

Christchurch City Council

Submission

To

New Zealand Transport Agency

On

**Draft Land Transport Rule: Land Transport
(Road User) Amendment Rule [2009] (Rule
61001/4)**

**Christchurch
City Council**



October 2008

Draft Land Transport Rule: Land Transport (Road User) Amendment Rule [2009] Rule 61001/4

Introduction

1. Christchurch City Council ("the Council") wishes to take this opportunity to submit its views on the Draft Land Transport Rule: Land Transport Road User) Amendment Rule [2009]. Thank you for the opportunity to contribute to the development of the proposed changes to the above Land Transport Rule through this submission process. The Council sees this as a key development in achieving the objectives of the New Zealand Transport Strategy, particularly the safety objective, and is pleased to be able to participate.
2. Should there be the opportunity, the Council does wish to be heard in support of its submission at any hearings on this Rule. Should this be possible, please contact via Judith Cheyne, Solicitor, Legal Services Unit, ph. 03 941 8649, email: Judith.cheyne@ccc.govt.nz or Stuart Woods, Principal Transport Planner, Strategy and Planning Group, ph. 03 941 8615, email: stuart.woods@ccc.govt.nz. The Council is also interested to take any other, additional opportunities to provide input.
3. It is appreciated that the amendment Rule attempts to improve safety of road users and to clarify existing requirements.
4. In general the Council's submission is broadly supportive of the amendment Rule and will therefore make it clear where it actively supports the proposed changes, where it seeks change and where it believes more clarity would be useful.
5. In this submission, italicised headings reference the proposed new or modified clauses as set out in the Land Transport (Road User) Amendment Rule [2009] Rule 61001/4.

Comments on Proposed New or amended Clauses

1. Limit the Use of Hand-held mobile phones while driving (New Clause 7.3A)

6. This amendment seeks to ban the use of hand held mobile devices while driving (with exceptions set out in proposed clause 7.3A (1) and (2)). Council notes that some studies have concluded that the use of hands-free mobile devices is as equally distracting as hand held devices. However, Council accepts the difficulties in extending the proposed ban to hands-free sets such as the need to exercise police powers of search, difficulty in enforcement and inconsistencies with other in-vehicle distractions. Over the last 5 year period there has been 118 reported crashes in Christchurch related to the use of a cellphone/communication or navigation devices. Council is therefore of the view that minimising the use of such devices whilst driving can enhance road safety.
7. 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.
8. Council recognises that banning of hand-held mobile devices only while driving is a pragmatic approach to enhancing road safety and as such, **Council supports the new clause 7.3A.**

2. Clarify the distance for which a driver may use a lane that is otherwise not available to vehicles. (new sub clause 2.3(4A))

9. Under the current Rule, sub clause 2.3(3) specifies circumstances in which a driver may use a lane that is not otherwise available to their vehicle (eg. when a driver crosses a bus

lane or cycle lane in order to make a left turn.) The current rule also stipulates that drivers are required to keep the use of the lane to a minimum necessary to complete their manoeuvre. The proposed amendment to this rule seeks to impose a maximum allowable length of use of the lane to 100m.

10. Whilst Council recognises that the Rules stipulate that drivers must keep their use of the lane to a minimum, the differing interpretations of minimum can result in difficulties in enforcement. In addition to this, Christchurch's dominant grid system of roads means that it has and will have many priority bus lanes that are less than 100 metres in length. Council is concerned that the proposed minimum allowable use of 100 m in length would in many instances defeat the purpose of the bus lane. It should also be noted that in all instances in Christchurch, bus lanes terminate some distance from intersections thus allowing drivers to undertake a turning manoeuvre without encroaching on the bus lane.

11. The overview document that provides the reasons and background to support the proposed amendments cite the existing Australian Road Rules. In relation to the length of cycle lane that drivers are permitted to use to undertake a turning manoeuvre, 50 m is stipulated. Council is of the view that a 50 m minimum use of both a cycle lane and a bus lane has road safety benefits as well as enhancing the efficiency of the bus lane.

12. **Council therefore recommends that the proposed sub clause is amended** as follows:

"(4A) However, the total distance travelled to complete a driver's manoeuvre under subclause (4) must not exceed 50 m."

3. Cyclists be allowed to do a 'hook turn' (New Clause 2.5A).

13. Council recognises the safety benefits to cyclists at particular sites in allowing a hook right turn manoeuvre. 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. **Council supports this proposed amendment.**

4. Use of Motor Vehicles on Footpath (New subclause 2.13 (2))

14. This amendment allows for mopeds and motorcycles to be ridden on the footpath that are adjacent to 70 kph roads or where the road controlling authority has authorised the use of footpaths for that purpose in the course of delivering newspapers, mail etc. and subject to conditions 2(b) and 2(c) of that clause.

