



**la Ara Aotearoa Transporting New Zealand
submission on
Auckland Transport's (AT) proposed activities in the
Road Corridor Bylaw 2022**

ATEngagement@at.govt.nz

la Ara Aotearoa Transporting New Zealand
PO Box 1778
Wellington
Ph: (04) 472 3877
Contact: Nick Leggett CEO

February 2022

Ia Ara Aotearoa Transporting New Zealand submission on the Auckland Transport (AT) proposed activities in the Road Corridor Bylaw 2022

1. Representation

- 1.1 Ia Ara Aotearoa Transporting New Zealand (Transporting New Zealand) is made up of several regional trucking associations for which Transporting New Zealand provides unified national representation. It is the peak body and authoritative voice of New Zealand's road freight transport industry which employs 32,868 people (2.0% of the workforce), and has a gross annual turnover in the order of \$6 billion.
- 1.2 Transporting New Zealand members are predominately involved in the operation of commercial freight transport services both urban and inter-regional. These services are entirely based on the deployment of trucks both as single units for urban delivery and as multi-unit combinations that may have one or more trailers supporting rural or inter-regional transport
- 1.3 According to Ministry of Transport research (National Freight Demands Study 2018) road freight transport accounts for 93% of the total tonnage of freight moved in New Zealand

2. Introduction

- 2.1 Transporting New Zealand provides sector leadership and believes we all need to operate in an environment where the following must be managed and co-exist:
 - The safety and wellbeing of our drivers and other road users; our drivers are our most valuable asset
 - The impacts of transport on our environment
 - The transport of goods by road is economically feasible and viable and it contributes the best way it can to benefit our economy.
- 2.2 Transporting New Zealand welcomes the opportunity to comment on the proposed Auckland Transport (AT) activities in the Road Corridor Bylaw 2022 consolidation document.

3. Submission

- 3.1 The proposal document succinctly lays out the foundational thinking behind this proposed bylaw consolidating a range of fragmented related user activities into a logical single source bylaw framework approach. Interestingly, the statement of proposal is driving a very strict timeline, given that it appears a number of the legal elements controlling road use under the auspices of AT are due to expire in March 2022.

- 3.2 The strategic elements of the amalgamation are largely self-evident.
- 3.3 We will comment on various aspects of the draft bylaw section-by-section as much as they relate to our sphere of interest using also the relevant provisions table in the *Statement of proposal* and the *Proposed activities in the Road Corridor Bylaw 2022* explanatory publication. Hopefully this approach will provide some order to our comments which are largely framed around commercial freight and freight vehicle activity.

4. Purpose provision

- 4.1 The **Purpose provision** stands on its merits requiring no comment.

5. General provisions - Section 3

- 5.1 Our comments below refer to both the draft bylaw text and the quick guide text.
- 5.2 The general provisions in the bylaw are pretty widely encompassing. Section 3(1)(d) regarding prohibitions around loading and unloading except in designated places could arguably be problematic for our sector. The approach outlined completely ignores the realities of commercial commerce, for example, picking up or dropping off household goods by a service that doesn't qualify as a utility service.
- 5.3 We suggest subsection 3(1)(d) be rewritten to provide for normal commerce to operate with the AT roading system. Curiously, the bylaw talks about facilitating freight movements but for many freight movements the end-point of service will be in the road corridor, particularly for door-to-door delivery that has become the new normal. Typically house movers and whiteware deliveries rely on kerb-side parking as the least inconvenient option for carrying out the delivery function.
- 5.4 Another problem we see is delivery of courier and postal items could be impacted by the language used in the above section.
- 5.5 In terms of the impact on the rural sector, loading and unloading of livestock is still regularly carried out on the roadside at what are unlikely to be designated places under AT's bylaw.
- 5.6 It is our view that instead of enhancing and facilitating freight movements, the broad coverage of this section of the bylaw completely inhibits freight and transport activity. Auckland's fascination with building residential and retail facilities with no vehicle access further erodes the delivery of goods capability.
- 5.7 Interestingly, there is no evidence of an exemption for fire and ambulance services to the prohibition on picking up and delivering goods. Neither of these services can be qualified as a utility service so we question whether this is an oversight or perhaps this exemption resides somewhere else in AT's menu of bylaws.

