

11 July 2024

Ministry of Transport
speedrule@transport.govt.nz
Wellington

Kia ora,

The Kāpiti Coast District Council (Council) thanks you for the opportunity to comment on the draft Land Transport Rule – Setting of Speed Limits 2024.

Although we note in the explanatory material to the draft Rule that this change aims to implement the Government's commitment to stop and reverse the previous government's blanket speed limit reductions, we believe the changes proposed are illogical and irresponsible. Council does not support this as a reason to:

- reduce the safety of our roads,
- place yet another unfunded mandate on councils, and
- puts business and economics above the safety of our children.

Our submission suggests steps to better recognise the need for balance and flexibility to respond to community need and preferences.

Throughout 2023 Council undertook extensive engagement with its communities to develop a Speed Management Plan (SMP) for the Kāpiti Coast District. Council finalised its SMP on 26 October 2023, providing a community-based approach to road safety across the district. The engagement process saw 12 of the initial 29 proposals amended to reflect specific feedback and circumstances from our different communities. The Plan focuses on:

- installing 30km/h variable speed limits around 13 schools,
- installing 30km/h permanent speed limits around 9 schools,
- reducing permanent speed limits on 7 roads,
- reducing speed limits to 30km/h around 6 town centres.

For the Kāpiti Coast District, the proposed changes in the 2024 Setting of Speed Limits Rule, would see our newly endorsed Speed Management Plan (SMP) become voluntary alongside the implementation of the new rules. However, there appears no option to use an SMP instead of the new rules. This creates significant uncertainty in how the two processes

operate in practice, and dichotomy whereby community preferences are placed secondary to centralised settings without consideration of local circumstances.

We are concerned that the nature and extent of changes proposed by the new Setting of Speed Limits Rule will undermine our community-based approach, and also impose additional and unwarranted costs and constraints on Council, overlaying a one size fits all approach that does not reflect our road network and users, resulting in poorer behaviours and outcomes.

Our submission responds to each of the seven proposals, identifying our concerns alongside proposed changes we believe will help better balance the intent of the draft rules with local approaches for an efficient and safe roading network.

Our feedback on your proposals

Proposal 1 – Requiring cost benefit analysis for speed limit changes.

In principle, we are supportive of CBA which is an effective tool for prioritisation. However, we are **not supportive** of the proposed draft Rule which proposes that road controlling authorities (RCAs) must undertake a cost benefit analysis (CBA) for each road in its network to consider the following impacts:

- a) safety (including changes in the number and severity of crashes); and
 - b) travel time (including changes in mean operating speed); and
 - c) implementation costs (including planning, road signs and markings, installation costs, overheads, consultation and administration costs).
- Our concerns with the proposed use of CBA for this process relates to the practical use of the metrics noted for safety and travel time which we think won't work. Further, we have recently developed a Speed Management Plan in consultation with our community which would effectively be dismissed by this new approach. Providing a blanket requirement for every speed limit change to undertake a CBA would do little to provide meaningful information for decision making in the majority of our roading cases, with the potential to confound community experience.
 - While the benefit of a CBA is to help identify the potential loss of life and serious injury relative to road speeds and cost, it is worth noting that not all roads or roading environments are equal; and therefore that a one-size fits all approach for setting requirements is not sensible. In practical terms, Kāpiti has a low instance of injuries, averaging one fatal crash and 16 serious crashes on a network over 440km long over the last five years. For Kāpiti, CBA using the proposed metrics will not be a useful yardstick of risk and safety for our road environment.
 - Requiring us to undertake CBA's will cost the district around \$500K, which is equivalent to a 0.5% impact on rates at a time when both council and our communities are facing surging costs. This is on top of the \$200K, a 0.2% impact on rates, that we have already spent to undertake consultation on our latest SMP.

We recommend that the requirement for a one-size-fits-all approach is amended to provide RCAs an option for undertaking a CBA for roads classified as urban connectors as input into their decision-making process.

