safety to 2020 strategy*, these are based around four main areas (the rider, other motorists, the motorcycle, and the road environment). They include improve rider training and licensing, promoting high visibility and protective clothing, requiring bikes to have anti-lock braking systems and creating a more forgiving roadside.

Implementation and review

Impact on existing regulation

An amendment to Land Transport Rule: Road User 2004 is required. Offences and penalties regulations will need to be updated in order to reflect the fine associated with failing to meet the new requirement.

The penalty for failing to operate daytime running lights or the vehicle's headlights during the day would be the same as for the failure to operate headlights during the hours of darkness, which is a \$150 instant fine.

This requirement will be reviewed as part of the Ministry of Transport's normal process of reviewing rules.

Consultation

The proposed requirement for mopeds and motor cycle drivers to operate their headlights during the day received 57 submissions. A large majority of submitters noted that older motor cycles and mopeds do not have the battery capacity to run headlights for extended periods. As a result the proposed Rule has been redrafted to only apply to motorcycles/mopeds manufactured after 1980. Many motorcycles riders and motorcycle clubs, comprising approximately 50 percent of submitters, opposed the requirement to operate daytime running lights on the grounds that motorcyclists and moped riders get hit as a result of other motorist's inattention. These submitters argued that it should not be motorcyclists' responsibility to increase their visibility, and that the proposed Rule encourages inattention from other motorists.

Problem, Status quo and preferred option for the minor changes contained in the proposed Rule

The 17 minor changes in the proposed Rule are:

- Set a maximum distance in which a driver can drive a vehicle in a special vehicle lane not reserved for a vehicle of that class
- Permit cyclists to make a 'hook turn'. Refer to Attachment A for a detailed description of a 'hook turn'
- Allow road controlling authorities to authorise use of a motor vehicle on a footpath by mail delivery people, in certain circumstances
- Clarify signalling requirements at roundabouts for cyclists
- Clarify giving way requirements on a road where on direction has a priority
- Clarify give way rules at traffic signals
- Set a maximum speed for towing a vehicle with a non-rigid towing connection
- Set a maximum speed for mopeds
- Clarify legislation regarding parking vehicles off the roadway
- Clarify the conflict between the current Road User Rule and the Land Transport Rule: Traffic Control Devices regarding marking areas where parking is restricted
- Clarify the obligations of bus drivers in relation to seat belt wearing by passengers
- Clarify the requirement for light trailers to have safety chain attached, if one is fitted
- Clarify the responsibilities of a taxi driver who's vehicle is fitted with child safety locks
- Allow Customs and Fisheries offices to operation of blue beacons on their official vehicles
- Reduce requirements for passenger service vehicles (e.g. busses) at level crossings

- Clarify rules for drivers approaching a pedestrian crossing
- Clarify rules for use of shared pedestrian/cycle paths

These Rules are explained in the following table.

Table of Status Quo and Costs and Benefits of Preferred Option (for the 17 minor changes)

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
<p>Set a maximum distance, 50m, in which a driver can drive a vehicle in a special vehicle lane not reserved for a vehicle of that class. For example, a car that is driven in a bus lane in order to make a turn or leave the road.</p> <p>This provision is most likely to be enforced by Road Controlling Authorities rather than police. Most already have in place a distance requirement, at variance with the existing Rule.</p>	<p>Some drivers are driving in vehicle lanes they are not permitted to be in for extended periods, causing disruption to the flow of traffic.</p> <p>Current legislation lacks objectivity, therefore, compliance is decreased and enforcement made more difficult.</p> <p>There is a conflict between the current provisions in the Road User Rule and some road controlling authorities</p>	<p>No maximum distance is specified. The driver “must keep his or her use of the lane to the minimum necessary in order to complete his or her manoeuvre.”</p> <p>Currently, some road controlling authorities have specified, through bylaws, a maximum distance of 50m.</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to educate the public of this change and update reference materials. • Police will need to communicate this new limit to frontline staff and change precedent code. 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • A maximum distance provides greater clarity for drivers. <p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Assist enforcement officers at the roadside. • Removes conflict between Road Controlling Authority bylaws and Road User Rule

