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13 October 2008

Road User Rule Amendment
Rules Team
New Zealand Transport Agency
Private Bag 6995
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Dear Sir/Madam

IPENZ Transportation Group Submission on Land Transport (Road User) Amendment Rule [2009] (Rule 61001/4)

The IPENZ Transportation Group ("IPENZ TG") welcomes the opportunity to provide a submission on the yellow draft of Land Transport (Road User) Amendment Rule [2009] (Rule 61001/4). The IPENZ TG consists of nearly 1,000 transportation and traffic engineering and planning professionals working in central government, local government, academia, and the private sector. The IPENZ TG represents a segment of considerable expertise in the fields of traffic and transportation and has a significant interest in managing the effects of transportation on society. This submission has been prepared by the National Committee of the IPENZ TG and recognises that this submission may not necessarily represent the views of all members given the diversity of members and their respective views.

There are a number of specific comments we wish to make and these are covered in the attached submission.

The IPENZ Transportation Group is happy to discuss any of the comments contained in the submission and any queries can be directed to the Chair of the IPENZ Transportation Group, Bruce Conaghan, Senior Traffic Engineer, Dunedin City Council ((03) 474 3706 / E-mail bruce.conaghan@dcc.govt.nz).

Yours sincerely

Bruce Conaghan
Chairman
IPENZ Transportation Group



***Submission to the Rules Team, New Zealand
Transport Agency, on the yellow draft of :***

Land Transport (Road User) Amendment Rule (Rule 61001/4)

Prepared by:

IPENZ Transportation Group

October 2008

Introduction

The IPENZ Transportation Group (“IPENZ TG”) consists of nearly 1,000 transportation and traffic engineering and planning professionals working in central government, local government, academia, and the private sector. The IPENZ TG represents a segment of considerable expertise in the fields of traffic and transportation and has a significant interest in managing the effects of transportation on society. This submission has been prepared by the National Committee of the IPENZ TG and recognizes that this submission may not necessarily represent the views of all members given the diversity of members and their respective views.

The IPENZ TG welcomes the opportunity to provide a submission on Land Transport (Road User) Rule [2009] (Rule 61001/4). Overall, the IPENZ TG supports all of the proposals identified in the yellow draft of Land Transport (Road User) Rule [2009] (Rule 61001/4) and certainly strongly supports Proposal 1 to limit the use of hand-held mobile phones while driving given the road safety benefits. We do not propose to comment on all proposals and issues contained in the draft and our comments are confined to those proposals that the IPENZ TG members either have a specific interest in or should be changed or amended. These comments are discussed in more detail below under the heading of the respective proposal.

The IPENZ TG is fully supportive of the issue for consideration of priority for buses when signaling to leave a stop and this is discussed in more detail below.

The IPENZ TG has also identified some additional issues that should be considered within the Amendment Rule process and these are discussed at the end of this submission.

Specific Comments/Amendments on Proposals

Proposal 1 : Limit the use of hand-held mobile phones while driving

The IPENZ TG strongly supports the proposal to limit the use of hand-held mobile phones while driving although it would prefer to see a ban on hands-free use as well. It is widely acknowledged that there is more than adequate evidence from other countries that have banned the use of mobile phones of the safety implications of such use. It is agreed that the ‘cognitive involvement’ of using a mobile phone is a greater distraction than the physical act of using a mobile phone although this ‘cognitive involvement’ can, and usually does, extend well beyond the period in which the mobile phone is used and this period is an additional period of distraction which can create a safety hazard.

It is noted that Clause 7.3A(2)(a) allows for enforcement officers to use a hand held mobile phone at any time. All drivers, irrespective of their authority or position, should be treated equally and especially enforcement officers, who should be setting an example for other drivers to follow.

Proposal 2 : Clarify the distance for which a driver may use a lane that is otherwise not available to vehicles

The IPENZ TG supports the proposal to amend the Rule to clarify the distance for which a driver may use a lane that is otherwise not available to vehicles. It is acknowledged that there is a need to provide a maximum distance to provide greater clarity for drivers and to provide for ease of enforcement. The position of the IPENZ TG would be that the maximum distances be the same as those of the Australian Road Rules in that the maximum distance be 50 metres for a dedicated cycle lane and 100 metres for all other special vehicle lanes including shared special vehicle lanes.