Proposal 2 – Strengthen consultation requirements

- We **do not support** introduction of new consultation requirements, when local government already has significant requirements set through the Local Government (LGA) which we already utilise. We see this rule again as a one-size-fits-all solution catching councils in unnecessary regulation when they are already required by the LGA to consult in a manner commensurate with the significance of the decision being made, with the communities affected, and have mostly undertaken, full, appropriate, and transparent consultation.
- The draft Rule seeks to ensure RCAs undertake genuine consultation with increased transparency of decision making in response to feedback received. We believe we already achieve genuine consultation through our existing work and approach for speed management. As noted earlier, Council undertook robust and genuine consultation in developing its SMP. This reflected requirements of section 3.9 (2) of Land Transport Rule: Setting of Speed Limits 2022 and the principles for consultation specified in section 82 of the Local Government Act 2002 (LGA). As noted, the engagement process saw 12 of the initial 29 proposals amended to reflect specific feedback and circumstances from our different communities.
- Further to this, we are concerned that implementing speed limits as is proposed in the draft Rule will over-ride community wishes. This appears to be at odds with the proposed consultation requirements. For example, in Council's SMP, area-wide proposals to reduce the speed limits from 50 to 30km/h in two self-contained communities (Paekākāriki and Te Horo Beach), would not proceed as requested by those communities, under the draft Rule. This tension needs to be acknowledged and addressed.

We recommend, that SMPs are clearly stated as optional and voluntary, and that where carried out, Council's undertake consultation in alignment with LGA requirements reflecting the significance of the policy being developed and the decisions being made.

We further recommend, that to reduce confusion between the requirements of the draft Rule and the option to develop an SMP, the specifications of the draft Rule be available as options for a community to consider when developing their preferences, but not mandatory.

Proposal 3 – Require variable speed limits outside school gates.

- We support in principle the intention to limit speeds around school areas. However, we **do not support** the draft Rule as it requires variable speed limits outside school gates during school travel periods, i.e. the period between 8.00am and 9.30am and the period between 2.30pm and 4.00pm on any day on which that school is open for instruction. Council notes:
 - a) that the 30km/h variable speed limits already implemented around schools can remain,
 - b) an RCA may set the speed limit for a road outside the school gate of a category 1 school as a permanent speed limit of 30 km/h if that is also the speed limit for the section of road adjoining the section of road outside the school gate,
 - c) that electronic signs continue to be an option in all environments as outlined in the Consultation document.
- A number of our schools are adjacent other land uses that generate vehicle, cycle and pedestrian traffic throughout the day. We submit that this proposal as specified won't work for these schools for the following reasons:

- a) Installing electronic variable speed limit signs at some sites will be impractical due to the presence of adjacent traffic signals.
- b) Static variable speed limits signs if installed will be inconspicuous to motorists due to the presence of other signage/street furniture and will have little if any effect on motorists reducing speeds.
- c) The risks to pedestrians and cyclists exists during periods of the day outside the period when the Variable Speed Limit signs are operating as proposed under the Rule.

We recommend that the Rule should be amended to:

- enable RCA's to have the option to implement permanent 30km/h speed limits on roads fronting schools where pedestrian/ cycling activity is occurring continuously throughout the day even if the speed limit on the adjoining streets has a posted speed limit of 50km/h. In these situations, traffic calming is required to ensure that speed remain below 30km/h at all times.

Further, for very practical reasons, we **do not support** the set times proposed for default variable speeds in the draft Rule. It proposes default variable speed limit times, i.e. between 8.00 to 9.30am and 2.30 to 4.00pm on any day on which the school is open for instruction. Currently we have different operating times for our variable speed limits which reflects the size and location of schools, and different start/ finish times set by the Ministry of Education for different schools, as follows: before school: 8.30 – 9.15am and 8.30 – 8.45am; and after school: 2.45 – 3.30pm, 3.00 – 3.40pm and 4.15 – 5pm.