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
	bylaws.			
<p>Cyclists be allowed, in the interests of safety, to make a 'hook turn' at intersections unless specifically prohibited. For a detailed description of a 'hook turn' and diagram refer to Attachment A1.</p>	<p>There is a safety risk from a rule which disallows cyclists to make a 'hook turn' at intersections.</p>	<p>Cyclists are not permitted to make a 'hook turn'.</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to educate the public of this change and update reference materials. • Guidelines to indicate conditions under which 'hook turns' should be prohibited will be developed by NZTA (one-off cost to be met by NZ Transport Agency baseline funding – estimated \$2,000) • Signage to prohibit hook turns where necessary (ongoing cost to be met by local authorities baseline funding). The cost and installation of such a sign is estimated 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Improved safety for this vulnerable group of road users (cyclists).

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
			to be approximately \$400. It is anticipated that five signs may be required.	
<p>Permit a person who is delivering newspapers, mail, or printed material to letterboxes to operate a moped or motorcycle on a footpath when the road controlling authority has authorised the use of the footpath for this purpose.</p>	<p>In areas of low housing density, and where there is little pedestrian traffic on the footpath, postal delivery people are unable to operate a moped or motorcycle on the footpath. This decreases the efficiency of delivery services.</p>	<p>A person is allowed to ride a cycle on the footpath in the course of delivering newspapers, mail or printed materials. The rule specifically bans a driver from driving a motor vehicle along a footpath and so prevents postal and other workers from riding mopeds or motorcycles on a footpath when making such deliveries.</p>	<p><i>Cost to industry</i></p> <ul style="list-style-type: none"> • Administration costs associated with applying to local authorities for permission to operate mopeds or motorcycles on the footpath in certain circumstances for delivery purposes. <p><i>Cost to society</i></p> <ul style="list-style-type: none"> • Pedestrians may be disrupted by having to share this space with mail delivery people on mopeds or motorcycles, which could result in a safety risk. 	<p><i>Benefit to industry</i></p> <ul style="list-style-type: none"> • With the development of low density housing, particularly on the periphery of urban areas, and changes in the type of mail being handles (more small parcels) it has become increasingly more difficult to deliver mail by traditional methods of walking or cycling. • Allowing delivery people

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
				to operate mopeds or motorcycles increases efficiency and profitability of their business.
Provide an exception from arm signalling requirements for cyclists at roundabouts where signalling is not practicable.	Cyclists are legally required to perform an act (signal continuously through a roundabout) that is not always safe /practicable.	There is no exception for cyclists where arm signalling is not practicable at roundabouts. Currently a cyclist intending to leave more than half way round the roundabout must signal a right turn before they enter and continue signalling until they leave the roundabout.	<i>Cost to government</i> <ul style="list-style-type: none"> • NZTA will need to educate the public of this change and update reference materials. • Police will need to communicate this new limit to frontline staff. 	<i>Benefit to society</i> <ul style="list-style-type: none"> • Improved safety for this vulnerable group of road users (cyclists).
That drivers approaching a section of road suitable for travel in only one direction, and controlled by a	There has been an oversight in the legislation; it is not clearly stated that drivers are required to	The current Rule about giving way requires drivers approaching or entering an <u>intersection</u> on a roadway where a give way sign is installed	<i>Cost to government</i> <ul style="list-style-type: none"> • Police will need to communicate this legislation change to frontline staff and add precedent 	<i>Benefit to society</i> <ul style="list-style-type: none"> • Clarifies rights and responsibilities of drivers approaching a

