

7 February 2019

Transport and Infrastructure Committee
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Dear Chair

Land Transport (NZTA) Legislation Amendment Bill – Environment Canterbury Submission

Thank you for the opportunity to make a submission on the Land Transport (NZTA) Legislation Amendment Bill (the Bill).

Environment Canterbury does not wish to make an oral submission.

Environment Canterbury (the Canterbury Regional Council) works with territorial authorities and other stakeholders in Canterbury to enable a resilient and safe, multi-modal transport network. Environment Canterbury also convenes the Canterbury Regional Transport Committee (RTC), which is responsible for developing the Canterbury Regional Land Transport Plan under the Land Transport Management Act 2003.

Preliminary matters

Submissions on this Bill were called for at the end of December 2019, immediately before the Christmas break. Due to this timing, it has not been possible for the Canterbury RTC to convene to prepare a submission. Noting also the number of other transport-related government policy documents released in December 2019, including *Road to Zero*, it has also been difficult for Canterbury territorial authorities to consider the implications of this Bill and prepare their own submission in the time allowed.

Environment Canterbury first wishes to draw the Committee's attention to this matter, as some of the proposals in the Bill have implications for local government. This approach has hampered Environment Canterbury's ability to engage as meaningfully as it would have wished on this Bill.

Second, the Bill is intended to support the implementation of the new national road safety strategy 2020-2030, *Road to Zero*. This strategy was released at the end of December 2019 and many territorial authorities have not yet had an opportunity to consider the new direction outlined in the strategy and the changes that local government will need to make.

Environment Canterbury supports the intent of *Road to Zero*, which is to significantly reduce deaths and serious injuries on our roads. Environment Canterbury considers some of the measures in the Bill will be greatly beneficial to achieving the significant reduction in deaths and serious injuries on our roads that is needed.

However, the Bill appears to implement some components of *Road to Zero* in a piecemeal way. It is not clear whether the remaining changes will be made through further legislation or can be made through subordinate legislation (such as through rules). This has made it difficult to assess the implications of and express support for some of the proposals in the Bill, as they cannot be considered in their full context.

Environment Canterbury wishes to submit on the following three matters.

1. Remove expansion of functions of RTCs

Clause 12 of the Bill proposes the following new function for RTCs:

Each regional transport committee (including the regional transport committee for Auckland) must also carry out any functions conferred on a regional transport committee under any other provision in this Act or any other land transport Act.

It is not clear what additional functions are contemplated as none are outlined in the Bill. It is also not clear if imposing these additional functions would require further legislative change or could be introduced by way of subordinate legislation (for example, through rules).

Environment Canterbury considers there is no need for this clause, given no additional functions have been proposed. Rather, should additional functions be proposed in the future through new legislation, an appropriate consequential amendment could be considered at that time. This would then give local government the opportunity to consider whether it supported the proposed change in function based on the specific details of the proposed new function, as well as considering the impact on resourcing.

Recommendation

1. Remove Clause 12.

2. Remove new power to establish committees

Clause 104 of the Bill amends the Land Transport Act 1998 to enable the Minister to require the Agency to establish a committee and specify the purpose, functions, duties and powers of the committee, and who can appoint members.

Environment Canterbury understands that this provision is likely intended to enable the Waka Kotahi NZ Transport Agency (Transport Agency) to establish an independent committee to review a National Speed Management Plan.

However, in practice, this broad power to establish committees is not limited to this particular purpose. As such, it is not clear which of the Transport Agency's powers and functions might ultimately be delegated under this provision to a committee.

In the absence of further information about how this provision might be used, and an opportunity to consider the implications, Environment Canterbury cannot support such a broad provision.

Ideally, local roads and state highways should be included in the same Speed Management Plan to ensure changes across the network are considered holistically. This, for example, prevents a scenario where speed is lowered on a higher quality state highway but not on alternative routes comprising local roads of a lower quality.

Recommendation

2. Remove Clause 104.

3. Remove new power to require Road Controlling Authorities to set specific speed limits

Section 157 of the Land Transport Act 1998 allows the Minister of Transport to make rules to “empower” Road Controlling Authorities (RCAs) to set speed limits for roads within their jurisdiction. Clause 101 of the Bill amends section 157 to change this to “empower or require”. This appears to have the effect of allowing the Minister to set the speed limit for any local road.

Environment Canterbury considers this new power is too broad.

As indicated above, Environment Canterbury considers changes to the speed limit setting process should not be made in a piecemeal or isolated way. The current bylaw process includes a significant consultation component which is carried out by RCAs. A number of challenges have arisen with this process and RCAs have expressed the need for the speed limit setting process to be improved. However, it is not clear how the new ability for the Minister to require councils to set a certain speed limit interfaces with this requirement.

Environment Canterbury understands that the Government is intending to introduce a new speed limit setting regime, including the introduction of Regional Speed Management Plans and the removal of the current bylaw-making process.

Environment Canterbury cannot support introducing this provision in isolation from understanding how the other changes that are also needed to implement a new speed limit setting regime will be made. These changes need to be considered and submitted on as a whole.

Notwithstanding this view, should this provision be retained, Environment Canterbury also considers that the Minister should be required to have particular regard to the views of the relevant RCA, given their expertise and understanding of their local community context, before exercising this power.

This would ensure that local knowledge is taken into account when identifying the safe and appropriate speed for a particular road. The Transport Agency currently uses the MegaMaps tool to identify safe and appropriate speed limits. RCAs consider that MegaMaps is a helpful starting point, but it is not an end point. Further analysis of MegaMaps recommendations is required before the safe and appropriate speed limit for a particular road can be determined.

Recommendations

3. That Clause 101 of the Bill is not progressed in isolation from the broader changes required to implement a new speed limit setting regime
4. Notwithstanding recommendation 1, that if the Minister were to exercise the power in Clause 101 of the Bill, the Minister must first have particular regard to the view of the relevant RCA before requiring an RCA to set a particular speed limit.

Yours sincerely

A handwritten signature in blue ink, reading "Jenny Hughey". The signature is fluid and cursive, with the first name "Jenny" and last name "Hughey" clearly distinguishable.

Jenny Hughey

Chair, Environment Canterbury