Proposal 3 : Cyclists to be allowed to do a 'hook turn'

The IPENZ TG supports the proposal to allow cyclists to make a 'hook turn' at intersections. It is acknowledged that there are cyclists who use such a manoeuvre at some intersections, typically rural, where traffic speeds are high and where it is difficult to see if there are any following vehicles to allow moving across to the right. The use of a 'hook turn' in these situations does allow for providing a better view of approaching traffic. However, in such cases, a 'hook turn' does mean that cyclist would have a larger crossing distance across the road rather than only approximately half the width if they turned right from the centerline or turning facility, and in doing the 'hook turn' the cyclist would be exposed to a greater level of risk. The IPENZ TG recognises that it does provide an alternative method of turning right for cyclists at intersections although it acknowledges potential safety risks where a cyclist has a greater distance to cross an intersection.

Proposal 4 : Use of motor vehicles on footpath

The IPENZ TG generally supports the proposal to allow mopeds or motorcycles to use the footpath only for delivery to letter boxes on roads with a speed limit of 70 km/h or higher. There is the concern though that such use may encourage walkers and joggers on to the road where they are at greater risk through exposure to passing traffic.

In regard to the ability of local road controlling authorities to extend the exception to specific roads within their jurisdiction where the speed limit is less than 70 km/h, the only available mechanism to enable this would be through a bylaw developed in accordance with the Local Government Act 2002. In addition, any subsequent changes to the bylaw, such as adding a new road or roads, would be required to meet the consultative requirements of the Local Government Act 2002 and this can be a long and involved process. There is a concern that the use of mopeds and motorcycles on footpaths on roads with a speed limit less than 70 km/h would create a significant safety issue with motorists reversing from driveways not seeing them approaching as is the case with other footpath users at present.

Proposal 9 : Set a maximum speed for towing a vehicle normally propelled by mechanical power

The IPENZ TG supports the proposal that the maximum speed for towing a vehicle normally powered by mechanical power by means of a non-rigid towing system should be limited to a speed of 50 km/h. If this proposal is adopted, it will be important that legislation be amended to ensure that towing a vehicle normally powered by mechanical power by means of a non-rigid towing system is not permitted on Motorways principally for safety reasons associated with the differential in speeds between mopeds and other vehicles.

Proposal 10 : Set a maximum speed for mopeds

The IPENZ TG supports the proposal that a person must not operate a vehicle registered as a moped at a speed exceeding 50 km/h. If this proposal is adopted, it will be important that legislation be amended to ensure that mopeds are not permitted to operate on Motorways principally for safety reasons associated with the differential in speeds between mopeds and other vehicles.

Proposal 13 : Buses be permitted to stop at bus stops

The IPENZ TG supports the proposal as it does address an oversight.

Another oversight is that a driver or person in charge of a vehicle can not legally stop, stand, or park less than 6 metres from a bus stop sign regardless of whether the bus stop is marked or unmarked. In urban areas where there is a high demand for parking, this would mean that a parking area containing another restriction can be no less than 6 metres away from a bus stop sign and can not be placed directly in front of a marked bus stop unless the bus stop sign is located at least 6 metres from the front of that marked bus stop. This clause should be amended to reflect that a driver or person in charge of a vehicle can not legally stop, stand, or park within 6 metres of a bus stop sign where that bus stop area is not defined by markings.

It would also be opportune to change Clause 6.8 (1) in that a driver or person in charge of a vehicle can not legally stop, stand, or park within 10 metres of a bus stop sign rather than 6 metres. This change would better accommodate modern buses and their need to manoeuvre into and out of unmarked bus stops.

Issue for consideration in Road User Amendment Rule

Priority for buses when signalling to leave a stop

With the increasing focus on passenger transport especially in the larger urban centres, the IPENZ TG believes that it is appropriate that the proposed Rule include the requirement to enable buses to have priority after providing sufficient warning (at least 3 seconds) of departing from a bus stop. This is a common practice in many countries where there is a strong emphasis on passenger transport e.g. Singapore, Hong Kong, and the UK among others.

