



Tackling Unsafe Speeds programme – draft Cabinet paper

Reason for this briefing	This briefing provides an overview of updates to the <i>Tackling Unsafe Speeds</i> programme and seeks your feedback on the revised draft Cabinet paper.
Action required	Consider the attached draft Cabinet paper and provide feedback.
Deadline	11 September 2019.
Reason for deadline	This deadline allows for Departmental Consultation, Ministerial consultation, and lodgement of the papers for consideration by the Cabinet Economic Development Committee meeting on 23 October 2019.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Brent Johnston	Manager, Mobility and Safety	[REDACTED]	✓
[REDACTED]	Senior Adviser, Mobility and Safety	[REDACTED]	
[REDACTED]	Adviser, Mobility and Safety	[REDACTED]	

MINISTER'S COMMENTS:

Date:	9 September 2019	Briefing number:	OC190789
Attention:	Hon Julie Anne Genter (Associate Minister of Transport) Cc: Hon Phil Twyford (Minister of Transport)	Security level:	In-Confidence

Minister of Transport's office actions

- | | | |
|--|--|---|
| <input type="checkbox"/> <i>Noted</i> | <input type="checkbox"/> <i>Seen</i> | <input type="checkbox"/> <i>Approved</i> |
| <input type="checkbox"/> <i>Needs change</i> | <input type="checkbox"/> <i>Referred to</i> | |
| <input type="checkbox"/> <i>Withdrawn</i> | <input type="checkbox"/> <i>Not seen by Minister</i> | <input type="checkbox"/> <i>Overtaken by events</i> |

Purpose of briefing

1. This briefing attaches the *Tackling Unsafe Speeds* programme draft Cabinet paper (**Appendix 1**) for review ahead of cross-party consultation.
2. Subject to incorporating your feedback, we propose that the Cabinet paper is submitted for cross-party and Ministerial consultation on 23 September 2019.

There are three elements to the *Tackling Unsafe Speeds* programme

3. The attached Cabinet paper seeks Cabinet's agreement to the *Tackling Unsafe Speeds* programme.
4. The proposed programme includes:
 - 4.1. implementing a new regulatory framework for speed management, which includes requiring road controlling authorities (RCAs)¹ to work with regional transport committees² to develop, consult on and implement speed management plans
 - 4.2. transitioning to lower speed limits around schools to improve safety and encourage active mode use
 - 4.3. adopting a new 'highly visible, no surprises' approach to safety cameras and shifting ownership and operation of the camera network from NZ Police to the NZ Transport Agency.

***Tackling Unsafe Speeds* is a key part of the *Road to Zero* Strategy**

5. The *Tackling Unsafe Speeds* programme is a key action within the *Road to Zero* Action Plan and is expected, in combination with infrastructure improvements, to make the most significant contribution to the targeted 40 percent reduction in deaths and serious injuries by 2030 on our roads.
6. On 1 July 2019, alongside the draft *Road to Zero* consultation paper, Cabinet was provided with a high-level summary of the *Tackling Unsafe Speeds* proposals and invited you to report back in October 2019 seeking approval to the *Tackling Unsafe Speeds* programme. Subject to incorporating your feedback, we propose the attached Cabinet paper is lodged on 17 October 2019 for consideration by the Cabinet Economic Development Committee on 23 October 2019.
7. Cabinet also invited you to issue drafting instructions to the Parliamentary Counsel Office to commence the drafting of the necessary legislative amendments ahead of final policy decisions being taken by Cabinet on the *Tackling Unsafe Speeds* programme [DEV-19-MIN-0175]. These drafting instructions have been issued and the Parliamentary Counsel Office is working on draft legislative amendments.

¹ A road controlling authority, as defined in the Land Transport Act, is the authority, body, or person having control of a road. In most cases, these are territorial authorities.

² Regional transport committees are made up of regional council, territorial authority and NZ Transport Agency representatives across a region.

Engagement with the Speed Reference Group and *Road to Zero* consultation

8. A key part of the development of these proposals included hearing about and testing potential options for change to speed management processes with the Speed Reference Group. These workshops took place between September and November 2018 and provided valuable insight into the issues facing RCAs and the ways in which speed management could be improved in New Zealand. A diverse range of participants contributed to these workshops and the ideas from those workshops have been further developed and tested to inform the proposals in the attached Cabinet paper.
9. The Ministry of Transport undertook targeted consultation with some RCAs, regional councils and road user groups on the *Tackling Unsafe Speeds* proposals in March-May 2019. This was followed by more high-level public consultation through the *Road to Zero* consultation process in July-August 2019.
10. We have now completed analysis of submissions received on speed management through the *Road to Zero* consultation process.
11. On balance, comments broadly in support of *Tackling Unsafe Speeds* outweighed those broadly opposed, with submissions from organisations tending to be more heavily weighted towards support for the proposals, although there were a number of strong views on both sides of this action.
12. Comments from those in support tended to focus on lower speed limits, particularly in urban areas and around schools. Many also stated that safety infrastructure should support these speed limit reductions. Very few submitters commented on safety cameras but those that did tended to be in support of more cameras.
13. Those opposed tended to think speed or speed limits should not be considered a priority and other issues such as driver behaviour and training, or investment in infrastructure were more important. Some submitters expressed concerns about time delays while others were concerned about blanket speed limit reductions (although this is not being proposed).
14. There were a large number of submitters who expressed mixed views on speed. These included, for example, in-principle support for speed limit reductions in some areas, but concerns about implementation or effectiveness or the need to focus on other safety interventions before relying on speed limit reductions.