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
one way give way sign at or near the section of road, be required to give way to vehicles within or approaching that section of road as indicated by the sign.	<p>adhere to give way signs that are not posted at intersections.</p> <p>The potential exists for dangerous driving that causes a crash to go unpunished.</p>	to give way to any vehicles approaching or crossing the <u>intersection</u> . This does not apply to other give way signs, for example a give way sign on a one-way bridge, which are not installed at an intersection. Although, the Rule provides a general duty on drivers to comply with traffic control devices, this is not enforceable as an offence under the Land Transport (Offences and Penalties) Regulations 1999.	code.	<p>section of road suitable for travel in only one direction, and controlled by a one way give way sign.</p> <p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Clarifies give way rules at sections of road suitable for travel in only one direction, and controlled by a one way give way sign.
Make it clear that if two drivers travelling in opposite directions each have a green signal to proceed, the driver required to give way if the intersection was not controlled by traffic	Police have had some challenges to tickets issued under the existing rule although the general population is clear on their obligations. The initial construction	There is a potential conflict between clause 3.2(3) of the Rule, which states "If 2 drivers travelling in opposite directions each have a green signal to proceed and this clause does not specify who must give way, the driver required	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to update reference materials. • Police will need to communicate this legislative clarification to frontline staff and 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Clarifies the rights and responsibilities of drivers at traffic lights, improving road safety. <p><i>Benefit to</i></p>

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
<p>lights has to give way accordingly.</p> <p>This will require minor changes to the wording of relevant clauses within Parts 3 and 4 to clarify the give-way rules at traffic signals.</p>	<p>of the rule was not as clear as it could be and created the possibility of such legal challenges.</p>	<p>by Part 4 to give way must give way accordingly” and clause 4.3 of the Rule, which says that clauses 4.1 and 4.2 do not apply at an intersection while it is controlled by traffic lights.</p> <p>There appears to be confusion about the Rules applying to traffic signals when two vehicles on conflicting paths both have a green disc signal displayed.</p>	<p>change precedent codes.</p>	<p><i>government</i></p> <ul style="list-style-type: none"> • Assists police to enforce give way rules at traffic lights.
<p>Set a maximum speed of 50 km/h for towing a vehicle normally propelled by mechanical power with a non-rigid towing connection (i.e ‘tow rope’), unless a lower speed limit applies.</p>	<p>Non-rigid towing systems/tow ropes provide only limited lateral control of a towed vehicle and do not transmit any breaking forces from the towing vehicle to the towed vehicle.</p>	<p>No maximum speed is set for towing a vehicle normally propelled by mechanical power with a non-rigid towing connection.</p>	<p><i>Cost to industry</i></p> <ul style="list-style-type: none"> • The Motor Trade Association has advised that trade will normally use a recovery vehicle or rigid towing connection to transport a vehicle usually propelled by mechanical 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Enhances road safety. Non-rigid towing systems provide only limited lateral control of the towed vehicle and do not transmit any breaking forces

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
<p>This proposal responds to a coroner's recommendation.</p> <p>It is proposed to insert a definition of the term 'non-rigid towing system' in 6(1) of the Rule.</p>	<p>The driver of the towed vehicle must react to the behaviour of the driver of the towing vehicle and to what can be seen of the road ahead of the towing vehicle.</p> <p>The typical time for a person to see and react is about 0.5 seconds. Travelling at 50km/h, a vehicle travels a distance of 7 meters in 0.5 seconds, and this is less than the length of a typical flexible tow system. Any speed above 50 km/h significantly</p>	<p>The term 'non-rigid' towing system is not currently defined.</p>	<p>power. This requirement should not impact on the towing industry.</p> <p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to update reference materials. • Police will need to communicate this to frontline staff and change precedent codes. 	<p>from the towing vehicle to the towed vehicle.</p>

