

## Proposed Amendment to Speed Limits Amendment Bylaw 2022 (Tranche 2A)

For decision:  For noting:

### Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) Note a small number of minor changes and corrections are needed to the Auckland Transport Speed Limits Amendment Bylaw 2022 (Bylaw) so that it correctly reflects the date that the Bylaw comes into effect, removes one duplication, and to improve consistency of speed change dates for rural roads.
- b) Note that Auckland Transport (AT) may rely on section 156(2) of the Local Government Act 2002 (LGA) to make minor changes to, or correct errors in, the Bylaw publicly notified resolution where such changes or corrections do not affect any existing right, interest, title, immunity, duty, status or capacity of any person subject to the Bylaw.
- c) Pass the proposed resolution in Attachment 1 to amend the Bylaw and publicly notify the resolution once made.

### Te whakarāpopototanga matua / Executive summary

1. Work to review speed limits across AT's road network is continuing under the Safe Speeds Programme.
2. The Auckland Transport Speed Limits Amendment Bylaw 2022 was approved by the board on 31 March 2022.
3. In implementing the speed limit changes within the Bylaw, some issues with the Bylaw were discovered, including:
  - The date the Bylaw comes into force was not stated within Clause 3(1) of the Bylaw provided to the board;
  - One road was inadvertently included in both Schedule 2 and Schedule 3 of the Bylaw, therefore one entry is required to be deleted, and
  - A number of roads have effective dates that unintentionally differ from their surrounding area. These roads require corrections to the speed limit deletion &/or speed limit effective dates for consistency.
4. To address matters in the Bylaw as set out in paragraphs 1 and 2 above, minor changes and corrections are needed to Clause 3(1) and Schedules 2, 3 and 8 of the Bylaw.
5. The board is being asked to make these amendments to the Bylaw by way of publicly notified resolution.

## Ngā tuhinga ō mua / Previous deliberations

6. Previous deliberations on Auckland Transport Speed Limits Amendment Bylaw 2022 are summarised as follows:

| Date                | Report Title  | Key Outcomes   |
|---------------------|---|--|
| June 2021<br>Board  | Proposed Speed Limits Amendment Bylaw 2022 and Statement of Proposal (Tranche 2A) | <p>Endorsed the speed limit review assessments for the Tranche 2A roads.</p> <p>Approved the draft Auckland Transport Speed Limits Amendment Bylaw 2022 for consultation.</p> <p>Adopted the Statement of Proposal to support the public consultation on the proposed amendment bylaw under the special consultative procedure.</p> <p>Established a hearings panel to receive submissions on the proposed amendment bylaw via hearing(s) in person.</p> |
| March 2022<br>Board | Proposed Speed Limits Amendment Bylaw 2022 (Tranche 2A)                           | <p>Resolved to make the speed limit changes as recommended and pass the Auckland Transport Speed Limits Amendment Bylaw 2022.</p> <p>Approved the draft public feedback report to be finalised and released.</p>   |

## Te horopaki me te tīaroaro rautaki / Context and strategic alignment

- As a road controlling authority, AT is required by law to review and set speed limits that are 'safe and appropriate' for all roads under its control. Safe and appropriate speeds are travel speeds that are appropriate for road function, design, safety and use.
- In September 2019, the board approved Vision Zero for Tāmaki Makaurau, a Transport Safety Strategy and Action Plan to 2030, which sets a target of a 65% reduction in deaths and serious injuries (DSI) by 2030 compared to the 2016-2018 baseline and includes "Providing a safe transport environment by increasing investment in safe infrastructure, technology and speed management" as a strategic priority.
- Reviewing and setting safe and appropriate speed limits is a critical part of the total road safety response for Auckland. It is a cost effective way to achieve sustained DSI reduction on the network. In addition to improved road safety performance, speed management also contributes to positive environmental sustainability, health and wellbeing outcomes, as well as improved access and experience for vulnerable road users.
- In response to the poor safety performance of roads across Auckland, AT, together with road safety partners and key stakeholders, developed the Safe Speeds Programme which involves a multi-year programme of speed limit reviews.
- In March 2022 the board made the Auckland Transport Speed Limits Amendment Bylaw 2022 to set safe and appropriate speed limits on over 800 roads across the network as part of the second tranche of speed limit reviews under the Safe Speeds Programme.

12. This paper proposes to make minor changes and corrections to the Bylaw so that it accurately reflects the date that the Bylaw comes into effect, removes one duplication, and to improve consistency of speed change dates.