Appointment of the Speed Management Committee

15. The NZ Transport Agency is both an RCA (for the State highway network) and the regulator of RCAs, which creates a perceived conflict of interest in holding itself to account as an RCA. The attached Cabinet paper recommends that an independent Speed Management Committee is established, which would be responsible for reviewing the NZ Transport Agency's draft National Speed Management Plan against a set of objective criteria. The Committee will be made up of representatives from central government, local government and road user groups. Rules will set out the skills and knowledge requirements for Committee members.
16. We propose that the Speed Management Committee is appointed by the Secretary of Transport. We considered whether the NZ Transport Agency should appoint the Committee members. The Financial Markets Authority, the Electricity Authority and WorkSafe New Zealand are all examples of Crown entities who appoint advisory committees to provide independent advice. However, given the Committee is in part intended to address a

perceived conflict of interest, we recommend the NZ Transport Agency board is not responsible for both signing off the National Speed Management Plan and appointing the Committee that reviews that plan.

17. Alternatively, the Minister of Transport could make Committee appointments. This process would be more administratively costly, as each appointment would have to be considered by Cabinet. We seek your view on who should be responsible for Committee appointments.

Operational decisions for the new approach to safety cameras

18. The attached Cabinet paper seeks Cabinet's in-principle agreement to a 'highly visible, no surprises' approach to safety cameras. Agreement to this approach means agreeing that there should be significant increased investment in additional safety cameras, safety cameras should be located on the highest risk parts of the network, the location of cameras should be clearly signed, and ownership and operation of the camera network should be transferred from NZ Police to the NZ Transport Agency at the appropriate time.
19. The exact number, optimal mix and location of new safety cameras are operational investment decisions that sit with NZ Police and the NZ Transport Agency. Further analysis and a separate business case process will follow agreement to the recommended approach. Investment in additional cameras will be funded through the National Land Transport Fund and prioritised in GPS 2021.

Engagement with the NZ Transport Agency and NZ Police

20. The Ministry has engaged with the NZ Transport Agency and NZ Police throughout the development of these proposals. The NZ Transport Agency and NZ Police are working together to finalise initial estimations of the cost and possible mix of the first phase of camera investment. We will incorporate these numbers into the Cabinet paper as soon as they are available.

Changes to the open road default speed limit

21. NZ Police and the NZ Transport Agency are supportive of reducing the default speed limit on open roads without a median barrier from 100 km/h to 80 km/h. There has also been support from a range of stakeholders, including some RCAs, for the default speed limit on unsealed roads (which is also 100 km/h) to be reduced to no more than 80 km/h.
22. Reducing default speed limits would be an ambitious speed management change that is likely to improve safety outcomes and more closely align the speed limits on a significant portion of the road network with the recommended safe and appropriate speeds.
23. There was limited support for this approach in the Speed Reference Group as it was expected to receive strong public opposition. Such a change was not considered sustainable and it was expected that a future government would reverse this decision.
24. We do not recommend that this approach is pursued at this time. Speed limit changes are likely to be more effective if planning and engagement is done with local communities and in the context of other road safety improvements. The NZ Transport Agency and RCAs are taking an incremental, risk-based approach to speed management to address the top 10 percent highest risk roads.
25. It is also important that speed limits match road users' expectations based on the nature and purpose of the road. As shown in international case studies, if speed limits are not credible,

compliance levels are likely to be poor. A blanket change is unlikely to receive public buy-in which may risk losing broader support for the *Road to Zero* Strategy and other actions.

Next steps

26. Departmental consultation will be carried out following your review of the Cabinet paper, prior to cross-party consultation. A Regulatory Impact Analysis will be sent to you for your consideration on 30 September 2019, following an assessment by the Ministry's Regulatory Impact Analysis Assessment Panel. [REDACTED]

27. To ensure the Cabinet paper and Regulatory Impact Analysis are considered by Cabinet by late October 2019, the following timeline has been developed:

Step	Dates
Receive your feedback on draft Cabinet paper	11 September 2019
Departmental consultation	12 – 18 September 2019
Final draft Cabinet paper provided to you	20 September 2019
Cross-party and Ministerial consultation on Cabinet paper	23 September – 9 October 2019
Regulatory Impact Analysis provided to you	30 September 2019
Ministry finalises changes following consultation	9 – 13 October 2019
Lodge final Cabinet papers for Cabinet Economic Development Committee	17 October 2019
Cabinet paper considered by Cabinet Economic Development Committee	23 October 2019
Cabinet considers <i>Tackling Unsafe Speeds</i> paper	4 November 2019
[REDACTED]	[REDACTED]

28. Early drafting instructions have already been issued to the Parliamentary Counsel Office to begin drafting the necessary changes to primary legislation required to give effect to these proposals. Following Cabinet decisions, any additional drafting instructions will be issued to the Parliamentary Counsel Office. Following Cabinet decisions, drafting instructions will also be issued to the NZ Transport Agency to begin drafting changes to the relevant land transport rules to give effect to these proposals.³

³ The NZ Transport Agency drafts changes to most land transport rules.

Recommendations

29. The recommendations are that you:

- (a) **review** the attached draft Cabinet paper and provide feedback to officials by 11 September 2019 Yes/No
- (b) **advise** officials on your view of who should be responsible for Speed Management Committee appointments
- (c) **note** that following Departmental consultation, officials will provide you with the final Cabinet paper on 20 September 2019 for cross-party and Ministerial consultation
- (d) **note** that officials propose you lodge the Cabinet paper on 17 October 2019 for consideration by the Cabinet Economic Development Committee on 23 October 2019

(e) 



Brent Johnston
Manager, Mobility and Safety

MINISTER'S SIGNATURE:

DATE:

Appendix 1: *Tackling Unsafe Speeds* draft Cabinet paper