- 5.8 The objective of the bylaw should be to prevent traffic flow being impeded by the loading/ offloading from vehicles but in our view, the language used in section 3(1)(d) is too generic and all-encompassing, and arguably conflicts with the facilitating freight movement objective.
- 5.9 In broad terms, the detailed prohibitions in Section 3(2) empower the council to impose penalties for range of offences, but some examples are actually questionable e.g. the prohibition on permitting dripping from eaves.
- 5.10 While on the face of it, the prohibitions probably seem logical, one has to ask what is the magnitude of the problem AT is trying to solve and, with this example how does the building owner manage natural phenomena such as wind driven drippings? This particular breach of the bylaws seems a curiously designed overreach from an outsider perspective.

5.11 Provisions concerning waste and toilets on the side of the road

5.11.1 ***Restrictions on specific items - Section 4***

- 5.11.1.1 This section providing protection of the road corridor is important for the freight industry activity and ensuring transport deliveries can be undertaken without being impeded by all sorts of temporarily placed objects that might inhibit traffic movements.
- 5.11.1.2 The 24 hour removal action of a prohibited object, Section 4(3) (a) and (b) provision is pretty generous, particularly if the object placement is on a significantly trafficked road compared to relatively minor residential access road. It raises a question of whether a more granulated approach might be more beneficial for officials managing the situations outlined.

5.12 Provisions concerning compliance with safety of traffic management plans

5.12.1 ***Temporary traffic management - Section 5***

- 5.12.1.1 Subsection 5(2) refers to the VDM rule and is all encompassing in terms of vehicle dimensions referring to the standard vehicle dimensions, however, the safety risk alluded to should only pertain to over width-vehicles. Given the prevalence of HPMVs and 50MAX vehicles, essentially overlength combinations, meeting the *proforma* designation, using the term *over dimension* in the application of the clause is a policy perspective doing nothing to contribute to the goal of facilitating freight.
- 5.12.1.2 The ***Provisions concerning construction and other work in the road corridor*** offers a reduction in compliance demands by reducing paperwork associated with the approval, while preserving the integrity of protections of people and property when the work is being undertaken. While the administrative burden may be reduced, the control framework of legal agreements still stands, so the changes are probably little more than symbolic. However, any reduction in paper work is to be applauded.
- 5.12.1.3 Page 2 of the AT summary advice presents an important point about vehicle crossings and encroachment licences being granted upon written application. The text speaks about a variety of application forms which even if they are electronic documents, present something of document management

nightmare. Perhaps the forms and application purpose should be aggregated and the different delineation of topics managed by discrete application coding methods, thereby reducing the paper work and form filling for applicants for routine applications.

- 5.13 **Parts 1 to 3** of the bylaw cover a range of aspects related to the roadway, street damage, air space, and subsoil impacts and therefore, these are largely outside our primary scope of interest.

6. Part 4 - Vehicle crossings

- 6.1 A considerable part of the bylaw provisions (being Part 4) is focussed on the approval, design, application and serviceability of vehicle crossings. From a commercial vehicle perspective, vehicle crossings are an important part of the road and property access provision that help ensure safe passage from the roadway, or to the roadway, from freight delivery or commercial product sites. There are many critical design aspects applicable to vehicle crossings used for heavy vehicle movements that must be taken into account in determining the best design solution to ensure general road safety norms are maintained, as well as the safety of vulnerable road users who might be using the available pedestrian spaces.
- 6.2 For these reasons we accept the importance of AT maintaining strict oversight of these types of facilities.

7. Part 5 - Livestock on roads

- 7.1 The Sections 29 to 33 provide sufficient flexibility for the rural community to carry out its role concerning the management of livestock on or adjacent to the road that is under AT's management authority. Section 33(3) providing for singular or multiple approvals although at the discretion of AT is a useful approach. The only issue is ensuring the approval system remains relatively simple for both applicants and Council administrators.

8. Concluding comments

- 8.1 Given the wide audience impacted by typical bylaws it is important they are simple and well understood and any approvals required are administratively simple for all parties, to ensure relatively high levels of compliance.
- 8.2 The bylaw propositions outlined in the draft will have to be supported by easily digested publicly available information when the bylaw is finalised, due to its wide community impacts.
- 8.3 What is always a disconcerting trend is for officials to write legislative frameworks from an administrative city-centric perspective, inadvertently overlooking the legitimate end-user of the services the bylaw is attempting to manage.

- 8.4 We remain of the view that some parts on the bylaw we have commented on should be reworked to ensure the freight facilitation objective is actually achieved.