



22 December 2021

OC210979

Hon Michael Wood
Minister of Transport

Action required by:
Monday, 7 February 2022

TACKLING UNSAFE SPEEDS – FINAL CABINET DECISIONS

Purpose

Seek your feedback on draft Cabinet papers, legislation, and related documents on the Tackling Unsafe Speeds package.

Key points

- We have made changes to the new draft Land Transport: Setting of Speed Limits Rule 2022 following public consultation (previous briefing OC210696 *Speed Management Framework – Final Policy Decisions* refers) and to address your concerns after feedback and discussion.
- Key changes include strengthening the role of Regional Transport Committees to support regional consistency of speed management plans and bringing forward the time by which all speed limits around schools meet the new requirements by two years (to 31 December 2027).
- We propose that the 'highly visible, no surprises' approach to safety cameras previously agreed by Cabinet [CAB-19-MIN-0575 refers] moves instead to a best-practice mixed approach. This will include a 'highly visible' approach, while maintaining a general deterrence 'anytime anywhere' component, through different camera types and signage approaches as appropriate.

We seek your feedback on the attached draft documents which reflect these changes, or are associated with implementing the proposals:

- Cabinet paper: Tackling Unsafe Speeds Programme – Final Policy Decisions (**Annex one**)
- Regulatory Impact Assessment (RIA): Tackling Unsafe Speeds (**Annex two**)
- Land Transport Rule: Setting of Speed Limits 2022 (**Annex three**)
- LEG paper and associated regulations: Land Transport Management (Regional Transport Committees) Regulations 2022; Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022 (**Annexes four, five, six**)
- terms of reference and job description for the Speed Management Committee (**Annexes seven and eight**)

- Pending your feedback, we will provide you with final versions of the Cabinet papers, RIA, and draft legislation (subject to ongoing minor/technical updates), with a view to submission to Cabinet for the DEV meeting of 23 March 2022 (Cabinet approval process timeline **Annex nine**).
- The draft Waka Kotahi NZ Transport Agency (Waka Kotahi) summary of submissions report from consultation on the new Land Transport Rule: Setting of Speed Limits 2022 is also provided (**Annex ten**) for your information. The report will be published on the Waka Kotahi website with the new Land Transport Rule: Setting of Speed Limits 2022 when signed.

Recommendations

We recommend you:

- 1 **provide** any feedback on the draft Cabinet papers, RIA, draft legislation, and Speed Management Committee documents attached at **Annexes one to eight** Yes / No



Robert Anderson
Manager, Mobility and Safety
 22 / 12 / 2021



Hon Michael Wood
Minister of Transport
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- Minister's office to complete:**
- Approved
 - Declined
 - Seen by Minister
 - Not seen by Minister
 - Overtaken by events

Comments

Contacts

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TACKLING UNSAFE SPEEDS – FINAL CABINET DECISIONS

We briefed you in early October 2021 on final policy decisions on the Tackling Unsafe Speeds proposals

- 1 On 1 October 2021, we briefed you on final policy decisions on the Tackling Unsafe Speeds speed management framework (briefing OC210696 refers). This focussed on key changes made following public consultation on the draft Land Transport Rule: Setting of Speed Limits 2022 (the new rule), which implements the framework.
- 2 Submissions from consultation supported the new framework overall, but three aspects got more significant feedback. These were:
 - 2.1 the role and value of the independent Speed Management Committee (SMC)
 - 2.2 Regional Transport Committees' (RTCs) role and alignment of planning and funding processes
 - 2.3 setting speed limits for roads around schools.
- 3 We consequently made changes to the framework in response to consultation feedback, as reflected in the new rule (**Annex three**). We detailed these changes in our previous briefing to you and they are further reflected in the attached Cabinet paper. We have also made various other minor and technical changes to the new rule as part of our review process.
- 4 Waka Kotahi has developed a draft summary of submissions report from consultation (**Annex ten**), providing further analysis on changes made to the new rule. The report still requires a final review prior to publication. Waka Kotahi will publish the report on its website once the new rule is signed. The report provides stakeholders with reasons for why changes have or have not been made to the new rule following consultation, to support understanding of final policy decisions.

We made changes to the Speed Management Committee's and regional transport committee's roles, and to categorising school speed limits, in response to consultation feedback

- 5 Consultation feedback questioned the value of the SMC, with views that it was unnecessary given the independent role of the Director of Land Transport (the Director). We have therefore reorientated the SMC's role to strengthen and support the Director's role. The new rule continues to provide for the SMC's own independent function of reviewing the Waka Kotahi State highway speed management plan and advice to RCAs. However, the SMC will no longer certify the State highway speed management plan, which will be done by the Director, following advice from the SMC.
- 6 The capacity, capability, and effectiveness of RTCs conducting local consultation on speed management plans (SMPs) was also questioned. This particularly related to RTCs' existing role in leading the regional land transport planning process, leading into the funding process, and speed management being added to that responsibility.
- 7 In response to this feedback, we have provided for uncoupling of both the speed management and land transport planning processes in the new rule. This will allow

Road Controlling Authorities (RCAs) to run their own earlier consultation on their part of SMPs. Consultation by RCAs would then feed into RTCs' process of formulating regional speed management plans (RSMPs).

