



**la Ara Aotearoa Transporting New Zealand**

**submission to**

**Waka Kotahi NZ Transport Agency**

**on:**

**Temporary Traffic Management**

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April 2022

# **Ia Ara Aotearoa Transporting New Zealand submission to Waka Kotahi NZ Transport Agency on its proposed changes to temporary traffic management**

## **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 (MOT) 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 agrees it is important that scheduled and unscheduled work is carried out safely on our road network and that all workers and road users go home safe every day.
- 2.3 Transporting New Zealand welcomes the opportunity to comment on Waka Kotahi NZ Transport Agency's (Waka Kotahi's) four draft sections of the New Zealand Guide to Temporary Traffic Management (NZGTTM). In mid-February, during a National Freight Forum, the consultants that developed the drafts gave a presentation on their work therefore we understand the context behind the proposed changes.

## **3. Our position principles**

- 3.1 Transporting New Zealand supports the aspiration of Road to Zero. As it is for roadworkers, the roads are the workplace for many of our members. No transport operator wants to send their staff out to work each day and have any of them not come back, or end up in hospital with serious injuries, and nor do they want their staff to injure any third party.

- 3.2 In our view, Road to Zero is really about zero tolerance to the behaviour that causes deaths and injuries, and we are supportive of that on the condition that the Government and Waka Kotahi genuinely focus on developing an overall safer system, and implicit in that is taking a systems approach.
- 3.3 Transporting New Zealand is mindful that over the last several years there has been emerging global appreciation by contemporary health and safety experts that the prescriptive checklist approach that has evolved over the last couple of decades has resulted in some perverse and tragic outcomes. Sadly, rather than the focus being on actually managing the risk at hand, “safety management” has predominately been about completing paperwork and making plans match prescribed templates. It is intriguing that across multiple well developed international jurisdictions there has been greater focus on having a good system instead of managing the risk of those most likely to suffer harm. Therefore, we agree there is a need for a fundamental change in approach and we support the general intent of the proposed changes.

#### **4. Comments on the Introduction section**

- 4.1 The Foreword refers “the key change is providing more freedom to focus on managing safety risks” and over the last several months, across a range of various forum, Waka Kotahi has been signaling to us that we should expect to see more frequent road closures because eliminating the hazard that traffic presents means road works will be more likely to be completed safely. We have some concern that by Waka Kotahi pre-empting the risk controls it is failing to consider and manage the actual risk on a case-by-case basis and at a system level. While the road workers may be safe if the road is closed to traffic, Waka Kotahi is not adequately considering the impact and risk on road users that are diverted from using the closed road. We would urge Waka Kotahi, and its contractors, to take a systemic approach and maintain focus on the risk to all parties.
- 4.2 The Foreword also refers to “a new way of thinking and a new way of doing things to keep everyone safe”. We agree that changing to a risk-based approach will be a major change for Waka Kotahi and its contractors and we would like to understand more on how the major capability build associated with this change will be managed. We welcome engaging with Waka Kotahi in regard to considering any role we can play in assisting make this change.
- 4.3 Section 2 refers to the Waka Kotahi document as a “best practice guide” which is to be used alongside the WorkSafe Road and Roadside Worker Health and Safety Good Practice Guide (RRSWGPG). Section 2 further refers “While not a mandatory code of practice, it’s intended for use by persons conducting a business or undertaking (PCBUs) that fund, plan or engage in activities on or near Aotearoa New Zealand roads”. We find the hierarchy of codes of practice, good practice guides and guides an unnecessary complication to understanding the expected respective levels of compliance and legal responsibilities. We recommend the status and relative compliance levels of these layers of documents be clarified by WorkSafe and Waka Kotahi.
- 4.4 Section 3.4. refers “You need to give the highest level of protection, as is reasonably practical”. We acknowledge that this section also refers to both

“workers and road users” however, we would like Waka Kotahi to better explain how the risk to other road users will be assessed.

