



## Traffic Bylaw 2012

Auckland Transport Board meeting 18 July 2012

### *Explanatory Note*

*This bylaw made pursuant to section 22AB of the Land Transport Act 1998, allows for Auckland Transport as the road controlling authority to set requirements for parking and control of traffic on roads under the care, control, or management of Auckland Transport. This bylaw revokes and replaces transport-related bylaws made by the previous local authorities of Auckland.*

*This explanatory note is for information purposes only and does not form part of this bylaw.*

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**1 Title**

This bylaw is the Auckland Transport Traffic Bylaw 2012.

**2 Commencement**

This bylaw comes into force on 1 August 2012.

**3 Application**

This bylaw applies to all roads under the care, control, or management of Auckland Transport for which it has bylaw-making powers.

**Part 1  
Preliminary Provisions**

**4 Purpose**

The purpose of this bylaw is to set the requirements for parking and control of vehicular or other traffic on any road under the care, control or management of Auckland Transport.

**5 Interpretation**

(1) In this bylaw, unless the context otherwise requires-

**Act** means the Land Transport Act 1998 the regulations and the rules under that Act.

**approved disabled person's parking permit** means a disabled person's parking permit or mobility parking permit-

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by Auckland Transport.

**bus lane** means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of-

- (a) buses; and
- (b) cycles, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).

**carpool** means a shared use of a vehicle by a driver and one or more passengers, usually for commuting to a similar or nearby destination including place of employment, business or educational facility.

**class of vehicle** means groupings of vehicles defined by reference to any common feature and includes-

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by Auckland Transport.

**cruising** means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that-

- (a) draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) creates a convoy that-
  - (i) is formed otherwise than in trade; and
  - (ii) impedes traffic flow.

**cycle lane** means a longitudinal strip within a roadway reserved by a marking or sign for the use of cycles.

**cycle path-**

- (a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and
- (b) includes a cycle track formed under section 332 of the Local Government Act 1974.

**diverted material** means anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.

**emergency vehicle** means a vehicle used for attendance at emergencies and operated-

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

**light rail vehicle lane** means a lane reserved for the use of light rail vehicles by a marking or sign installed at the start of the lane (unless the light rail vehicle lane is a continuous loop) and at each point at which the lane resumes after an intersection.

**motor vehicle-**

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include-
  - (i) a vehicle running on rails; or
  - (ii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
  - (iii) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
  - (iv) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
  - (v) a pedestrian-controlled machine; or
  - (vi) a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
  - (vii) a mobility device.

**parking machine** means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

**parking place** means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

**shared vehicle** means a vehicle operated by an organisation approved by Auckland Transport to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly basis.

**special vehicle lane** means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

**traffic** means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

**transit lane** means a lane reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane)-

- (a) passenger service vehicles;
- (b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;
- (c) cycles;
- (d) motorcycles;
- (e) mopeds.

**transport station** means a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as Auckland Transport considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

**urban traffic area** means an area designated pursuant to the Land Transport Rule: Setting of Speed Limits 2003 that consists of one or more specified roads or a specified geographical area, to which the urban speed limit generally applies.

**vehicle-**

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
  - (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
  - (c) does not include-
    - (i) a perambulator or pushchair;
    - (ii) a shopping or sporting trundler not propelled by mechanical power;
    - (iii) a wheelbarrow or hand-trolley;
    - (iv) a pedestrian-controlled lawnmower;
    - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
    - (vi) an article of furniture;
    - (vii) a wheelchair not propelled by mechanical power;
    - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
    - (ix) any rail vehicle.
- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Interpretation Act 1999 applies to the interpretation of this bylaw.
- (4) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Auckland Transport at any time.

**6 Resolutions made under this Bylaw**

A resolution may be made under this bylaw-

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- (c) that applies to any road or part of a road under the care, control, or management of Auckland Transport; or
- (d) that applies at any specified time or period of time.

## **Part 2 Vehicle and Road Use**

### **7 One-way roads**

- (1) Auckland Transport may by resolution require vehicles on roads to travel in one specified direction only.
- (2) Every driver of a vehicle must travel only in the direction specified on a one-way road.
- (3) Auckland Transport may specify by resolution that cycles may travel in the opposite direction on a one-way road.

### **8 Left or right turns and U-turns**

- (1) Auckland Transport may by resolution prohibit-
  - (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
  - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- (2) A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Auckland Transport has prohibited or restricted such movements.

### **9 Routes and manoeuvres on roads**

- (1) Auckland Transport may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- (2) A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Auckland Transport.

### **10 Special vehicle lanes**

- (1) Auckland Transport may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- (2) A person must not use a special vehicle lane contrary to any restriction made by Auckland Transport.

### **11 Traffic control by size, nature or goods (including heavy vehicles)**

- (1) Auckland Transport may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.

- (2) A person must not use a road contrary to a prohibition or restriction made by Auckland Transport.
- (3) If in the opinion of Auckland Transport it is safe to do so, Auckland Transport may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of-
  - (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
  - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
  - (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
  - (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

## **12 Cycle paths**

- (1) Auckland Transport may by resolution-
  - (a) fix the length, route and location of a cycle path;
  - (b) determine priority for users of a cycle path on a shared path that may be used by some or all of the following persons at the same time-
    - (i) pedestrians;
    - (ii) cyclists;
    - (iii) riders of mobility devices;
    - (iv) riders of wheeled recreational devices.
- (2) A person must not use a cycle path in a manner contrary to any restriction made by Auckland Transport.