- 8 The uncoupling option means RTCs need not engage in speed management and land transport planning processes at the same time. This addresses capacity concerns. However, RTCs would continue to support SMPs' regional consistency. Speed management and land transport planning processes would also continue to align, but with the speed management process simply occurring earlier.
- 9 Lower school speed limits were strongly supported. However, there were concerns that children in rural areas were at risk from proposed higher speed limits outside rural schools, compared to children in urban areas with lower speed limits around schools. Therefore, we have grouped schools into two categories for speed limits on roads around schools. These categories are based on local settings and risk factors applying to a school, rather than urban or rural location *per se*.
 - 9.1 **category one:** 30km/h (permanent or variable) as a default (or 40km/h if this was in place before consultation on the new rule took place, with a review for appropriateness needed for 40km/h limit once after three years)
 - 9.2 **category two:** up to and including 60 km/h (permanent or variable), with review needed once after three years, and an explanation on appropriateness in the SMP if the higher limit is retained.
- 10 We consider that the above changes would help reinforce that speed conversations and decisions should focus on locational and road user-based risk factors that apply to any given school (not simply urban or rural location).
- 11 Requiring RCAs to review any speed limits above 30km/h around schools is an extra compliance requirement. However, we do not consider that reviewing higher speed limits around schools once after three years is particularly onerous for RCAs and is an important safety check.

We met you in early November 2021 to discuss your feedback on the proposals and have made changes in response

- 12 On 4 November 2021, we met with you to discuss the above changes and other Tackling Unsafe Speeds proposals and to receive your feedback. You raised some queries which have been addressed in the new rule as appropriate, or which we have responded to below.

We have strengthened aspects of Regional Transport Committees' role in supporting regional consistency

- 13 You highlighted a key objective was to achieve as much regional integration in the speed management process as possible, and that the RTCs' role should support this. We can confirm that the new rule has been drafted so that RTCs have a central role in receiving input from RCAs to develop the RSMP, and in doing so address regional inconsistency issues.

- 14 For example, the new rule provides that if RTCs consider that there are inconsistent approaches to speed limits occurring across the region they must:
- 14.1 inform RCAs and suggest edits they could make to the information they have provided towards the RSMP
 - 14.2 make any edits RCAs provide
 - 14.3 only provide a final draft RSMP to the Director to certify after RCAs have provided all edits that RCAs, including Waka Kotahi, agree are necessary.
- 15 Further, under the new rule, RCAs that receive suggested edits from RTCs must use reasonable efforts to consider, discuss with each other, and agree the suggested or similar edits. While it is important to note that under transport legislation RCAs are the final decision makers on roads under their responsibility, the Director must be satisfied to certify the RSMP.

The speed management and land transport planning processes will continue to align

- 16 You also queried whether uncoupling speed management and land transport planning may compromise an integral part of the intended approach to align speed management and infrastructure development. Under the new rule, these processes still align but can occur in different timeframes. This has benefits for both RTCs' capacity and RCAs' infrastructure planning.
- 17 The new rule gives Waka Kotahi (as regulator) the ability to set the deadlines by which RCAs and RTCs must prepare SMPs. In doing so, Waka Kotahi must also consider timeframes for creating regional land transport plans (RLTPs). RLTPs flow into the National Land Transport Programme (NLTP) from which National Land Transport Fund (NLTF) funding comes for proposals like speed management infrastructure.

We have brought speed limit reductions for all schools forward by two years

- 18 You indicated that you wished to achieve the maximum possible level of ambition around dates for reducing school speed limits. Timeframes as consulted on required RCAs to reduce speed limits around 40 percent of schools by 30 June 2024, and speed limits around all schools to meet new requirements by 31 December 2029.
- 19 Your view aligned with consultation feedback which strongly supported earlier timeframes where practicable. We consider that the June 2024 timeframe is still a realistic goal to ensure RCAs are making the necessary progress to lower all speed limits. It also aligns with timeframes for developing 2024 RLTPs. However, we consider it is feasible to bring forward the requirement for RCAs to reduce speeds around all schools by two years, to 31 December 2027.
- 20 To achieve this, funding will need to be increased for the time up to 31 December 2027. This is most likely to be achieved by reallocating funding away from other activities in the Road to Zero activity class. The level of funding necessary for this is yet to be assessed.
- 21 This funding would be required for targeted safety infrastructure improvements to support lower speed limits around schools. We acknowledge that bringing this funding

forward may impact other deliverables under Road to Zero, particularly in the Speed and Infrastructure Programme. What deliverables this may impact, and in what way, will again need to be assessed.

Speed limits set at 70km/h and 90km/h will have one review after three years

- 22 The new rule as consulted on proposed that RCAs could set 70km/h and 90km/h speed limits without Director approval. However, these were to be interim speed limits needing review every three years.
- 23 You queried the benefit and efficiency of on-going review and whether, following an initial review after three years, these speed limits could become permanent. We have amended the new rule to take this feedback into account. Consequently, 70km/h and 90km/h speed limits will need review just once, three years after being set.

