

Entered by Board Secretary

Proposed Amendment to Speed Limits Bylaw 2019

For decision:

For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) Note that a very small number of minor changes and corrections are needed to the Auckland Transport Speed Limits Bylaw 2019 (Bylaw) so that it accurately reflects the speed limits intended to be retained in effect when the Bylaw commenced (on 30 June 2020) for nine 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 by 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. In implementing speed limit changes on 30 June 2020 and in reviewing the speed limits on 26 roads (with a view to a future bylaw amendment), some unforeseen issues with Schedule 7 of the Bylaw were discovered, including:
 - Six roads or parts of roads outside the Urban Traffic Area (UTA) boundary where the speed limits unintentionally defaulted to 100km/h;
 - Part of a road within the UTA boundary where the speed limit unintentionally defaulted to 50km/h;
 - A correction is required to an 'area of road' description in Schedule 7 that resulted in the speed limit on part of a part of a road within the UTA boundary unintentionally increasing to 80km/h; and
 - A duplication of an 'area of road' description in Schedule 7 that resulted in two entries specifying different speed limits for the same section of road.
3. To address matters in the Bylaw as set out in paras 1 and 2 above, minor changes and corrections are needed to Schedule 7 of the Bylaw.

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4. The Board is being asked to make these amendments to the Bylaw by way of publicly notified resolution.

Ngā tuhinga ō mua / Previous deliberations

5. The board has not previously deliberated on any proposal to reinstate the speed limits for the nine roads concerned by the current proposal. The board has previously deliberated on other matters and proposals concerning the wider Safe Speeds Programme, which the current proposal is being progressed under. Figure 1 in **Attachment 2** illustrates the previous deliberations.

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

6. Noting an adverse trend in road safety across Aotearoa, the Government Policy Statement on Land Transport (GPS) 2018/19 - 2027/28 has a renewed emphasis on safety, with a doubling of investment in road safety promotion and a significant increase in road policing.
7. In September 2019, the Board approved Vision Zero for Tamaki Makaurau, a Transport Safety strategy and Action Plan to 2030, which sets a target on no more than 250 deaths and serious injuries by 2030 and includes *“Providing a safe transport environment by increasing investment in safe infrastructure, technology and speed management”* as a strategic priority.
8. In December 2019, the New Zealand Government released Road to Zero, New Zealand’s Road Safety Strategy 2020-2030, which set a target to reduce deaths and serious injuries by 40%, equivalent to approximately 750 fewer deaths and 5,600 fewer serious injuries, over the next decade and, *“...requires us to establish safe and appropriate travelling speeds across our road network.”*
9. Reviewing and setting safe and appropriate speed limits is a critical part of the total road safety response for Auckland. It provides the most cost effective and fastest reductions in deaths and serious injuries on our network. In addition to road safety gains, speed management also contributes to positive environmental sustainability outcomes.
10. 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.
11. In October 2019 the board made the Auckland Transport Speed Limits Bylaw 2019 (Bylaw) to set safe and appropriate speed limits on 828km of roads across the network. The making of the Bylaw followed the first tranche of speed limit reviews under the Safe Speeds Programme.
12. This paper proposes to make minor changes and corrections to Schedule 7 of the Bylaw so that it accurately reflects the speed limits intended to have effect on commencement of the Bylaw for nine roads identified as having inadvertently changed speed limits under the Bylaw.

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Ngā matapakinga me ngā tātaritanga / Discussion and analysis

