

# LAND TRANSPORT AMENDMENT BILL

## **SUBMISSION TO THE TRANSPORT AND INDUSTRIAL RELATIONS COMMITTEE**

**27 OCTOBER 2016**

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### **BACKGROUND**

The Transportation Group is a Technical Interest Group of the Institution of Professional Engineers New Zealand (IPENZ). The Transportation Group's aim is to "advance technical knowledge, integrated planning, safety, traffic and asset management of existing and proposed transportation facilities, networks and systems for the movement of people and goods by all modes of travel".

The Transportation Group has approximately 1,000 members. Membership is open to IPENZ members and others with a professional interest or direct involvement in the science, practice and technical aspects of the teaching, planning, design, implementation and management of transportation systems and facilities.

Transportation Group members include all those involved in planning, design, development management and the many facets of traffic management for all modes of transport. The Group supports specialist interest areas such as traffic management, traffic engineering, highway engineering, land based transportation planning, safety, asset management and energy.

### **CONSULTATION**

A draft version of this submission was developed and shared with the committee of the Transportation Group.

### **SUBMISSION**

The Transportation Group ("we") appreciate the opportunity to comment on the Land Transport Amendment Bill ("the Amendment Bill"). In this submission we comment on five areas covered by the Amendment Bill:

- Mandatory alcohol interlocks
- Fare evasion
- Fleeing drivers
- Updates to heavy vehicle regulation
- Small passenger services

### **MANDATORY ALCOHOL INTERLOCKS**

In 2010 the Transportation Group and IPENZ submitted in response to the Land Transport (Road Safety and Other Matters) Amendment Bill. In that submission we supported the proposal to give the courts the option of imposing alcohol interlock sentences. We also noted that interlock devices are very expensive and recommended the courts give careful consideration before imposing this sanction.

We support the use of alcohol interlock devices, where necessary. We appreciate the significant risk repeat drink drive offenders pose to themselves, other road users and bystanders. The impacts of road accidents are far reaching and can have a significant impact not only on those involved but their families, communities and the economy.

We support the proposals set out in the Amendment Bill. We support the proposed regulatory settings which mean that before an alcohol interlock sentence is ordered, the offender must have committed a previous alcohol offence in the past five years or had a high blood or breath alcohol level. We believe this will help ensure the alcohol interlocks are used appropriately and will help make New Zealand's roads safer for everyone.

## **FARE EVASION**

A fair, equitable system for all road users is important. We support the proposals in the Amendment Bill which would give enforcement officers the power to:

- require passengers to provide evidence they have paid for a fare when using public transport
- provide their contact details if they cannot produce a valid ticket
- order passengers to disembark if required

We believe the Amendment Bill will help reduce fare evasion, thereby ensuring all those who use the transport system contribute to the system's funding.

We note that with electronic "tag-on, tag-off" ticketing, passengers may not always be able to provide proof of purchase. In these instances the enforcement officer could record the passenger's electronic card number. We recommend the Amendment Bill be drafted to allow this flexibility and avoid inadvertently curtailing the uptake of electronic ticketing and other ticketing innovations.

## **FLEEING DRIVERS**

We appreciate the danger fleeing drivers pose to themselves, bystanders and the Police. We support the proposals to increase the penalties for drivers who fail to stop for Police and to strengthen powers of the court to permanently confiscate vehicles.

## **UPDATES TO HEAVY VEHICLE REGULATION**

We note and support the proposed changes to heavy vehicle regulation including:

- Creation of an over-dimension infringement class and amendment of associated sections (clauses 39, 41).
- Replacement of "gross laden weight" with "gross vehicle mass" (clause 39).
- Clarification a certificate of loading is only needed where rules require one (clause 40)
- Amendment such that a road controlling authority can only direct that heavy traffic not proceed in certain sections of a road or roads if there is an urgent risk of damage to a road and/or danger to the safety of road users (clause 42).

- Reduction in the distance heavy vehicles can be directed to a weighing site, to 10km away (clause 46).
- Enabling enforcement officers to use signage to target specific vehicles (clause 46).
- Enabling enforcement officers to order trucks to be offloaded where they are overloaded by either 10% or 2 tonnes+, whichever is the lesser (clause 47).
- Certification of weigh-in-motion technology and on-board weighing (clauses 48, 49).
- Expansion of Ministers' powers when making ordinary rules to provide for the appropriate management of infrastructure, reflecting that the Vehicle Dimension and Mass Rule is not all safety-related (clauses 50, 51).
- An increase in the maximum infringement fee for overloading and more visible sanctions for breaches of prescribed limits on vehicle height, length, and width (clause 54).

We believe the changes will improve productivity, road safety and community well-being, compliance and optimise road network utilisation.

Nevertheless, we have the following specific comments:

- In relation to the clause 42, we note the road closure can only be temporary for a period of up to six months. We have concerns regarding this restriction. The nature / design intention of the road may be such that heavy traffic is not feasible on these roads anyway. This could result in the costs of truck damage being externalised and force Councils to redirect funds that should be allocated elsewhere.
- In relation to the clause 47 (with regards to trucks being offloaded), it is important that freight companies are liable to collect the offloaded goods within a short, specific period of time. If they fail to do so, they should be subject to a fine of appropriate scale.

We believe that in addition to setting out enforcement and penalties, consideration should be given to mechanisms to reward or incentivise good or consistent compliance with Vehicle Dimensions and Mass Rule. We believe such mechanisms are likely to fit better with the administration of the Rule and would be beneficial to the industry. We acknowledge that the feasibility of mechanisms to achieve this would depend on costs but we believe the legislation should not preclude the recognition and rewarding of good performance.

### **SMALL PASSENGER SERVICES**

It is important that all drivers and vehicles transporting the public for gain follow existing laws and safety regulations. We support the proposed changes set out in the Amendment Bill.

## **CONCLUSION**

We appreciate the opportunity to make this submission and are able to provide further clarification if required.

We do not wish to be heard by the Select Committee.

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