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## **LGNZ's feedback to the Ministry of Transport on the proposed approach to draft speed management Land Transport rule: Setting of Speed Limits**

9 September 2020

## Introduction

Thank you for the opportunity to provide early feedback. LGNZ is pleased to co-design this rule change with the Ministry. We believe that early engagement of local government in policy development will lead to improved implementation and delivery on desired outcomes. To strengthen the process LGNZ has established a technical advisory group from its member councils to help guide its response. This group includes representation from metro, rural, provincial, regional and unitary councils.

## Context

All of local government is operating in a global COVID 19 pandemic economic environment. The sector has a heightened level of sensitivity to any new cost imposition from changes to legislation and new programmes. This is because any new costs will have to be passed onto communities – many of who are experiencing economic hardship themselves. This is evidenced by a recent report released in August by the COVID 19 response unit at DIA<sup>1</sup>. The report shows councils have been managing three competing tensions, loss of revenue from non-rate sources, pressure to contain or lower rates in face of community economic hardships and desire to maintain employment and infrastructure investments as part of whole of government approach.

An early analysis of 2020 annual plan budgets against long-term plans shows that the impacts across the 78 council communities are quite varied. However, there are some clear themes that notably affected councils the most are those with:

- A high exposure to the tourism sector;
- Those more reliant on non-rates revenue (fees, charges, dividends, etc.);
- High levels of debt (mostly the large metro councils); and
- High share of non-essential workers.

The variability and uncertainty is set to continue for some time and will be an important factor to consider in successful implementation of this new policy. LGNZ believes it is necessary to emphasise this context when developing policy so as to shape decision making such that it imposes the least burden on communities already under duress.

### Feedback on the draft proposed approach to speed management (July 2020)

There is overall support for the development of the new regulatory framework that removes the need for by-laws each time speed is changed. The proposed Setting of Speed Limits rule has support however, there are some issues raised by our members that need to be addressed to ensure successful implementation.

- 1 **Speed Management Plans (SMP's)**(ref pg. 13, 2.2)
  - a. **Issue:** The proposed development of separate speed management plans by regional transport committees (RTC's) for local roads alongside development of a separate speed management plan for state highways by Waka Kotahi (WK) could create public

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<sup>1</sup> Local Government Sector – COVID 19 Financial Implications, report 3 – Comparison of 2020 annual plan budgets against long-term plans

confusion and add cost (ref pg. 10). The network needs to be viewed as a whole. The public do not differentiate between local roads and state highways (SHW's). There is a risk of consultation saturation with the public under the current proposal.

- b. **Proposed change:** Consult on one speed management plan rather than two. The setting of speed limits for SHW in a national plan would inform the regional speed management plan (RSMP) before it goes out for consultation. The RSMP would be the primary public consultation document. This supports the one network approach.
- c. **Benefit:** A reduction in the amount of consultation required with the public. The public would receive one RSMP that includes the SHW speed limits. This integration acknowledges the fact that SHW speed limit in many instances sets the speed limit for many local roads. Regional councils (RC's) would work with WK to put the SHW speed limits into the RSMP. This would encourage greater collaboration between WK staff and local council staff across a region.
- d. **Issue:** It does not appear mandatory for RCA's to input into the RSMP's (pg12,2.2.1)
- e. **Proposed change:** To make it mandatory for RCA's to input into the SMP's.
- f. **Benefit:** Improves national consistency.
- g. **Issue:** Additional unbudgeted costs incurred by council's in particular RC's for implementing the transition to new SMP's. Councils are already under significant financial pressure as they navigate through the uncertainties created by COVID 19. *Note:* We acknowledge that some of the burden will be reduced when councils utilise edition three of the mega maps tool available through WK.
- h. **Proposed change:** New funding to be made available from investment management activity class, in the GPS 2021 to enable councils to implement the new rule.
- i. **Benefit:** Appropriate funding put in place with councils/RCA's to ensure a successful transition over the next three years.
- j. **Issue:** The need for national guidance on the content of SMP proposed change.
- k. **Proposed change:** That MoT and WK prepare national guidance for RCA's in addition to the speed management guide. This to be included as an appendix of the SMP guide.
- l. **Benefit:** Improved implementation.

## 2 **Consultation on plans** (ref:pg 15)

- a. **Issue:** The consultation requirements in the proposal are overly complicated and contain implementation challenges. For example alignment with the regional land transport planning process is not possible for the 2021 plan. In fact, it is not possible for any RLTP. If the speed management plan recommends infrastructure upgrades to the network, then these need to be carried through into the following RLTP programme of works. Therefore, SMP's need to be confirmed at least 12 to 18 months in advance of either a new or review of an RLTP. That also puts the preparation and consultation into the quieter period for all councils between Activity Management Plans (AMP's) and RLTP development. It is important to note that councils are transitioning at different speeds and have different levels of resource and capability, which makes funding, alignment and timing very

challenging. We see a lot of work for advisory groups to manage cross-boundary issues before anything gets to the RTC under the current proposal.

- b. **Proposed change:** We would like to see a gphant chart developed that builds on the diagram on page nine. It needs to communicate more detail about the interdependencies and timing of the land transport planning processes and speed management planning processes. In particular during the transition period. We would also like detail included about how the transitional process is to be implemented.
- c. **Benefit:** To ensure that the independent processes are aligning in a way that is manageable for all 78 councils/RCA's. In addition, that councils/RCA's have a strong understanding of what is required of them through the transition process. This is about managing expectations to avoid issues during transition and implementation.
- d. **Issue:** Not clear as to how issues raised through the submission process are negotiated between the RTC and the relevant Territorial Authority (TA).
- e. **Proposed change:** Guidance developed in consultation with LGNZ membership as to how that part of the process will work.
- f. **Benefit:** Clarity of role of all parties will reduce confusion and enable a robust process.

