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Omnibus Amendment 2016
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Dear Sir/Madam

OMNIBUS AMENDMENT 2016 (Rule 10012)

Introduction

The New Zealand Automobile Association (NZAA) welcomes the opportunity to provide comment on the Omnibus Amendment Rule 2016.

The NZAA is an incorporated society with 1.5 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.

Comments on the relevant proposals for which we have feedback are provided below:

Door retention systems

Proposal 1: Add requirement that all doors on a vehicle can be opened from outside the vehicle
The NZAA does not support this amendment as drafted as it will have unintended consequences. Some vehicles have been manufactured with doors that do not have external door handles, for example the early Austin-Healey Sprite Mk2/MG Midgets, Chevrolet Corvette C1, or have rear 'half-suicide' doors without external door handles like the Mazda RX8, BMW i3, BMW Mini Clubman, and some 'extra cab' utes. Some other vehicles, like the Tesla Model S and X, have flush door handles that 'pop out' from the bodywork when in close proximity to the key fob. In addition, other vehicles have been legitimately modified and LVV-certified to have their external door handles removed, with the doors opened remotely.

The Rule amendment does not specify how the door "must be operable from outside the vehicle"; is this via an exposed door handle or will opening the adjoining door, a remote key fob, proximity key or solenoid suffice? We don't believe the proposed amendment intends for these vehicles to be modified and retrofitted with external door handles on all passenger doors, therefore the amendment needs to be clarified and re-worded before it can proceed.

Passenger Service Vehicles

Proposal 3: To update how the Rule refers to the qualifications of persons who conduct inspections of certain electric-powered vehicles

The NZAA believes that this rule change needs to be clear about what exactly the intention is. As we currently interpret it the NZAA does not support this proposal as it could mean that CoF inspections will not be able to be carried out on electric or hybrid PSVs including taxis, unless the inspectors have been manufacturer-trained. We consider this will limit the range of authorised inspection agencies and inspectors who can certify common hybrid vehicles. Instead, there needs to be specialist electric vehicle training available to the wider industry. We don't see an issue with non-electrically qualified inspectors doing in-service inspections on hybrid or electric taxis as a CoF for a light PSV isn't any different to a WoF on a similar vehicle, which are widely performed now. It should not be overlooked that the electrical componentry is only a part of the vehicle inspection and other component electricians wouldn't have the skills to inspect these components.

Road User Rule

Proposal 5: Expand the definition of "intersection" to include a place where a cycle path or shared path crosses a roadway.

The NZAA supports this amendment.

Proposal 6: Permit drivers to encroach onto a flush median when overtaking cyclists.

The NZAA conditionally supports this amendment. For simplicity of interpretation, we would also support this amendment applying to the overtaking of any other slow road users, including horses, carts and mobility scooters. However, we caution that this amendment may cause confusion for other road users. Currently a vehicle driving on a flush median would be interpreted by other road users as expecting said vehicle to come to a halt and wait to safely merge left, or turn right. Therefore traffic waiting on a side road or access way might enter the main road (depending on the approaching speed of the slower road user being passed), not expecting a vehicle on the flush median to continue travelling and re-enter the left lane (and because it was overtaking, the driver may not be signalling left).

Proposal 7: For intersections where a cycle path or shared path crosses a road way, require cyclists or pedestrians on a cycle path or a separated path or drivers on a roadway to stop or give way where either group is controlled by a stop sign or a give way sign.

The NZAA supports this amendment.

Proposal 8: Clarify that a driver approaching an intersection must not enter a cycle lane if the driver's intended passage or exit is blocked by stationary traffic and a vehicle would obstruct the cycle lane.

The NZAA supports this amendment. However, we would note that, as with proposals 5-7 above, it would be helpful for these Rule amendments to be publicised so that all road users are aware of these obligations. Currently, some road users may incorrectly perceive that a conventional traffic lane has priority over a cycleway or even a bus lane.

Proposal 9: Remove prescription by amending the Rule to refer to a range of circumstances indicated by a warning sign in which a 20km/h speed limit applies.

The NZAA fully endorses this amendment.

Proposal 10: Allow a bus to enter and leave a cycle lane and to stand at a bus stop in a cycle lane for the purposes of passenger boarding and alighting.

The NZAA supports this amendment.

Proposal 11: Extend the time period during which lighting and reflector requirements apply to pedal cycles and power assisted pedal cycles.

The NZAA fully endorses this amendment, however we note that the lighting requirements will be inconsistent with the requirements for motor vehicles, and this may be confusing to road users who use both bicycles and motor vehicles (and also unnecessarily confusing for police

enforcement). Although we understand some analysis has been done on reviewing the time period when motor vehicles must activate their lights, we consider the existing requirements for motor vehicles are somewhat counter-intuitive (and possibly unsafe) and ultimately should be reviewed with a view to align with those proposed for bicycles, in the interests of consistency and simplicity.