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
	<p>increases the risk that the driver of the towed vehicle would not be able to react in time to avoid colliding with the towing vehicle, with uncertain and potentially serious outcomes on the drivers involved or other road users in the vicinity.</p>			
<p>Provide that a driver must not operate a vehicle registered as a moped at a speed in excess of 50km/h.</p>	<p>Some motorbikes can be classified as a moped to avoid vehicle licensing and driver licensing requirements which impact on the safe operation of these vehicles.</p>	<p>The rider of a moped is not required to hold a motorcycle licence because of the limited power output of a moped and its speed of operation under normal conditions of use. However, the way mopeds are defined makes it difficult to determine in some cases whether a vehicle should be registered as a moped</p>	<p><i>Cost to society</i></p> <ul style="list-style-type: none"> • More people will be required to obtain motorcycle (Class 6) driver licences. • More people will be required to pay the vehicle licensing fees for motorcycles. <p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Increased road safety, as more riders of motorcycles will be properly trained. <p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Increase in vehicle licensing revenue

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
		<p>or a motorcycle. In some cases vehicles are registered as mopeds when they are outside the definition of such a vehicle or they are subsequently modified so their power output or speed exceeds the values for a moped.</p> <p>If a motorcycle has an engine with enough power to travel in excess of 50 km/h then it does not fit the criteria of a moped.</p>	<p>update reference materials.</p> <ul style="list-style-type: none"> • Police will need to communicate this to frontline staff and change precedent codes. 	<p>(including fuller collection of ACC levies), as less motorcycle owners will be able to incorrectly licence their motorcycle as a moped.</p> <ul style="list-style-type: none"> • Increase in driver licensing revenue, as less people will be able to ride motorcycles without a motorcycle (Class 6) licence.
<p>Reinstate the first limb of the former regulation 35(1)(c) of the Traffic Regulations 1976, which provided that no person, being the driver or in</p>	<p>Parking enforcement officers are not empowered to issue infringements to drivers who drive a motor vehicle</p>	<p>At present drivers “must not drive a motor vehicle on a lawn, garden or other cultivation adjacent to, or forming part of the road”. Parking enforcement officers are not empowered to enforce</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to communicate this reinstatement to local councils. • Police will need to communicate this 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Clarifies parking legislation. <p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Clarifies parking legislation,

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
charge of any vehicle, shall stop, stand, or park the vehicle so as to cause or be likely to cause damage to ornamental grass plots, shrubs, or flower beds laid out or planted on the road, or contrary to any bylaw of the controlling authority.	“on a lawn, garden or other cultivation adjacent to, or forming part of the road”.	this Rule and would be obliged to rely on an extensive array of traffic signs at frequent intervals to enable enforcement.	to frontline staff and change precedent codes.	allowing easier enforcement.
Amend the Rule by defining Land transport Rule: Traffic Control Devices 2004 as the means by which a road controlling authority must mark or sign parking restrictions or limitations. The purpose of this proposal is to avoid	The current Road User Rule requirements could become in conflict with the requirements described in the Land Transport Rule: Traffic Control Devices.	Land Transport Rule: Traffic control devices 2004 sets out how road controlling authorities define restrictions placed on parking by notices, signs or markings.	<i>Cost to government</i> <ul style="list-style-type: none"> • NZTA will need to communicate this change to local councils. • Police will need to change precedent codes. 	<i>Benefit to society</i> <ul style="list-style-type: none"> • Clarifies parking legislation. <i>Benefit to government</i> <ul style="list-style-type: none"> • Clarifies parking legislation, allowing easier enforcement.

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
any unnecessary duplication or potential confusion between this Rule and the Land Transport (Road User) Rule 2004.				
<p>Clarify that bus drivers are exempt from the responsibility to ensure that passengers are restrained.</p> <p>This change is intended to clarify the existing provisions. The bus driver's job is to safely operate the vehicle and they cannot ensure that seatbelts are worn, where fitted.</p>	<p>Currently, the construct of the wording of the Rule leaves some doubt about the duty of bus drivers with regards to ensuring passengers under the age of 15 years old wear seatbelts.</p>	<p>The duties of bus drivers in relation to ensuring child restraints and seatbelts are not clearly specified.</p> <p>It is unrealistic to make the driver responsible for their passengers' wearing of seatbelts / restraints.</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • Nil. 	<p><i>Benefit to industry</i></p> <ul style="list-style-type: none"> • Protects bus drivers from being responsible to ensure passengers are restrained, which they cannot be reasonably expected to be responsible for. • Clarifies the intention which is that bus drivers were never intended to be subject to this

