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New Zealand  
Automobile  
Association



# Energy Innovation (Electric Vehicles and Other Matters) Amendment Bill

## NZAA submission

**The New Zealand Automobile Association Incorporated**

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NEW ZEALAND

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**SUBMISSION TO:** Commerce Select Committee

**REGARDING:** **Energy Innovation (Electric Vehicles and Other Matters) Amendment Bill**

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**ATTENTION:** Secretariat

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**NOTE TO REQUESTOR**

The AA does not wish to present this submission orally.

## **Background on the New Zealand Automobile Association**

The New Zealand Automobile Association (NZAA) is an incorporated society with 1.5 million Members. Originally founded in 1903 as an automobile users advocacy group today 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.

## **Content of this Submission**

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## **Executive Summary**

The NZAA is supportive of the proposed amendment to allow Road Controlling Authorities to make bylaws to allow certain classes of vehicles, such as electric vehicles, to use special traffic lanes. However, in order for such a bylaw to be successfully implemented, it is important that there is publicity so that general road users understand why some cars are using special lanes. It is also important that enforcement is consistently applied by all Road Controlling Authorities, and that the method of enforcement is free of error, and the AA recommends that Road Controlling Authorities are provided guidance in this regard.

## Part 3 – Amendment to Land Transport Act 1998

### Section 22AB amended (Road controlling authorities may make certain bylaws)

The NZAA is supportive of the intent of this amendment to permit RCAs to pass bylaws allowing EVs access to bus and high occupancy vehicle lanes ('transit lanes').

Internationally, it is recognised that financial as well as psychological incentives are important to increase the uptake of EVs. While the main financial incentive in NZ (aside from the lower energy costs) is the RUC exemption, other benefits provided to EV owners here include free charging and free or preferential parking, which are both financial and psychological incentives.

Seeing EVs travelling in transit lanes will help encourage some to consider purchasing an EV, where practical, in order to enjoy faster commuting times. At an EV seminar hosted by EECA in 2016, American EV advocate Chelsea Sexton (who was involved in the development of the General Motors EV1 in the 1990s) said that access to transit lanes was the "number one" *non-financial* incentive that authorities could introduce to facilitate the uptake of EVs.

### NZAA Member views

Although the NZAA has not surveyed our Members specifically about EVs using transit lanes, 81 per cent of Members have said that the RUC exemption was either a 'small benefit' or a 'really important' reason for buying an EV, and similarly 75.6 per cent of Members said cheaper parking was a 'small benefit' or 'really important'.

### International practice

In other jurisdictions, EV access to transit lanes has been employed to great success, so much so that in Norway, the volume of EVs in bus lanes began causing congestion and this incentive is being withdrawn by some local authorities. This was triggered once the number of EVs on Norwegian roads reached 50,000, and should be anticipated in NZ. The exemption to use transit lanes should be seen as temporary (just like the RUC exemption) until a certain volume of EVs is reached, thereby not negatively impacting on public transport users. Therefore RCAs should be encouraged to introduce such bylaws fully in the expectation that they will eventually have to withdraw them, although this could be applied on a corridor-by-corridor basis.

### Identifying suitable transit lanes

Facilitating EV access to transit lanes via a bylaw means RCAs will be best placed to assess which transit lanes are suitable without having significant negative impacts on other road users. Certain criteria to identify suitable transit lanes should be universally applied by RCAs. These could include the number of bus movements, to only select those with relatively low utilisation, like the Northern Busway in Auckland. Similarly, bus lanes with frequent moments and numerous bus stops could be excluded, such as Dominion Road in Auckland, as this may negatively impact on bus travel times but will also negatively impact on travel times for traffic in the general lanes, as EVs will have to frequently re-enter the general lane in order to pass a stationary bus. In addition, consideration needs to be given to excluding bus lanes that have a high volume of cyclists, as silent EVs are hard to detect (unlike buses) and this may pose an unacceptable risk to vulnerable road users who are not expecting cars in the lane.

### Enforcement

The NZAA submits that robust, proportionate enforcement will be essential to the successful application of any such bylaws, and that RCAs will need to be provided with clear guidance on enforcement.

Currently, transit lane enforcement is predominantly conducted manually, by council staff monitoring what vehicles are using transit lanes, and in the case of T2 or T3 lanes, by counting the number of occupants. This has been proven to be unreliable and led to motorists being incorrectly fined due to, for example, tinted rear windows making it difficult to count passengers, or passengers like small children not being visible below the window line. Complaints to the NZAA and in the media show that such motorists find it difficult to get the \$150 fines cancelled.

The NZAA does not consider it acceptable that motorists are fined when councils cannot prove beyond reasonable doubt that they breached the transit lane rules. In our view, the same unfair method of visual enforcement must not be applied to the EV transit lane exemption.

While special-coloured number plates or stickers could be used to identify EVs (and plug in hybrid electric vehicles – PHEVs), these risk human error from manual identification, and fraudulent use. It is not possible to identify EVs and PHEVs by their design alone – some are electric versions of conventionally-propelled models.

The NZAA suggests that automated enforcement of EVs using transit lanes must be used, via Automatic Number Plate Recognition (ANPR). By accessing the Motor Vehicle Register (MVR), ANPR would distinguish EVs and PHEVs from other light vehicles. However, in order for this to be accurate, it requires improvements to the quality of data currently in the MVR (a known weakness), to ensure that EVs and PHEVs have been correctly recorded as such (another area where human error can occur).

The NZAA recommends that RCAs must be directed to use ANPR for transit lane enforcement.

The NZAA also suggests there will also need to be a public information campaign so that other motorists understand why some cars are using transit lanes, as not everyone will recognise them as EVs, and how this is being fairly enforced. The Bill refers to using lane markings to identify which classes of vehicles are permitted to use the lanes, and the NZAA believes that EV markings should be placed at regular intervals on the transit lanes, especially at every entry point.