Setting of Speed Limits

Proposal 14: Allow temporary speed limits to be 10 km/h less than the permanent speed limit in areas where the permanent speed limit is 50 km/h or less.

The NZAA fully endorses this amendment.

Proposal 15: Clarify that variable speed limits may be set for safe or efficient traffic management.

The NZAA does not support this Rule amendment as drafted. Whilst the NZAA cautiously supports the use of variable speed limits to manage congestion, we do not support the use of variable speed limits to control vehicle emissions as proposed.

We understand that research shows that there are also emissions benefits derived from managing congestion, but the NZAA is concerned that under the proposed wording, variable speed limits could be set specifically to control emissions independently of managing congestion. In particular, these could be set on a piecemeal basis by road controlling authorities in an inconsistent manner using questionable data analysis, resulting in poorly applied policy with unintended consequences.

In the NZAA's view, any change in speed limits to specifically control emissions (as opposed to in conjunction with congestion management) should be set by a national body rather than via this Rule, for example under emergency regulations as part of demand restraint options in response to an oil supply crisis. Furthermore, the optimum engine efficiency of light motor vehicles is typically 70-90km/h (depending on engine size); more fuel is wasted at lower speeds or in congested traffic and it is difficult to conceive that variable speeds to control emissions would be imposed on the open road or on free-flowing motorways. Indeed, emissions from vehicles are only problematic in two areas of NZ; Auckland and Christchurch. Further, for some heavy vehicles like buses, the diesel particulate filters do not operate efficiently as the engine is not at the optimum high temperature for long enough at typical low urban speeds. Finally, the reduction in NZ's net greenhouse gas emissions from such a targeted measure is likely to be negligible and more would be achieved from measures to reduce congestion or to improve the engine and exhaust system maintenance of the fleet (especially diesels).

Therefore, the NZAA proposes that clause 6.1(2)(a) of the Setting of Speed Limits Rule should be reworded as follows:

particular situations or environments for which the safe speed limit may need to vary—

- (i) for different numbers and types of road users; or*
- (ii) to manage the effects of changing traffic volumes, including to ease congestion; or*
- (iii) for emergency or temporary traffic management.*

Traffic Control Devices

Proposal 22: Allow the use of blue flashing reflective pavement markers (RRPMs) as ice warning markers.

The NZAA fully endorses this amendment. We are supportive of the use of ice-sensing RRPMs as a traffic control device to improve the safety of road users, and welcome the Rule amendment permitting their general use by road controlling authorities.

Proposal 24: Add new warning signs into Schedule 1 of the Rule.

The NZAA supports the introduction of the new 'keep left', 'drive on left' and ice marker warning signs as proposed.

Proposal 25: Add the road marking for "sharrows" into Schedule 2 of the Rule.

The NZAA supports this amendment introducing sharrow markings for general use, however we recommend that more publicity be undertaken to inform road users of their meaning.

Vehicle Dimensions and Mass

Proposal 28: Allow a maximum width requirement of 1.1m for all two wheel vehicles of Classes AA, AB, LA and LC

The NZAA supports this amendment which will accommodate some motorcycles that are manufactured with handlebars which exceed the current maximum width to make it easier for the rider to control steering. Additionally, some motorcycles are also sold with factory-approved panniers that also slightly exceed the current maximum width.

Vehicle Lighting

Proposal 30: Allow for the deactivation of optional lighting equipment rather than requiring removal if the equipment does not meet the applicable safety requirements.

The NZAA supports this amendment as a common-sense requirement which could reduce costs for some motorists whilst maintaining the style integrity of the vehicle.

Proposal 31: Require pedal cycle and power assisted pedal cycle front and rear lights to be visible from a distance of 200m between the times of sunrise and sunset or at any other time when a person or vehicle is not clearly at 100m.

The NZAA supports this amendment as we welcome moves to improve the visibility of cyclists (including during the daytime), however some targeted education and enforcement may be needed to support this amendment.

Proposal 32: Remove an unnecessary requirement to fit high mounted stop lamps to vehicles registered before 1/1/1990.

The NZAA supports this amendment, however we propose that instead of 'registered before 1/1/1990' the amendment should apply to vehicles either registered anywhere in the world before this date, or manufactured before this date. Otherwise the requirement to fit a high stop light will still be required for newly-imported classic or collectible vehicles or similar older vehicles where there is no evidence of prior registration in NZ, undermining the full intent of the amendment.

Therefore, the NZAA proposes that clause 5.3(2) of the Vehicle Lighting Rule should be reworded as follows (proposed revision underlined):

A motor vehicle of Class MA, first registered in New Zealand manufactured on or after 1 January 1990, must be fitted with one or two high-mounted stop lamps.

Yours sincerely



Mark Stockdale
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