## **5. Comments on the temporary traffic management system section**

- 5.1 As a general observation we found this section to contain an inconsistent level of detail on an eclectic amount of information. The content ranged from elementary education on risk (refer section 1.1.4), to key responsibilities for respective roles managing risk, to quoting sections of the Government Roading Powers Act 1989 and the Local Government Act 1974 (refer section 1.3.4). We recommend the audience and respective content for this section be clearly identified.
- 5.2 Section 1.1.2 refers to the Lead Contractor preparing and approving the TMP while the Road Controlling Authority has veto rights. We are concerned that the Lead Contractor will have an inherent and natural bias towards ensuring the protection of their workers as potentially in the event of a serious incident they face the risk of prosecution under the Health and Safety at Work Act (HSWA). Our concern is what obligation or what protocol ensures that the safety of other road users is duly considered as they will not be considered workers that the Lead Contractor is primarily responsible for.
- 5.3 Section 1.1.2 also refers that the contracting PCBU “must ensure safety in design is considered”. In our opinion that appears to be a very narrow obligation and we are surprised the client does not have more of a role in ensuring the safe design is actually delivered as opposed to simply considered.
- 5.4 Section 1.1.4 refers to it being up to the company or organisation doing the risk assessment to decide the best method for assessing the risk. We are concerned that this amount of freedom will risk creating inconsistency in the assessments, for example, the consequence severity and impact of risk controls could differ widely simply because different risk matrices are being used. At least at the start of this change we recommend consideration be given to providing greater guidance on assessing risk. It is our view that road users are already often perplexed by the inconsistent use of speed limit signs at road works, for example, a local resealing patch could have a temporary posted 30 km/h in one area, whereas in what appears to be similar circumstances in other areas, it could be posted as 50 km/h or 70 km/h and this leads to road users paying little heed to the signs. Freeing up contractors to assess risk in whatever way they see fit is, in our opinion, likely to further exacerbate the inconsistent application of risk controls.
- 5.5 Section 1.2.1 refers to three stages of managing the risk, namely: idea generation; planning for delivery; and idea delivery. There is also reference to the responsibilities of a number of roles, namely: the client; the planner; the risk reviewer; the coordinator; the STMS; and the assurer. We question the wisdom of taking such a hierarchical approach and fear that a new cottage industry of road work risk managers evolves at the expense of genuinely considering the safety of workers that are most exposed to harm, and as a consequence the latter are no better off than before.
- 5.6 Section 1.8.2 refers that training in the future will be more industry driven. These proposals are major changes that require building capability and new ways of working in the road construction and road work sectors. Achieving these changes will be a considerable exercise and we are concerned that there has not been sufficient thought on how this change will be managed. We do not believe the

production of guides will be sufficient to safely manage or lead the change and Waka Kotahi should provide a strategic plan on how the change will be successfully achieved.

## **6. Comments on the toolbox section**

- 6.1 As with the previous section, we found it difficult to ascertain who the target audience for this material was.
- 6.2 We accept that the current Code of Temporary Traffic Management (COPTTM) has become a voluminous document over time. However, a benefit of that is it provides a one stop shop and users can generally find all they need in the COPTTM. We were advised one of the desired outcomes of this project was to make a much shorter document and we see these four sections are much less than COPPTM. However, the toolbox refers the reader to numerous other resources which in our view makes this new document considerably less user friendly and possibly less effective.
- 6.3 We were also confused by the high degree of variability in the information, for example, section 1.2.4 gives specific examples of calculating maximum traffic flows and queue lengths however, other important criteria such as sight distance are given much less coverage and there is considerable reliance on the reader referring to the raft of other reference material to ascertain other key factors. We were perplexed as to how Waka Kotahi determines the content and level of detail appropriate for this document.
- 6.4 In similar vein to 6.3 above, we were intrigued that a document like this would include the specific dimensions for vertical delineators, even including the requirement for where retroreflective bands should be placed on delineators. It is very unclear to us why the selected equipment that is referred to in such minute detail has been chosen.
- 6.5 Our sector finds it challenging to efficiently receive advance warning of scheduled works so it can allow for the impacts of the road works and plan trips accordingly. Currently the information comes via a raft of emails and text messages from various consultants, contractors and parties within Waka Kotahi and often the same information comes from multiple sources. If the purpose of this document is to provide advice on how communications can be provided to road users, we urge Waka Kotahi to reconsider its current approach and include more proactive and better coordinated communications to help better manage these risks, especially if road closures are to become more common.
- 6.6 We are also concerned that as a result of the increased focus of the Lead Contractor to meet health and safety legal obligations to their workers, other road users will not be consulted on road closures that have significant impacts on them. We recommend a requirement to consult be added to the tool box.