15. From contact with NZ Post, Council is aware that there is a high incidence of crashes associated with cyclists riding on footpaths delivering mail being run into by vehicles coming out of driveways. Over the last 5 years there have been 48 crashes in Christchurch associated with vehicles being ridden or driven on the footpath. Whilst recognising that proposed subclause 2.13(2)(b) restricts moped and motorcycle speeds to 10 kph, such vehicles may travel faster than pedal cycles, and would therefore be at even greater risk. Many footpaths are at the minimum width and further constrained by poles or street furniture. As mopeds and motorcycles are generally bigger and less manoeuvrable than bicycles, pedestrians may be forced onto the road and thereby put at risk. Alongside roads with a speed limit of 70km/h, there may be joggers and runners on the footpath. They would be especially likely to be forced onto the road. A speed of 10km/h is much faster than walking pace. It will also make use of the footpath unpleasant for pedestrians and will therefore not be consistent with the objective 7.5 of the Christchurch City Council City Plan which seeks to provide for the safe movement of pedestrians in a pleasant environment.

16. **Council is therefore not in support of the new subclause 2.13 (2),** and recommends not adopting this proposal.

5. Duties relating to the use of mobility devices and wheeled recreational devices at traffic signals. (amends clauses 3.2(1)(b)(ii), 3.2(2),3.2(4)(b), 3.2(5)(b), 3.3(1)(b), 3.3(2)(b), 3.3(3)(b))

17. This proposed amendment seeks to address an omission in the above clauses with regard to the obligation of drivers to give way to people at signals using a mobility device or wheeled recreation device that are lawfully using the footpath and crossing (as do pedestrians) from one footpath to the other. **Council supports this amendment**

6. Signalling requirements for cyclists at roundabouts (new sub clause 3.10 (8))

18. This amendment seeks to clarify an exception from arm signalling requirements at roundabouts where signalling is not practical as it applies for cyclists.

19. The existing Road Rule defines a driver as ' a person driving a vehicle, and includes the rider of an all terrain vehicle, a motorcycle, a moped, a cycle, a mobility device, or a wheeled recreational device.' And provides for exceptions to the need to signal at roundabouts under conditions stipulated in clause 3.10 (7)(a) and clause 3.10(7)(b).

7. It is not a breach of this clause if—

(a) arm signals are not practicable or clearly visible because of the construction, equipment, or loading of the vehicle; and

(b) the vehicle is not required to be fitted with the relevant approved signalling device and is not fitted with the device.

20. The existing clause (and exceptions) refers to drivers and as such applies equally to cyclists, based on the definition set out in the Road Rules. Council is therefore of the view that the existing clause is sufficient and as such **does not support the proposed amendment.**

7. Giving way on a road where one direction has priority (new subclause 4.1(3))

21. It is proposed that drivers approaching a section of road suitable for travel in one direction only, and controlled by a one-way, give-way sign at or near the section of road, be required to yield to vehicles within or approaching that section of road as indicated by the sign.

22. This proposal brings into law the need to adhere to the one-direction priority sign. This enhances road safety and as such **Council supports this proposed amendment**

8. Clarify the give-way rules at Traffic signals (revoke and replace clause 4.3)

23. Council agrees that the existing clause is inconsistent with the general right-turn give-way rule and the amended clause provides more clarity. Council does not support the principle of the right-turn give-way rule in general (see comment 28). However until such time as the right-turn give-way rule is revoked, **Council supports the proposed amendment.**

9. Set a maximum speed for towing a vehicle normally propelled by mechanical power (amendment to clause 5.4)

24. Council recognises the road safety benefits associated with the proposed amendment and as such supports the principle of the proposed amendment but suggests that the proposed wording is changed to better align with the type of wording used in the proposed clause 5.6(A) (since the focus is on the relevant speed rather than the road) and should read as follows:

" A driver must not drive a vehicle that is being used to tow (using a non-rigid towing system) a vehicle that is normally powered by mechanical power at a speed exceeding 50 km an hour."

10. Set a maximum speed for mopeds (new clause 5.6A)

25. Council recognises the road safety benefits associated with the proposed amendment and as such **supports the principle** of the amendment.