## Ngā matapakinga me ngā tātaritanga / Discussion and analysis

13. Following board approval of the Auckland Transport Speed Limits Amendment Bylaw 2022 on 31 March 2022, the programme team has been undertaking the required notifications and delivery planning in preparation for implementing the speed limit changes.
14. In completing this work it was identified that a number of minor changes and corrections are required to the Bylaw.
15. Clause 3(1) of the Bylaw is required to contain the effective date of the Bylaw. This was inadvertently admitted from the Bylaw approved by the board and is now recommended to be updated to reflect an effective date of 30 June 2022, being the date of the earliest speed limit change.
16. The speed limit change for Buckland Road, Buckland was inadvertently included in both Schedule 2 and Schedule 3 of the Bylaw. The inclusion in Schedule 2 is an error, and this entry requires deletion.
17. To assist with a cohesive rollout of new speed limits, all roads within a geographical area should have their speed limit changes become effective on the same date. During detailed delivery planning, it was identified that a number of rural roads had inconsistent dates between two and four weeks later than the majority of their surrounding area. Date corrections are required in order to avoid the temporary inconsistencies that will occur if the current bylaw dates are adhered to.
18. To make the above corrections, the Bylaw needs to be amended. Generally, bylaw amendments are made following the process in section 156 of the LGA (which would usually require the use of the special consultative procedure (section 156(1)(a)). However, in very limited circumstances, section 156(2) LGA provides an alternative approach. This provision allows AT to make minor changes or corrections to the Bylaw by publicly notified resolution (rather than the usual public consultation process) if the changes or corrections do not affect any existing right, interest, title, immunity, duty, status or capacity of a person subject to the bylaw.
19. It is considered that AT may rely on section 156(2) LGA to make the proposed changes and corrections to the Bylaw by publicly notified resolution on the basis that they will maintain the status quo in terms of the speed limits intended to be in force currently, and the corrected speed limits in the bylaw will match the existing speed limit signage on the ground for the roads concerned. There is considered to be no impact of the proposed changes and corrections on any existing right, interest, title, immunity, duty, status or capacity of any person subject to the bylaw (i.e. any person entitled to drive on New Zealand roads).
20. The proposed resolution to effect the minor changes and corrections to the Bylaw is detailed in Attachment 1.

## Ngā tūraru matua / Key risks and mitigations

| Key risk   | Mitigation   |
|--|--|
| <p>If the recommended date corrections are not made, between the time period of 30 June 2022 and 28 July 2022 there will be inconsistencies in speed limits within the southern rural area.</p> <p>This gives rise to a risk that the speed limits temporarily do not make sense to drivers, and a reputational risk if limits are viewed as inconsistent.</p> | <p>Progress the attached resolution which will enable a consistent speed limit change date of 30 June 2022.</p>  |
| <p>There is a reputational risk that residents within the communities that are served by these roads may be upset to discover the errors in the Bylaw.</p>   | <p>Prepare careful messaging to respond to any queries received.</p> <p>Progress the attached resolution which will enable a consistent speed limit change date of 30 June 2022.</p> |

## Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

21. The Single Stage Business Case (SSBC) for the Safe Speeds Programme was approved by Waka Kotahi New Zealand Transport Agency (Waka Kotahi) in March 2020, with a subsequent cost-scope adjustment approved in September 2021. Budget is included within the Regional Land Transport Plan 2021 and co-funding secured via the National Land Transport Plan 2021.

## Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

22. The primary focus of Safe Speeds is to improve safety, we do know however that safe driving speeds make it more attractive for an increase in active modes. This supports emission reduction.

## Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

23. Public notification of the resolution (in Attachment 1), once made by the board, will notify mana whenua, elected members, Council Controlled Organisations, customers and community of the amendments to the Bylaw.

24. In line with the Road Safety and Vision Zero communications strategy, a communications and engagement plan has been created to ensure AT provides localised information to affected parties, including elected members, key stakeholders and local residents.

## Ngā whaiwhakaaro haumarū me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

25. Speed management has direct safety benefits and is consistent with Vision Zero principles. The aim of the Safe Speeds Programme is to achieve a sustained reduction in deaths and serious injuries on the Auckland road network.
26. Resolving the minor errors and corrections in the Bylaw will avoid the temporary inconsistency in rural road speed limits discussed under Ngā tūraru matua / Key risks and mitigations above.




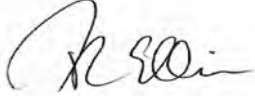
## Ā muri ake nei / Next steps

27. If the board passes the proposed resolution, staff will proceed with the following next steps:
  - (a) publicly notify the amendment bylaw (in accordance with section 22AE of the Land Transport Act 1998);
  - (b) notify Minister of Transport of the amendments within one week (in accordance with section 22AB(4) of the Land Transport Act 1998);
  - (c) notify both Waka Kotahi and the New Zealand Police Commissioner of the amendments at least 10 working days before the new speed limits come into force with the information detailed in Section 2.7(6) of the Land Transport Rule - Setting of Speed Limits 2017; and
  - (d) implement the speed limit changes in accordance with the corrected dates commencing on 30 June 2022.

## Te whakapiringa / Attachment

| Attachment number | Description   |
|-------------------|---|
| 1                 | Proposed resolution to amend the Auckland Transport Speed Limits Amendment Bylaw 2022 |

## Te pou whenua tuhinga / Document ownership

|              |  |   |
|--------------|--|---|
| Submitted by | Melanie Alexander<br><b>Group Manager Network Management</b>           |  |
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