- Implementing the proposals as outlined in the draft Rule will:
 - a) result in periods when the signs are operating with no activity generated by the school resulting in motorists ignoring the variable speed limit, and
 - b) in periods when the signs are not operating when activity is generated by the school increasing the risk to all road users. For example the existing Variable Speed Limit (VSL) signs outside St Peter Chanel operate between 4.15 and 5pm. Under the proposal the VSL's would operate between 2.30 and 4pm. and result in Council having to incur additional costs to reprogramme the electronic variable speed limit signs and static variable speed limit signs that have already been installed around schools (making them potentially ineffective as deterrents if active outside key times). The changes are also unnecessary on the Kāpiti Coast as all schools are on roads traversed by local traffic.
- In addition, the legality of a VSL operating outside the hours that it is required could be subject to challenge.

We recommend that the approach proposed to variable speed signs around schools is reviewed for actual workability.

Proposal 4 – Introduce a Ministerial Speed Objective.

- We **do not support** the proposal to introduce Ministerial Speed Objectives. This proposal seems to be at odds with the principle of community autonomy and our understanding of the purpose of the draft Rule, to ensure genuine consultation with communities and increased transparency of decisions making. This Speed Objective and the other inflexible aspects of the draft proposal seriously undermine the Rule's stated purpose.

We recommend that:

- there is no need for a Ministerial Speed Objective,
- the overall tenor of the draft Rule is over-regulation that negates its purpose to ensure genuine consultation and transparent decision-making, and
- if there is a Ministerial Speed Objective that it is shared as soon as possible so it can be considered at the planning stage of updating the Speed Management Plan.

Proposal 5 – Changes to speed level classifications.

- For very practical reasons, we **do not support** the draft Rule, which proposes to introduce a binding schedule of speed limit classifications that specify speed limits available for each road type. This classification of roads/ streets is new and does not align with the One Network Framework (ONF) that is used by the majority of RCAs in New Zealand (e.g. Schedule 4 refers to Urban Streets whereas the ONF refers to Local Streets).
- There are two issues we wish to raise on this basis:

A) Speed Limit Classifications

Using a new classification could result in:

- a. RCA's applying their own interpretation to the road classification based on the description in Schedule 4.
- b. The Director of Land Transport having difficulty certifying Speed Management Plans if they are unable to confirm the class of road (i.e. many RCA's ONF road classifications can be viewed on GIS. A new classification system would require some level of alignment or a recapturing of GIS information for most RCAs).
- c. Potentially cause confusion between RCAs and NZTA:
 - i. when assessing business cases and budget bids to the National Land Transport Programme¹,
 - ii. hinder progress on enhancements to the ONF that better include people that are walking, riding a bike or taking public transport. It will also reflect that transport corridors are not just for travelling through, but are also places where people stop, socialise, enjoy, and do business.

Council notes that the proposed speed limit classifications do not include an "Activity Street" type. Activity streets provide access to shops, entertainment venues, community facilities and commercial, trades and industrial businesses for all people, whether walking, cycling, using public transport, or driving. Activity Streets are where people spend a significant amount of time, working, shopping, eating, residing, and undertaking recreation. They therefore support medium to high levels of people walking, cycling, using public transport, or driving through the area. These competing demands need to be managed within the available road space. A reduced speed limit is particularly relevant when speeds increase during uncongested conditions thereby increasing the risk to pedestrians/ cyclists if struck by a vehicle. Ideally, RCAs should have the

¹ Using the ONRC, local authorities and NZ Transport Agency can compare the state of roads across the country, and direct investment where it is needed most. Road users will see an increase in the quality of some roads, and a decrease in others that have been over-specified in the past. Overall, New Zealanders will get the right level of road infrastructure where it is needed, determined by a robust, impartial, nationally consistent tool – the ONRC. ([One Network Road Classification \(ONRC\) | NZ Transport Agency Waka Kotahi \(nzta.govt.nz\)](#))

flexibility to manage these streets/places to reflect the local environment and changing nature of use throughout the day.

B) Urban Streets with significant levels of pedestrian and/or cycling activity

This classification is open to interpretation and does not align with the ONF of 'Local Streets'.

Furthermore, the speed limit of 40km/h does not align with international best practice, i.e. the risk of death or serious injury for a pedestrian struck at 40km/h reduces from 30% to 10% if struck at 30km/h. We recommend that the draft Rule is amended to enable area wide 30km/h speed limits on local streets to be implemented if the proposal is supported by the majority of the community.