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option requirement.
<p>Amend the Rule to ensure that safety chains or safety cables are connected, if fitted, when a light trailer is attached to and towed by a towing vehicle.</p>	<p>The current requirement that a trailer be “safely and securely attached by an adequate coupling” is not sufficient to ensure the safety chain on a light trailer would also be attached. In light of a number of safety related issues that have arisen, the NZ Transport Agency believes there is a need to amend the Rule.</p>	<p>The requirement currently is that the trailer be “safely and securely attached by an adequate coupling”.</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to update reference materials. • Police will need to communicate this change to frontline staff. 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Increased road safety. <p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Clarifies requirements, allowing easier enforcement.
<p>Require small passenger service vehicles (taxis) fitted with child safety locks to display a sign approved by the NZ</p>	<p>Concerns from taxi drivers who attempt to ensure specific passengers remain safe. However, there</p>	<p>Currently, if a taxi has child safety locks, which are not disabled, then they must apply to the NZ Transport Agency for an exemption and display signs on the exterior of</p>	<p><i>Cost to industry</i></p> <ul style="list-style-type: none"> • This proposal will actually decrease compliance costs. The required signs will already be 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Improves personal security by ensuring that passengers are

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
<p>Transport Agency at the outer door handle. The child safety lock may only be used when requested by the affected passenger or a person who is responsible for the well-being of the affected passenger. For example, the parent / caregiver of an intellectually disabled person.</p>	<p>was public complaint about the use of child locks when not required and the personal safety fears of some passengers. The current rules led to taxi proprietors removing child safety locks to the detriment of safety.</p>	<p>the vehicle to make passengers aware that the vehicle has child safety locks.</p>	<p>fitted, but the proposal removes the administration costs associated with applying for an exemption.</p>	<p>in control of when they choose to exit a taxi.</p> <ul style="list-style-type: none"> • Ensures that child safety locks are retained but are only used at the request of the passenger or a person who has responsibility for the passenger. <p><i>Benefit to industry</i></p> <ul style="list-style-type: none"> • The removal of the compliance costs associated with applying for an exemption.
<p>Customs officers, Fisheries officers and Fisheries Rangers are entitled to have blue beacons</p>	<p>Customs officers, fisheries officers and fisheries rangers efforts to signal drivers to pull over and stop</p>	<p>Customs officers, fisheries officers and fisheries rangers have statutory powers to require drivers to stop. However, they currently</p>	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • Fitting blue beacons to customs officers, fisheries officers, and fisheries 	<p><i>Benefit to government</i></p> <ul style="list-style-type: none"> • Displaying a blue beacon would provide a clear signal that

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
installed on vehicles they use in their official duties.	are hampered by their inability to clearly signal not only their intention but to demonstrate their legal power to require the driver to stop.	are not permitted to install and operate beacons on their vehicles.	<p>rangers vehicles. This cost will be met from within the baseline funding of the respective departments.</p> <ul style="list-style-type: none"> • This proposed amendment will not require the fitting of blue beacons, but will allow the fitting and operation of blue beacons. • NZTA will need to update reference materials. 	the enforcement official concerned (Customs officers, fisheries officers and fisheries rangers) have the power to require a driver to stop a vehicle.
Amend current exemptions, held by passenger service vehicles (other than taxis), to exempt such vehicles from the requirement to stop before every level crossing to include level crossings where red or flashing red	Currently drivers of buses and some dangerous goods (mainly explosives) are required to stop even through a level crossing is equipped with flashing signals. Other drivers do not expect	Heavy passenger service vehicles (busses) are required to come to a complete stop at every rail level crossing, unless it is controlled by barrier arms. Where the level crossing is controlled by red or red flashing signals these vehicles must come to a complete stop.	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to communicate this change to the industry and update reference materials. • NZ Police will need to educate frontline staff of the relaxing of requirements for 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Improved road safety and traffic flow efficiency. <p><i>Benefit to industry</i></p> <ul style="list-style-type: none"> • Improved safety and efficiency of services, due to the relaxing of regulation.