11. Parking a vehicle off-roadway (revoke and replace with new Clause 6.2)

26. This proposed amendment effectively means that unless the Council indicates otherwise by means of signs or markings, a driver or person in charge of a vehicle must not stop, stand, or park a motor vehicle on a grassed area or other cultivation forming part of a road that is within an urban traffic area where an urban traffic area is defined as an area which is subject to a speed limit of 50km per hour. These proposed clauses align with the vision and policies as set out in the Council's Parking Strategy 2003 particularly in achieving the aim of minimising the impact of parking on the natural and physical environment and support the sustainable use of resources. There are many urban areas within Christchurch that are blighted by vehicles being parked on grass verges and other roadside cultivated areas. Such parking thwarts the ability to manage parking effectively within urban areas and reduces the amenity for pedestrians and other users.
27. Likewise Christchurch has many cultivated riverbanks adjacent to roads within its urban limits that are used for injudicious parking. Such parking causes damage to the grass and it has been noted that vehicles, including trucks, often park in the same riverbank location causing rutting and a movement of soil and subsequent drainage issues. In most cases, Council is burdened with the cost of replanting grass and re levelling soil in instances where soil movement has occurred. In extreme cases such parking causes stability issues for the river bank.
28. Removing the need for signage relating to the prohibition of parking on grass berms and verges and riverbanks will minimise the visual impact on the environment, reduce Council costs and support Christchurch's Garden City values. However, the Council considers that the speed limit proposed is too low, as there are many roads in Christchurch to which this rule should apply which have 60 kph speed limits, such as Yaldhurst Road or Halswell Junction Road.
29. **Council therefore supports the new clause, with a recommended amendment** to apply to urban areas with speed limits of 60 kph or lower and further clarification that off-roadway areas may include adjoining cultivated riverbanks.

12. Parking contrary to notice, traffic sign, or marking (amended clause 6.4(1))

30. This amendment does not affect Christchurch City directly but **Council supports the removal of duplication** between Land Transport Rule: Traffic Control Devices 2004 and the Land Transport (Road User) Rule 2004.

13. Buses permitted to stop at bus stops (revoke and replace subclause 6.8(1))

31. **Council supports the principle** of this amendment but suggests that the word 'in' is deleted so that the clause reads:

"A driver or person in charge of a vehicle must not park and (except if the vehicle is a bus) stop or stand within 6m of a bus stop."

32. The Council would also query whether 6m either side of a bus stop sign is sufficient as many urban buses are now longer than 12 metres, so not only is there no manoeuvring room to access the bus stop, they physically can not occupy it if other vehicles are parked at the 6 metre limits.

14. Marking of stopping or standing places (amend clause 6.15(1)(c))

33. This amendment allows a roading authority to mark stopping or standing places for any class of vehicle to be marked only if practicable. This amendment assists Council in undertaking its parking enforcement parking duties as well as supporting assisting in achieving its aim of minimising the impact of parking on the natural and physical environment. **Council supports the amendment.**

15. Requirement to wear seat belts properly (amendment to clause 7.8)

34. This proposed amendment seeks to ensure that seat belts are worn correctly. This is recognised as an enhancement to road safety in line with the City Plan Transport Safety Objectives and the Council's Road Safety Strategy. As such **Council supports the amended clause.**

16. Exceptions for bus drivers in relation to child restraints and seat belt wearing (revoke and replace subclause 7.11 (4))

35. The current Rule requires that a driver must ensure that young passengers are restrained appropriately. Council agrees that the application of this rule to bus drivers is not practical and as such **supports the proposed amendment.**

17. Use of trailer safety chains (revoke and replace subclause 7.11 (4))

36. Council recognises the road safety benefits associated with the proposed amendment and as such **supports the principle** of the amendment.

18. Updating of reference to police (amend clause 7.21(2)(c))

37. This amendment does not have a significant impact on the business of Christchurch City Council but Council agrees with the proposed amendment.

19. Child Safety locks in taxis (new clause 7.23)

38. Council welcomes this amendment which provides a method that clearly indicates to taxi passengers that child locks are available for their use should they wish to activate them. The clause also allows passengers opportunity to be able to choose to exit a taxi should they wish to. **Council therefore supports the amended clause.**

20. Use of motorcycle and moped lights during daylight hours. (amended clause 8.3)

39. Christchurch City Council motor cycle fleet users are currently instructed to switch on headlights throughout the day to increase their visibility to other road users as a safety enhancement. **Council therefore supports the proposed clause.** However, Council is of the view that requiring cars to have headlamps switched on during daylight hours also has safety benefits especially in open road situations, and asks that this be considered in a future rule review.