We recommend that proposed schedule 4 is amended:

- to include all ONF C categories (e.g Activity streets), or reference the ONF as the Schedule,
- so the classes of road can be used as a guide when considering local conditions, allowing speed limit settings to take into account the adjacent roadside development and associated activity,
- so RCAs have the option of implementing a speed limit as low as 30km/h on Activity Streets, given Activity Streets are often destination streets, and
- RCAs have the option of reducing the speed on urban (ONF - Local) streets to 30 or 40km/h:
 - if requested by the community and there is widespread community/ key stakeholder (e.g. FENZ) support.
 - where motorists, cyclists and pedestrians have to share the carriageway due to the lack of footpaths, which is a feature in some of Kāpiti's communities.

Proposal 6: Update the Director's criteria for assessing Speed Management Plans for certification.

- We **do not support** the proposed changes to certification of Speed Management Plans. Council notes that preparing a Speed Management Plan (SMP) is optional and that preparation of the next Speed Management Plan for the 2027-2030 NLTP is scheduled to commence in 2025.
- As noted above, the preparation of Kāpiti Coast's current SMP has involved significant organisational effort, serious engagement with our communities, and has cost in excess of \$200K excluding physical works. The SMP has been adopted by Council and used as an input into Council's Long-term Plan 2024-2034, the RLTP, to assist responding consistently to residents' requests, and to help alignment between various plans being prepared by Council.
- Council's efforts in developing its SMP is representative of this work across the local government RCA sector. It is unclear with the proposed changes how existing SMPs are to be updated. If they will be required to be updated it is likely to involve significant further expense for very unclear benefit to Council, our communities, and stakeholders.

We recommend that:

- the reviewing of an SMP by a RCA is entirely optional, and
- given the lack of clarity of purpose or benefit arising from the proposal in the draft Rule, existing certified SMPs are implemented as proposed and any new or changed requirements arising from the proposal in the Draft Rule only come into force if a council chooses to review its SMPs in the future.

Proposal 7 – Reverse recent speed limit reductions.

- We **do not support** the draft Rule, which proposes to require speed limits reduced since 1 January 2020 to be reversed on the following roads:
 - a) local streets with widespread 30km/h speed limits surrounding a school,
 - b) arterial roads (urban connectors),
 - c) rural state highways (interregional connectors).
- The Kāpiti Coast District Council Speed Management Plan 2023-33 as adopted by Council on 26 October 2023 included one road (1.1km long) affected by the above proposal out of a network totalling in excess of 440km.
- Council has difficulty understanding, and would have difficulty justifying to its community, why the speed limit would need to be reversed when:
 - a) The speed limit on the urban connector was reduced to 50km/h from 70km/h following requests from the community and to reflect the change in land use adjacent to the road.
 - b) Table 1, schedule 4 of the Rule allows speed limits of between 50 and 80km/h for urban connectors.
 - c) Five minor crashes have been reported between 2019 – 2023.
 - d) Reversing the speed limit to the original 70km/h followed by undertaking an CBA to support a lower speed limit is not a good use of resources.
- Regulating to force Council's to reverse decisions made by community request and with community support conflicts with the democratic and transparent decision-making the new Rule is supposedly putting in place.

We recommend that the default position in the proposed Rule should be to retain the existing speed limits where consultation on the SMP provides evidence supporting the change from the original speed limit.

Conclusion

While noting the overarching intent to create consistency of speed management across jurisdictions and road environments, we believe that without recognising current community-based settings, a large proportion of the proposed changes creates a one size fits all approach that will not well serve our community, which has different road network uses and challenge that many more urban areas don't.

We would welcome the opportunity for further conversation on the draft proposals that may allow councils to avoid incurring the significant and unnecessary extra expense and potential for poorer outcomes the current proposal will force upon them.

We also seek further clarification around the status of our adopted SMP and transitioning arrangements to the new proposals should they proceed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darren Edwards', with a stylized, cursive script.

Darren Edwards
Chief Executive
Kāpiti Coast District Council

A handwritten signature in black ink, appearing to read 'L. Kirby', with a cursive script.

Lawrence Kirby
Deputy Mayor
Kāpiti Coast District Council