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
signals have been installed.	vehicle to stop in such situations leading to dangerous overtaking or rear end incidents.	<p>This requirement also delays the flow of traffic.</p> <p>This requirement, specifically for heavy passenger service vehicles, was imposed prior to 1950. The perceived risk of multiple fatalities/injuries from a collision between a bus and a train was considered sufficient to require bus drivers to stop and ensure the way is clear before proceeding across the railway track. At that time there was also a speed limit of 15 mph across the tracks for all other vehicles so the potential conflict between them and a stopped vehicle was not as great.</p>	heavy passenger service vehicles.	<ul style="list-style-type: none"> • Drivers are no longer faced with the decision to stop their vehicle and risk causing confusion or to break the law by not coming to a complete stop when it is very clear that such an action is not necessary.
Amend the Rule to require drivers to give way to	While most drivers do stop when a	Drivers are only required to give way to pedestrians that are <u>on</u> a pedestrian	<i>Cost to government</i> <ul style="list-style-type: none"> • Road controlling 	<i>Benefit to society</i> <ul style="list-style-type: none"> • Increased

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
pedestrians who are obviously waiting to cross at a pedestrian crossing.	pedestrian has clearly indicated they intend to cross, those most in need of priority, the young and elderly are less likely to be assertive and consequently do not receive due priority.	crossing.	<p>authorities may have to review visibility and lighting requirements at some existing pedestrian crossings. Other physical changes, such as extending kerbs, may also need to be made. These costs will be met through existing funding.</p> <ul style="list-style-type: none"> • NZTA will need to communicate this change to the public and update reference materials. 	safety for pedestrians.
Amend the Rule with regards to shared pedestrian/cycle paths to require: (1) a general duty of care be imposed on	Many road controlling authorities are installing shared paths (either constructing new facilities or	The current Rules do not easily apply to shared pedestrian/cycle paths that are now being installed.	<p><i>Cost to government</i></p> <ul style="list-style-type: none"> • NZTA will need to update reference materials. • NZ Police will need to educate frontline 	<p><i>Benefit to society</i></p> <ul style="list-style-type: none"> • Clarifies the rights and responsibilities for users of shared cycle / pedestrian

Preferred option	Problem definition	Status quo	Costs of preferred option	Benefits of preferred option
<p>all users of shared pedestrian and cycle paths to use the paths in a careful and considerate manner that does not present a hazard to other users; (2) that, where a priority is indicated by signs or markings, to either pedestrian or cyclist the cyclist or pedestrian (including riders of wheeled recreational devices or mobility devices) respectively must give way. The class of user with priority must not unreasonably impede other users.</p>	<p>changing existing footpaths or cycle paths into shared paths). The range of wheeled recreational devices and number of mobility devices which might also use these facilities is also growing. There was seen to be a need to define some common rules for sharing use of the facilities among the users.</p>		<p>staff about this change.</p>	<p>paths, increasing the safety of all users.</p>

Further explanation regarding the cost descriptor 'NZTA will need to update reference materials'

Nearly all of the changes using this cost descriptor will include amendment to the Road Code, NZTA Fact Sheets the NZTA website and may include changes to driver licence questionnaires. Each year the NZTA is required to amend content of these documents due to changes to rules and the need to update or edit text which requires clarification. The cost of making changes to the Road Code and NZTA factsheets is from the sale price of the Road code or Driver licence test fees respectively.