## **7. Comments on the supporting material section**

- 7.1 As with previous sections we have struggled to comprehend how the respective content for the various sections has been determined. We are pleased to see an example of calculating lowest total risk and the consideration of the impacts of diverted traffic however, we would have thought that it was fairly obvious that a diversion from a route that normally takes three hours to an alternative route that

takes eight hours would be so obviously impractical that it would not warrant calculation or serious consideration.

- 7.2 In 7.1 above we are more interested in understanding at what level of additional time for diverted traffic does Waka Kotahi believe is “acceptable” or on what criteria are these thresholds to be determined.
- 7.3 Section 1.2 regarding the client request refers to the data sources for data on road users being the road controlling authority and public transport operators. We do not have high confidence that road controlling authorities always have a good understanding of factors that underpin heavy vehicle traffic patterns therefore we request the data source be extended to organisations representing the heavy vehicle sector and associated costs be factored into the cost of the subsequent works.

## **8. Concluding comments**

- 8.1 Transporting New Zealand agree deaths at managed road sites need to be eliminated and therefore we agree changes need to be made. However, we are disappointed that Waka Kotahi has not applied a higher degree of transparency in sharing the systemic learnings from the raft of serious harm incidents that have occurred over the last several years at road work sites. We are concerned that simply changing the documents and procedures for the undertaking of road works will be insufficient to lower the risk. For example, it would have been useful for us to understand whether compliance with the risk controls was a factor in any of the incidents, because had that been the case, if systemic issues related to poor compliance are not remedied then regardless of the new approach the risk will remain relatively high.
- 8.2 We hope this risk does not materialize however, Waka Kotahi’s new focus on meeting the obligations of the HSWA appears to unavoidably shift the current focus of managing the interests of all parties on the road network to one predominantly focused on road workers and as a consequence that could be detrimental to the safety of other road users that are not captured under HSWA. We do not believe there is sufficient detail in the current draft documents to give us confidence that this risk has been adequately considered and urge Waka Kotahi to introduce more rigour and structure to ensure a good balance is achieved.
- 8.3 In the event road closures are to become more common place, we urge Waka Kotahi to bring a much stronger focus to coordinating and bundling up works so a number of maintenance activities can be completed at the same time, and therefore road closures are minimised.
- 8.4 We would also like Waka Kotahi to review the resourcing of the development of temporary traffic plans. The contractors directly involved in undertaking the works are paid for those works and over the last several years there has been growing demand and reliance on industry input to determining appropriate temporary traffic management plans. Transporting New Zealand is committed to continuing its participation in these consultations however, we believe that advice should be treated like other related professional inputs and a service fee is appropriate.
- 8.5 Finally, we reiterate our concern that these changes are significant for the road construction/maintenance sector, particularly in regard to the knowledge and capability development required. If the change is not well-managed we foresee

considerable risk occurring with inconsistent application of risk controls at road work sites. We believe Waka Kotahi should provide a strategic plan that gives confidence that this change will be implemented successfully.