21. Use of Blue beacons by officials with the statutory power to stop vehicles (amended clause 8.5(1)(aa))

40. This amendment does not impact significantly on the business of the City Council. However Council recognises that the proposed amendment would assist certain officers with statutory power to stop drivers in their duties to have blue beacons installed on vehicles they use in there official duties. **Council supports this amendment.**

22. Rules for Passenger service vehicles stopping at level crossings (amended clause 9.4(1)(a))

41. This amendment recognises the conflict and poor driving decisions that are made by drivers that are behind a bus and who are unaware that passenger service vehicles are required to stop before entering a level crossing (including those where red flashing signals have been installed).

42. The amendment seeks to remove this requirement where the level crossing is accompanied by flashing red signals. Council recognises the contribution to driver safety as a result of the proposals and as such **support the proposed amendment**.

23. Categories of passenger service vehicle required to stop at level crossings (amended clause 9.5)

43. Council recognises that inclusion of smaller vehicles such as shuttles services and private hire vehicles to the passenger service fleet exacerbates the concerns raised in relation to clause 9.4(1)(a).

44. **Council is therefore in support** of the proposals to re-categorise the type of vehicle required to stop at level crossings.

24. Give-way to pedestrians waiting to cross a pedestrian crossing (amended clause 10.1(1)(a))

45. This proposed amendment seeks to enhance pedestrian safety by requiring drivers to give-way to pedestrians who are obviously waiting to cross at a pedestrian crossing. Council is of the view that this proposed amendment aligns with Christchurch City Plan objectives for Pedestrians and the Council's Pedestrian Strategy, and that it can contribute to achieving the following anticipated policy outcomes: *"Improved access and safety for pedestrians moving throughout the City in general in addition to enhancing amenity for pedestrians and for the City in general."* Whilst some uncertainty is held about the definition of "obviously waiting", **Council supports the proposed amendment**.

25. Use of shared pedestrian cycle paths

46. This amendment seeks to clarify the obligation of all users of shared pedestrian and cycle paths to use the paths in a careful and considerate manner that does not present a hazard or does not unreasonably impede the progress of any other user.

47. This amendment assists in achieving the objectives of the Christchurch City Council City Plan and the Council's Cycle and Pedestrian Strategies of providing for the safe movement of cyclists and actively encouraging cycling as a means of transport and for providing for the safe movement of pedestrians in a pleasant environment. **Council therefore supports the proposed amendment**.

26. Performance criteria for cycle headlamps (change of definition of headlamp)

48. This amendment seeks to change the definition of headlamp in recognition of the fact that many front cycle lights are not effective in illuminating the road ahead and as such currently fail to accord with the definition of a headlamp. The amendment corrects this inconsistency. The **Council supports** the proposed change.

Additional Issues for Consideration

27. Priority for buses when signalling to leave a stop

49. A key target as set out in the New Zealand Transport Strategy 2008 and the Regional Land Transport Strategy 2008 - 2018 is to increase the use and availability of public transport. This can be assisted through schemes that give priority to passenger transport services over private motor vehicles. This theme is echoed in the Christchurch Metro Strategy 2006-2012

which seeks to enhance bus priority as a method to achieve its vision of making public transport attractive, convenient and for providing a preferable alternative to many car trips. In seeking to deliver the aim of ensuring that passenger services arrive reliably and on time the strategy seeks to develop a requirement that other road users are required by law to give way to buses when they are pulling out of stops. 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.

50. Some safety concerns associated with priority for buses relate to cyclists concerns that a bus may pull away whilst a cyclist is committed to overtaking the bus. The UK model illustrated in the NZTA overview document states that a bus driver is required to signal but also to be aware that a vehicle may be so close that the bus would not be able to give way safely. Consequently, while the bus is given priority, some onus for assessing the situation still rests with the bus driver.

51. Consistent with a number of Council resolutions in line with this proposal over recent years, **Council therefore supports priority for buses** where some onus rests with the bus driver to assess the situation before pulling away.

Concluding Remarks

56. Council again thanks the New Zealand Transport Agency for the opportunity to make a submission on the draft Land Transport (Road User) Rule [2009] Rule 61001/4.

57. If you require clarification on the points raised in this submission or additional information, please contact Judith Cheyne, Solicitor, Legal Services Unit, ph. 03 941 8649, email: Judith.cheyne@ccc.govt.nz or Stuart Woods, Principal Transport Planner, Strategy and Planning Group, ph. 03 941 8615, email: stuart.woods@ccc.govt.nz

Yours faithfully

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