13. On 30 June 2020, speed limit changes were implemented across 700+ roads in the Auckland Region. On 1 July 2020, a comprehensive inspection and quality audit of all the signs installed on 30 June 2020 was undertaken to identify and correct any issues.
14. In parallel, the AT team has also reviewed the speed limits on 26 roads that were omitted from the Bylaw.
15. In completing this work it was identified that changes or corrections were required within the Bylaw with respect to nine roads.
16. Schedule 7 of the Bylaw acts to preserve the pre-existing speed limits for specified roads to prevent them from defaulting to the urban (50km/h) or rural (100km/h) speed limits. The pre-existing speed limits described in Schedule 7 were set by one or other of the legacy district councils. These speed limits have not been changed by AT. However, the opportunity was taken to set these speed limits again in the Bylaw to confirm and consolidate speed limit records.
17. The pre-existing speed limits were inadvertently omitted from Schedule 7 for six roads or parts of roads in Tawharanui and Warkworth, which means that on commencement of the bylaw (30 June 2020) the speed limits for those roads unintentionally changed to the default rural speed limits of 100km/h. For Great South Road in Drury, the speed limits unintentionally changed to the default urban speed limit of 50km/h because the pre-existing speed limit was inadvertently omitted from Schedule 7. These errors can be corrected without affecting any existing right, duty or status of drivers, as per Section 156(2) of the LGA.
18. A correction is required for the 'area of road' description in Schedule 7 for Christian Road, Swanson, to address the inadvertent increase in the speed limit on part of the road within the UTA boundary changing to 80km/h.
19. An duplication in an 'area of road' description in Schedule 7 for part of East Coast Road, Silverdale, resulted in two entries in Schedule 7 specifying different speed limits for the same section of road.
20. The proposed minor changes and corrections relate to the following nine roads:

Road Names	Suburb
Baddeleys Beach Road (part), Campbell Road, Clinton Road, Kookaburra Drive, Pigeon Place	Tawharanui
Wilson Road (part)	Warkworth
East Coast Road (part)	Silverdale
Christian Road (part)	Swanson
Great South Road (part)	Drury

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21. 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.
22. 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).
23. The proposed resolution to effect the minor changes and corrections to Schedule 7 of the Bylaw is detailed in **Attachment 1**.

Ngā tūraru matua / Key risks and mitigations

Key risk	Mitigation
As the roads generally have lower posted speeds than the speed limits set under the Bylaw on 30 June 2020, these roads already operate at lower speeds, but there is a risk that vehicles speeds on these roads will increase as drivers become aware of the issues.	To mitigate this risk, leave the pre-existing signage in place and work with the New Zealand Police to manage any issues that arise in the interim.
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, particularly if the legal speeds limits have increased above the posted speed limits.	To mitigate this risk, prepare careful messaging to respond to any queries received. Progress the resolution to ensure retention of existing speed limits as currently posted.

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

24. Budget for the Safe Speeds Programme was secured as part of the Road Safety budget within the Auckland Council Emergency Budget 2020/2021.

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

25. Speed has important impacts on the environment, and these are highlighted in more detail in the Safe Speeds Programme Single Stage Business Case.

Ngā reo o mana whenua rātou ko ngā mema pooti, ko ngā roopu kei raro i te maru o te Kaunihera, ko ngā hāpori katoa / Voice of mana whenua, elected members, Council Controlled Organisations, customer and community

26. 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.

27. 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 haumaruru me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

28. Speed management has direct safety benefits and is consistent with Vision Zero principles. The aim of the Safe Speeds Programme is to achieve sustained reductions in deaths and serious injuries on the Auckland road network.

29. Resolving the minor errors and corrections in the Bylaw will ensure that the speed limits on the nine roads are enforceable by the New Zealand Police.

Ā muri ake nei / Next steps

30. Immediate public notification of the resolution (in **Attachment 1**) passed by the Board.

31. In accordance with section 22AB(4) of the LTA 1998, within one week, notify the Minister of Transport of the amendments to the Bylaw.


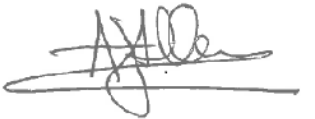

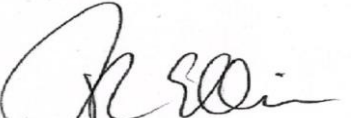
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32. Notification to both Waka Kotahi New Zealand Transport Agency and the New Zealand Police Commissioner at least 10 working days before the reinstated speed limits come into force, that speed limits have been reinstated and provide them, in writing, with the information detailed in Section 2.7(6) of the Land Transport Rule - Setting of Speed Limits 2017.

Ngā whakapiringa / Attachments

Attachment number	Description
1	Proposed Resolution to Amend the Auckland Transport Speed Limits Bylaw 2019
2	Previous Deliberations

Te pou whenua tuhinga / Document ownership

Submitted by	Randhir Karma Group Manager Network Management	
	Andrew Allen Executive General Manager Service Delivery	
Recommended by	Rodger Murphy Executive General Manager Risk & Assurance	
	Shane Ellison Chief Executive	
Approved for submission		