The cost of updating the NZTA website is an on-going cost that is met through baseline funding.

Where notification to industry and road controlling authorities is required this is a matter of drafting letters which outline the changes that are to take effect and the impact they may have on various sectors. These would cover some or all of the changes depending on the audience.

Further explanation regarding the cost descriptor 'NZ Police will need to educate frontline staff and change precedent codes'

The cost of changing precedent codes is an ongoing charge for any change to transport legislation. This is likely to cost in the order of \$100 to \$400 per offence.

Education of front line police is largely through internal circular circulation.

The following 6 technical changes are also included in the proposed Rule:

- Clarify the definitions of “child safety lock”, “daytime running lamp”, “headlamp”, “small passenger service vehicle”, “towing connection”, and “urban traffic area”. These terms are currently not defined or are inaccurately defined in some cases.
- Clarify that a bus is permitted to stop at a bus stop. The Land Transport Rule: Road User 2004 currently prohibits any person from stopping, standing or parking a vehicle within 6m of a bus stop sign. There is no exception of buses, which are also vehicles, to allow them to stop at a bus stop.
- Clarify the requirement to wear a seatbelt properly. The law currently states that a person must “wear the seat belt and must ensure it is securely fastened”. Police have been concerned about the number of people they have observed not wearing their seat belt properly (for example with the diagonal belt under, rather than over the shoulder) yet the belt has been securely fastened.
- Remove the outmoded reference to “a commissioned officer of the police” and substitute the words “a constable who is of or above the level of position of inspector”.
- Place on riders of mobility devices and wheeled recreational devices, the same obligations as for pedestrians and provide for them to enter the intersection at the same time as pedestrians. Therefore these riders have the same priority as pedestrians when they are legally crossing the road. The Rule currently assumes that only pedestrians will cross the roadway from the footpath.
- Require stopping places or stands for any class or classes of vehicles parking to be marked only if practicable. The Rule requires a place where a road controlling authority has limited stopping or standing to a specific class or classes of vehicle to be marked (as well as having appropriate signs). Although most of these places are able to be marked, and will be marked, there are some sites where a road controlling authority will not be able to comply with this requirement.

The 17 minor and six technical proposals in the proposed Rule will not require any additional funding from government.

The total cost of the 23 minor and technical proposals in the Road User Rule is estimated to be between 37,000 and 75,000, which will be met through baseline funding. This includes the costs of updating the reference material, updating the road code, publicity, police communicating changes to frontline staff, and police updating precedent codes.

Objectives – minor and technical provisions

The objective of the proposed minor and technical changes is to increase road safety and/or clarify existing requirements, to increase compliance, or improve traffic efficiency.

Implementation and Review

The proposed Rule will come into effect in early September 2009, assuming it is signed in early August as planned. The ban on the use of hand-held mobile phones and the requirement for motorcycles to operate lights during the day will not come into effect until 1 November. This will give retailers time to order in stocks of hands-free kits, businesses and members of the public time to purchase and install hands free kits, and the NZ Transport Agency time to inform the public of the law change. Although other provisions will come into effect one month after the Rule is signed, for some of the new requirements, there will be a period where enforcement action will involve a period of education and awareness. This will allow NZ Transport Agency time to ensure the industry and public are aware of the new requirements.

A communication strategy has been developed by the NZ Transport Agency to inform the public and industry of the changes contained in the proposed Rule. NZ Transport Agency will revise reference material such as fact sheets and website information accordingly.

The proposed Rule will become part of the Ministry of Transport's ongoing process of reviewing rules.

Consultation

Stakeholder Consultation

The consultation draft of this Rule was released in September 2008 for public consultation and was publicised in accordance with section 161(2) of the Land Transport Act 1998.

Ninety-five submissions were received on the consultation draft of the proposed Rule, including those from key stakeholders, industry groups and central and local government agencies.