Certainly the Australian Road Rules clearly define the responsibilities for drivers that have to give way to a bus along with the responsibilities of the bus drivers. If adopted, the proposed Rule would need to be clear that it related to signalling when leaving a stop only and not to lane changing in general which is covered elsewhere in the Rule. It is noted that the Australian Road Rules in this regard pertain only to a 'built-up area and do not address concerns associated with safety around buses, typically school buses, using rural stops. While the British Highway Code does provide a good balance of obligations for both motorists and bus drivers for urban and rural situations, careful thought would need to be given in the development of a Rule that would be clear and enforceable.

It is also noted that buses would be required to have a sign affixed to the rear of the bus in order to form the legal obligation for the motorist who is required to give way. Any such legislation would need to be included in the Traffic Control Devices Rule given that the details and dimension of the sign would be seen as a traffic control device.

Additional Issues for Consideration by the New Zealand Transport Agency not covered in the Amendment Rule

Special Vehicle Lane Usage

The IPENZ TG recommends that towing service vehicles be allowed to use special vehicle lanes where such vehicles are acting under the direction of the Police or Road Controlling Authority such as in the event of an emergency. There is merit in this in that it would enable towing service vehicles to be able respond more quickly to crashes or special vehicle lane obstructions and in doing so, reduce the overall recovery time associated with the crash or obstruction.

Banning Use, Ownership and Sale of Radar Detectors and Jammers

Given that speed is one of the major factors involved in road fatalities and crashes throughout New Zealand, banning the use of radar detectors and jammers must be considered as an opportunity to improve safety. Certainly a ban on ownership and sale of radar detectors and jammers would be covered in the Land Transport Act, but banning their use would need to be covered in the Land Transport (Road User) Rule. The IPENZ TG believes that this does represent safety at reasonable cost and it is opportune that this be considered as part of the current consultation process.

Give Way Rule - Intersections

It is recommended that the existing Give Way rule (right hand rule) be changed to bring it into consistency with other countries around the world. Certainly when this was first proposed some years ago, the analysis for change was strongly based on a sound first-principles analysis of road user behaviour in traffic, a comprehensive analysis of crash data, overwhelming support (including the NZ Automobile Association) from stakeholder consultation, and experience from other states and countries around the world especially Victoria in Australia. Such changes would be consistent with motorists' 'expectations' as observed at intersections in urban areas over a number of years and would provide consistency for overseas motorists who are less likely to be familiar with the existing NZ Give Way rule.

It is acknowledged that right turning traffic is better placed to see all oncoming traffic while the left turning traffic has to be aware of what is front of them, what is behind them, and what is crossing parallel with them. A change to the Give Way rule would improve safety as the left turning vehicle would have priority. This would also pertain where a motorist has left their left hand indicator on but is not turning or will be turning in close proximity to the intersection. A change to the Give Way rule would provide benefits at signalised intersections by improving lane usage and would also provide a reduction in severity of injury for pedestrians crossing parallel with traffic given that a pedestrian / left turn vehicle impact is less severe than that of a pedestrian / right turn vehicle impact.

The provision of flush medians and right turn bays for right turning traffic, advances in traffic signal controller technology, and improved intersection design means that right turning traffic can better be accommodated with a higher level of safety. Overall, changing the Give Way rule would provide benefit to the community at large in terms of safety and efficiency at little cost and hence the IPENZ TG strongly recommends that the existing Give Way rule (right hand rule) be changed.

Give Way Rule – Driveways and Road-related Areas

The IPENZ TG believes that the issue of priorities at driveways and other road related areas be addressed through the Rules amendment process. There continues to be confusion about who has right of way at driveways and road related areas where there is no form of traffic control and the introduction of specific rules similar to those of the Australian Road Rules (*Rule 73 and 74*) would be appropriate.

Parking in proximity to intersections and pedestrian crossings

The IPENZ TG believes that it is appropriate to change Clause 6.3 (2) and 6.5 (2) (a) in that a driver or person in charge of a vehicle can not legally stop, stand, or park within 10 metres of an intersection (Clause 6.3 (2)) or a pedestrian crossing (Clause 6.5 (2) (a)). These changes are oriented at improving safety at what are high risk locations and in doing so would represent safety at reasonable cost. It is opportune that this be considered as part of the current consultation process.