Safety cameras – moving to a best-practice (mixed) approach to support ‘site-specific’ and ‘general’ deterrence

- 24 As part of Tackling Unsafe Speeds, Cabinet agreed [CAB-19-MIN-0575 refers] to a new ‘highly visible, no surprises’ approach to safety cameras (like that used by Sweden). This would involve increasing the number of cameras over time, positioning them on the highest risk parts of the network with clear signage, and ensuring camera placement was incorporated into SMPs.
- 25 However, despite initial success, Sweden’s approach is considered to have since fallen short of expectations and lacks some components of latest best practice. Since initial advice to Cabinet, emerging international evidence supports a more mixed approach to safety cameras. This involves using different approaches (for example, both overt and covert) and camera types (for example, fixed, average speed, mobile, dual red-light/speed) to support overall compliance, through both site-specific and general deterrence mechanisms.
- 26 We therefore propose a best-practice mixed approach to safety cameras. This will include a ‘highly visible’ approach where appropriate, while maintaining a general deterrence ‘anytime anywhere’ component, through different camera types and signage approaches as appropriate.
- 27 This will involve, for example, clearly signposting fixed and dual red-light/speed safety cameras where required to promote transparency at high-risk site-specific locations. Average speed cameras will also be clearly signposted as best practice recommends. However, mobile cameras will remain covert (unsigned) to achieve an ‘anytime, anywhere’ general deterrent effect.
- 28 More detail on the above is contained in Waka Kotahi’s recent briefing to you on safety camera best practice (BRI-2256 - Strengthening deterrence to encourage safe speeds: the case for a best practice approach to safety cameras and effective road safety penalties).

New regulations will support implementing the new rule

- 29 Two sets of new regulations (**Annexes four, five, six**) will support implementing the new rule:
- 29.1 Land Transport Management (Regional Transport Committees) Regulations 2021 - will allow RTCs to prepare and review speed management plans
- 29.2 Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2021 - will detail the information RCAs must supply as part of land transport records to set speed limits and other technical issues.
- 30 We will continue to work with Parliamentary Council Office to make minor and technical changes, prior to providing you with final drafts of these regulations for Cabinet.

Speed Management Committee – a draft terms of reference and job description for committee members is provided for your review

- 31 The Tackling Unsafe Speeds proposals include establishing an independent SMC following the new rule being in place. The SMC's role is to provide assurance and transparency regarding Waka Kotahi's role as the State highway RCA and regulator. The SMC will achieve this by reviewing the State highway SMP and commenting on information and guidance on speed management provided by Waka Kotahi (as regulator) to RCAs.
- 32 Waka Kotahi would establish the SMC under the new rule. In preparation, Waka Kotahi has developed a draft terms of reference (ToR) and job description (**Annexes seven and eight**) for your review. Waka Kotahi has aligned these documents with the new rule, and they have been reviewed by Te Manatū Waka's Governance team.

Challenges in implementing the framework are a key risk to success

- 33 A key risk to the new speed management framework achieving its objectives are challenges in implementation, given the complex inter-agency interactions necessary. To achieve successful implementation, it will be crucial for Waka Kotahi, RCAs, and RTCs to have clear roles and responsibilities to support strong collaborative working relationships.
- 34 We consider that the new rule is drafted to provide good clarity of roles and responsibilities. However, to support effective collaboration, Waka Kotahi will need to maintain strong leadership across the sector and provide clear speed management advice. A clear, high-quality Guide for RCAs will be a significant resource to support this.

Next steps to progress the proposals for Cabinet consideration and establish the Speed Management Committee

We will finalise the Cabinet papers and draft legislation following your feedback

- 35 Pending your review and any feedback on the attached draft Cabinet papers and legislation by early February 2022, we will make any changes needed and provide you with final versions. This is with a view to Cabinet consideration on 23 March 2022 and the new rule being in place in early May 2022. Final documents will also include any changes necessary following consultation with other government agencies, which will occur during January 2022, and a final quality assurance check of the drafting of the new rule.
- 36 We provide a proposed timeline for the Cabinet approval process at **Annex nine**. This timeline reflects the new rule coming into force about one month later than we originally proposed (which was 31 March 2022) in our previous briefing due to the extent of work required to finalise the relevant papers and legislation.
- 37 We do not consider that this later timeline will have material negative impacts on either external stakeholders or government agencies. It has also beneficially allowed for further necessary work on the National Speeds Limits Register needed for implementation.

Following the new rule coming into force, Waka Kotahi will establish the Speed Management Committee and Te Manatū Waka will conduct the appointment process

- 38 Providing Cabinet approves the final Tackling Unsafe Speeds proposals overall, and following you making the new rule, Waka Kotahi will take steps to establish the SMC. This will include finalising the Terms of Reference and job description for the SMC following any feedback from you.
- 39 Te Manatū Waka will support this by conducting the appointment process for SMC members. This will include recommending members to you for appointment, following consultation with the Director. We expect to provide you with Cabinet Appointments and Honours Committee papers with a view to the SMC being appointed by mid-2022.