The use of footpaths for postal delivery

The proposal in the consultation draft regarding the use of the footpaths by postal workers on motorcycles/mopeds was that this could occur in 70 Km/h zones. The views expressed during consultation were widely varied but consistent in concerns about the practicality and safety of this proposal. As a result the proposal was withdrawn and replaced with the provision that the road controlling authority may authorise such use in specific circumstances.

Parking vehicles off road ways

The proposal to reinstate the first limb of the former regulation 35(1)(c) of the Traffic Regulations 1976 came about as a result of the consultation process. It was originally proposed in the consultation draft Rule that the Rule be amended to prohibit within urban areas parking on grassed areas or other cultivation forming part of the road, unless a road controlling authority indicates otherwise by signs or markings. Strong opposition from

organisations that represent private road users (NZ Automobile Association, Federation of Motoring Clubs, Motor Caravan Association and Federated Farmers) that the proposal was overly regulatory resulted in the proposal being deleted from the proposed Rule, and the proposal to reinstate the above mentioned Traffic regulations being proceeded with.

Maximum distance in which a driver can use a special vehicle lane

The proposal to set a maximum distance, 50m, in which a driver can drive a vehicle in a special vehicle lane not reserved for a vehicle of that class has been shaped by the consultation process. It was originally proposed that the distance be 100m, but consultation revealed this would be inconsistent with some local bylaws currently in place.

The other proposals in the Rule

The other proposals in the proposed Rule received majority support during the consultation process and have remained in the Rule either unchanged or with a minor amendment to their wording.

Government Departments/Agencies Consultation

Submissions were received from the NZ Police, Ministry of Fisheries, Auckland Regional Transport Authority, Auckland City Council, North Shore City Council, Hamilton City Council, Christchurch City council, and the Taupo District Council.

The right for officials who have statutory power to stop vehicles to operate blue beacons was strongly supported by the Ministry of Fisheries. The NZ Police expressed some concern about the need for those with blue beacons fitted to their vehicle to understand the rules relating to the use of the beacons. It is evident that the Ministry of Fisheries has a clear understanding of these and others should adopt similar procedures.

Government agencies consulted on the Regulatory Impact Analysis and the Cabinet paper were: Ministry of Education; New Zealand Police; Ministry of Tourism; The Treasury; Ministry of Economic Development; New Zealand Defence; Ministry of Fisheries; New Zealand Customs Service; Department of Labour; Ministry of Health and NZ Transport Agency. Their views were taken into account in the drafting of these papers. The Department of the Prime Minister and Cabinet has been informed.

Attachment A1 – ‘hook turns’ for cyclists

When vehicle volumes and operating speeds are high on multi-lane roads it is often difficult for cyclists, particularly those who are inexperienced or otherwise less able, to make a right turn at major junctions. In these circumstances, they are often required to move from the extreme left of the road to the centre across two or more lines of traffic.

In Australia, cyclists are permitted, unless there is a sign prohibiting the movement, to complete what is termed a ‘hook turn’. This allows cyclists to:

- proceed from the left-hand side of the road across part of the intersection to a point in the appropriate lane of the side road;
- either wait for a suitable gap on the through road or, where there are signals, until the signals change to green; and,
- then proceed across the intersection effectively completing a right turn.

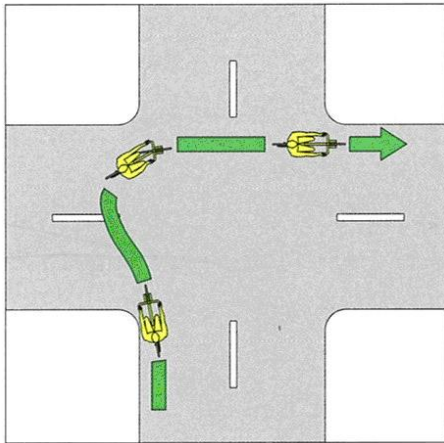


Figure 1. Cyclist completing a hook turn

(Source: Australian Road Rules, National Transport Commission)