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Light-vehicle Brakes Amendment 2014
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LIGHT-VEHICLE BRAKES AMENDMENT 2014 (Rule 32014/4)

Introduction

The New Zealand Automobile Association (NZAA) welcomes the opportunity to provide comment on the Light-vehicle Brakes Amendment Rule.

The NZAA is an incorporated society with 1.4 million Members. It represents the interests of road users who collectively pay over \$2 billion in taxes each year through fuel excise, road user charges, registration fees, ACC levies, and GST. The NZAA's advocacy and policy work mainly focuses on protecting the freedom of choice and rights of motorists, keeping the cost of motoring fair and reasonable, and enhancing the safety of all road users.

Our comments on the proposals are provided below:

Proposal 1: Extend the scope of the Rule to include ESC requirements

The NZAA has advocated for the mandatory adoption of ESC in new and used light vehicles entering the fleet, calling for ESC to be mandated in our 2011 election calls. As such, we support the overall intent of the draft Rule which will reduce crashes and consequently improve road safety.

The NZAA believes the mandatory fitment of ESC is the most significant policy action that the government can take to improve the safety of the light vehicle fleet. We believe this single action has the potential to save the lives of over 20 New Zealanders a year on our roads.

Proposal 2: Require light passenger and light commercial vehicles to meet new ESC requirements

The NZAA supports this rule applying to light vehicles of Class MA, MB, MC and NA as proposed.

In particular, we also support the exemptions specified in new section 2.1(4) of the Rule, namely that imported vehicles over 20 years old, immigrants vehicles, Special Interest Vehicles (SIV), or vehicles with a motorsport authority card, are exempt from complying with the ESC requirement under new s2.1(3).

However, these exemptions do not include scratch-built or low-volume vehicles (which do not have SIV permits), and the NZAA also believes such new or less than 20-year-old specialist vehicles, defined as 'low volume vehicles' under the current Rules, should also be exempted from the ESC requirements.

NZAA recommendation: clause 2.1(4) to be amended to include low volume vehicles.

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Proposal 3: Phase in ESC requirements from 2015 to 2020

The NZAA broadly supports the proposals to phase-in ESC over the next 5 years, with new light vehicles being required to have ESC fitted as soon as possible, and all used light vehicles by 2020.

The NZAA endorses the phased timeframes for used Class MA, MB, MC and NA vehicles as proposed, including the split timeframe for class MA vehicles based on engine capacity. Overall, the NZAA supports the analysis that suggests such a staggered timeframe will enable the fastest-possible uptake of ESC in order to realise the safety benefits sooner, without negatively impacting on used-import volumes, vehicle choice, or retail price significantly. We believe the proposals strike the right balance, and we would not support either bringing the proposed deadlines forward (for all or some vehicle classes), or postponing them further.

We do note the phase-in for different classes (or engine capacity) of used vehicles could be confusing, especially for private importers, so it is essential NZTA actively ensure these rules are clearly publicised on the NZTA website ('guide to importing a vehicle'), Customs website and other suitable forums such as at NZ embassies (e.g. for returning citizens or holidaymakers).

However we do propose some amendments for new light vehicles. While the NZAA supports the 1 July 2015 deadline for all Class MA, MB and MC vehicles, we believe this deadline should be delayed for Class NA vehicles.

The NZAA has always supported NZ adopting international standards that align with other jurisdictions that are key source markets for NZ. The date of 1 July 2015 is in advance of the deadline adopted by Japan and Australia for Class NA models to be compulsorily fitted with ESC, especially for 'existing new' models (February 2017 and November 2017 respectively), and as a result this could negatively impact the choice and availability of new Class NA models, and actually delay the uptake of new, safer vehicles.

While the NZAA would support a deadline of 1 July 2015 for 'new design' new models (slightly in advance of Australia's deadline of November 2015), we propose NZTA investigate extending the deadline for 'existing design' new models by at least 12 months, provided this does not have a significant impact on the supply of new Class NA models. We believe this will strike a fair compromise for new vehicle suppliers by giving the industry more time to source or place orders for compliant models, while not extending the deadline by more than two years and delaying the uptake of safer light commercials which may remain in the fleet for 20 years or more.

NZAA recommendation: clause 2.1(3)(a) be amended to apply to all Class MA, MB, MC and 'new design' Class NA models (from July 2015), while 'existing design' Class NA models be required to comply no earlier than July 2016 subject to further analysis.

In-service requirements

The NZAA supports the general safety requirements proposed in new section 2.6 of the Rule, however we don't consider s2.6(3) is adequate to verify that ESC is functioning. ESC is a critical, advanced active safety technology which various international studies demonstrate will significantly improve road safety by reducing single vehicle crashes by about 25-35% for cars or 50-68% for SUVs. It is essential that the system is operating properly, and ensuring that a warning system indicator is functioning may not be adequate proof.

A computerised diagnostic tool which is capable of reading fault codes in the vehicles' computers and can scan memories, is able to determine if the system has a current defect or has recorded a prior intermittent defect where the system has been re-booted without being

repaired. Warning lights or icons cannot be completely relied upon and are not a robust means of determining if the system is, or has been, operating correctly. They can also be subject to unscrupulous tampering by parallel connection to another vehicle system such as an oil pressure or charging system light.

NZAA recommendation: NZTA investigate the feasibility of other simple means of proving ESC system functionality, such as via generic diagnostic scan tools and software, and whether the use of such tools are a more reliable indicator of system functionality than the vehicle's in-built warning system.

Yours sincerely



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