## **13 Shared zones**

- (1) Auckland Transport may by resolution specify any road to be a shared zone.
- (2) Except where Auckland Transport has by resolution specified otherwise, no person may stand or park a vehicle in a road specified as a shared zone.
- (3) A person must not use a shared zone in a manner contrary to any restriction made by Auckland Transport.

## **14 Cruising**

- (1) Auckland Transport may by resolution-
  - (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
  - (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

- (2) A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Auckland Transport.

**15 Light motor vehicle restrictions**

- (1) Auckland Transport may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.
- (2) A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by Auckland Transport unless-
- (a) that vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
  - (b) that vehicle is being used for the time being as a passenger service vehicle; or
  - (c) prior written permission from Auckland Transport has been obtained.

**16 Engine braking**

- (1) Auckland Transport may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- (2) A person must not use engine braking on any road in contravention of a prohibition or restriction made by Auckland Transport.

**17 Unformed legal roads**

- (1) Auckland Transport may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- (2) A person must not use a motor vehicle on an unformed road contrary to a restriction made by Auckland Transport.

**Part 3  
Parking**

**18 Stopping, standing and parking**

- (1) Auckland Transport may by resolution-
- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
  - (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.
- (2) A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by Auckland Transport.

**19 Parking places, parking buildings, transport stations and zone parking**

- (1) Auckland Transport may by resolution-
- (a) reserve any area of land or any road or any part of a road or any zone or any building or any part of a building owned or under the care, management or control of Auckland Transport to be a parking place or a transport station;



- (b) specify the vehicles or classes of vehicle that may or must not use a parking place or transport station;
  - (c) prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
  - (d) prescribe-
    - (i) any charges to be paid for the use of a parking place or transport station; and
    - (ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner;
  - (e) make provision for the efficient management and control of a parking place or transport station.
- (2) Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
- (3) A person must not park a vehicle in a parking place or transport station in contravention of prohibition or restriction made by Auckland Transport.

## **20 Mobility parking**

- (1) Auckland Transport may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.
- (2) Auckland Transport may approve the form of a disabled person's parking permit.
- (3) A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.
- (4) A person must not park a vehicle which is displaying an approved disabled person's parking permit unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

## **21 Residents' parking**

- (1) Auckland Transport may by resolution reserve any specified parking place as-
- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
  - (b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- (2) Auckland Transport may by resolution prescribe-
- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
  - (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- (3) Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and display a current approved resident's parking permit so that it is clearly legible.

- (4) A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Auckland Transport unless a current approved resident's parking permit is prominently displayed in the vehicle.

**22 Parking vehicles off a roadway**

- (1) A person must not stop, stand or park a motor vehicle in urban traffic areas on that part of the road which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- (2) A person may stop, stand or park a motor vehicle in contravention of this clause if-
- (a) that part of the road is designed and constructed to accommodate a parked vehicle; or
  - (b) Auckland Transport has given written permission to stop, stand or park a vehicle in that part of the road.

**23 Parking for display or sale**

A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

**24 Machinery or equipment on roads**

A person must not leave any machinery, equipment, materials or freight containers on any road unless that person has the written permission of Auckland Transport. This clause does not apply to containers that are used solely for the purpose of kerbside collection of waste or diverted material authorised by Auckland Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.

**25 Repairs on vehicles**

A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

**26 Broken down vehicles**

A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

**Part 4  
Enforcement Powers**

**27 Removal of vehicles and things**

- (1) In addition to the powers conferred on it by any other enactment, Auckland Transport may remove or cause to be removed from any parking place, transport station or road any vehicle or thing using those places stations or roads in breach of the bylaw.
- (2) Auckland Transport may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the vehicle or thing.

**28 Removal of construction**

Auckland Transport may remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

**Part 5  
Offences and Penalties****29 Bylaw breaches**

A person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

**Part 6  
Exceptions, Revocation and Savings provisions****30 Exceptions**

- (1) A person is not in breach of this bylaw if that person proves that-
- (a) the act or omission complained of took place in response to a situation on a road; and
  - (b) the situation was not of the person's own making; and
  - (c) the act or omission was taken-
    - (i) to avoid the death or injury of a person; or
    - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 30(1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this bylaw.
- (3) Any restrictions made under Parts 2 and 3 of this bylaw do not apply to-
- (a) a vehicle that is actually engaged in urgent repair work to a public utility service;
  - (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
  - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- (4) A person is not in breach of this bylaw if that person proves that the act or omission-
- (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
  - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

**31 Revocation**

The following transport-related bylaws are revoked to the extent that they apply to any roads under the care, control or management of Auckland Transport-

- (a) Auckland City Council Traffic Bylaw 2006;
- (b) Franklin District Council Traffic Control Bylaw 2006;
- (c) Chapter 13 (Parking and Traffic) of the Manukau City Consolidated Bylaw 2008;
- (d) Part 6 (Traffic Control) of the North Shore City Council Bylaw 2000 excepting clause 6.5 and any specific definition in clause 6.1 that relates to clause 6.5;
- (e) Papakura District Council Parking and Traffic Bylaw 2009;
- (f) Chapter 25 (Parking and Traffic Control) of the Rodney District Council General Bylaw 1998;
- (g) Waitakere City Council Use of Roads and Parking Bylaw 2010 (Waitakere City Council Traffic Bylaw 2010).

**32 Savings**

Any resolutions, approvals, permits or other acts of authority made pursuant to the bylaws referred to in clause 31 remain in force in the area to which it applied on the date of revocation until revoked by Auckland Transport.