3 **Out of cycle process for setting speed limits (ref pg16,2.2.5)**

- a. **Issue:** Out of cycle process for large metro's could become large and unwieldy
- b. **Proposed change:** Develop a similar process used to deal with RLTP variations. For setting of speed limits for schools and all new roads into a network that fall out of cycle, there be no further requirement for public consultation. This would be conditional upon the need for any out of cycle change to meet the principles and policies outlined in the new SMP. They could be considered by the Regional Advisory Group (RAG) for each RTC and then dealt with like any existing variations to the RLTP are currently – with a significance assessment being made by the RAG. We would also like to see a clear definition on what would constitute a minor deviation from a speed limit that would generally be consistent with the relevant plan (refer 2.2.5, pg. 16). It would be helpful for MoT to suggest principals in consultation with LGNZ that could go into the SMP's as part of the national guidance.
- c. **Benefit:** Cost savings for councils, clarity for the public and improved speed of implementation.

4 **Independent speed management committee (pg17,2.3)**

- a. **Issue:** The setting of the SHW speed management plans is a separate process from the RSMP process as outlined in pt. 1a.
- b. **Proposed change:** That the speed management committees' role is to certify the RSMP which (with proposed change) will incorporate both the SHW and local roading speed changes.

- c. **Benefit:** A simpler process that will reduce costs and improve alignment and remove the potential for conflict or perceived conflict for WK having multiple roles in the whole process.

## 5 **Mandatory speed limits around schools (pg20,2.5)**

- a. **Issue:** Some regions want to move more quickly than the 10 year proposed timeframe for transition to safer speed limits around schools (pg20).
- b. **Proposed change:** Provide flexibility for those regions that wish to move more quickly so they can do so.
- c. **Benefit:** Early adopters of the rule provide practice learning for sharing with other regions.
- d. **Issue:** Funding the speed limit changes around schools will be challenging for some of the larger councils such as Auckland. For example if changes are funded out of the Road to Zero Activity class they will potentially end up having to delay projects with better deaths and serious injuries (DSI) reduction benefits in favour of spending money on the school speed limit changes.
- e. **Proposed change:** Include more detail about funding streams to ensure it is secured and won't get re-prioritised. For example the Road to Zero activity class could include funding for signage changes around schools.
- f. **Benefit:** Security of funding will enable councils to prepare appropriate budgets to enable implementation. This will ensure speed limit changes occur around schools nationally with minimal disruption.

## 6 **Components of the draft rule that we are proposing to change – 70km.hr, 90km/hr and 110km/hr speed limits. (pg. 22, 3.2.1)**

- a. **Issue:** Removing the requirement for WK approval for changing speeds to 70km.hr, 90km.hr and 110km.hr. will impact councils that have already invested heavily in changes aligned with GPS2018.
- b. **Proposed change:** Retain the approval process for WK that exists within the current rule. (This change needs to be further tested with the sector during formal consultation)
- c. **Benefit:** This will ensure that the work of those councils that have already invested heavily under the previous GPS 2018 in 60km.hr and 80km.hr is not undermined.

## 7 **Waka Kotahi's role as regulator (pg25, 3.2.5)**

- a. **Issue:** That WK may have difficulty managing conflicts of interest with its various roles.
- b. **Proposed change:** WK to ensure good division within its organisation to separate the various roles it has under speed management. Provide assurances that the various roles such as regulator, educator and advisor are managed in such a way that there are no conflicts of interest.

- c. **Benefit:** No conflict of interest will build national confidence in the framework and strengthen the reputation of WK.

8 **Transitional speed management plans (pg28,4.2)**

- a. **Issue:** The timeframe for the new rule does not allow enough time to prepare SMP's in the 2021 RLTP and NLTP cycle. The SMP needs to inform the Activity Management Plan (AMP) and subsequent programme of works. The programme of works for an RLTP is required in October before the RLTP takes effect at the latest. Therefore alignment with an RLTP is possible provided they are being adopted 12 to 18 months apart.
- b. **Proposed change:** Prepare, communicate and engage the local government sector in partnership with LGNZ and TSIG with a detailed schedule that shows how the timing will work during transition. Present through LGNZ sector and zone meetings, TSIG fora and RCA fora during consultation and transition phase. This should include development of national guidance and support for RCA's and RC's who are already making good progress.
- c. **Benefit;** Smooth transition across the system and improved outcomes.

**Appendix A**

**Technical Advisory Group**

Hamilton City Council	Robyn Denton	Network Operations and Use Leader
Ōtorohanga District Council	Rachel Stubbs	Road Safety co-ordinator
Waikato Regional Council	Bill McMaster	Special Projects Advisor
Auckland Transport	Ngaire Atmore	Safe System Advisor
Christchurch City Council	Richard Holland	Team Leader Network Planning Transport
Wellington City Council	Anna Blomquist	Transport Planner (SASTA rep)
Far North District Council	Sandi Morris	Road Safety and Transport Planning Engineer
Hawkes Bay	Linda Anderson	Road Safe Hawke's Bay Regional Manager
Horowhenua District Council	Kevin Peel	Roading manager
Invercargill City Council	Russell Pearson	Roading Manager
Mackenzie District Council	Scott McKenzie	Roading Manager
Marlborough District Council	Robyn Blackburn	Road Safety Coordinator
Queenstown-Lakes District Council	Ulrich Glasner	Chief Engineer
South Taranaki District Council	Vincent Lim	Roading Manager