

Proposed Speed Limits Bylaw 2012 and Traffic Bylaw 2012

Glossary

Auckland Council	(AC)
Auckland Transport	(AT)
Bylaws made by the previous councils	(Legacy Bylaws)
Land Transport Act 1998	(LTA98)
Local Government Act 2002	(LGA02)
Local Government (Auckland Council) Act 2009	(LGACA)
Local Government Official Information and Meetings Act 1987	(LGOIMA)
New Zealand Automobile Association	(AA)
New Zealand Transport Agency	(NZTA)
Road Controlling Authority	(RCA)
Special Consultative Procedure	(SCP)

Executive Summary

This report requests the Board consider the issues raised in submissions during public consultation on the proposed Traffic Bylaw and Speed Limits Bylaw and the subsequent AT recommendations. Subject to consideration the Board is invited to make the two bylaws.

The making of these two bylaws will allow for the harmonisation and replacement of the current varied legacy bylaws providing a consistent approach.

The report also recommends delegating the power to make resolutions under the new bylaws to the Traffic Control Committee as is currently the case.

Recommendations

It is recommended that the Board:

- i) Receive the report
- ii) Consider the attached summaries of submissions and the recommendations from AT staff (Attachments 1 & 2)
- iii) Make the bylaws which would take effect from the first day of August 2012. (Attachments 3 & 4)
- iv) Delegate powers for the passing of resolutions under the bylaws to the Traffic Control Committee. (Attachment 5)

Strategic Context

Legislative control of the land transport sector is governed nationally by a considerable number of Acts, Regulations and Land Transport Rules but these legislative instruments leave scope for the imposition of certain controls specific to local needs by way of bylaws made by each RCA.

AT is the RCA for the Auckland transport system, and as such is responsible for making the local traffic control, parking and speed limit bylaws for the legal roads that make up the

Auckland transport system. The review and making of bylaws for the control of traffic and parking and for the setting of speed limits is both a statutory obligation of AT and in accordance with AT's purpose and statement of intent. The proposed bylaws provide AT with tools to assist with the safe and efficient management of the use of the road network.

Background

The Legacy Bylaws

The legislation establishing AC and its council controlled organisations empowers Auckland Transport to review the legacy bylaws and to make new bylaws for the Auckland transport system.

AT undertook a legislative review of the legacy council bylaws and determined that the content of the legacy bylaws that regulate traffic, parking and the setting of speed limits have different requirements and provide different control measures to the roads controlled by AT. These differences create sufficient inefficiencies in the control and management of the network that replacement of the legacy bylaws with consistent region-wide bylaws is a preferable option.

AT's Bylaw-Making Powers

All RCAs have the power under LTA98 to make bylaws such as these for the setting of traffic controls and speed limits for the roads that they manage and control. That AT has this power in relation to the Auckland transport system is also confirmed by section 46 of LGACA.

Development of Bylaws

AT considered the options available to it to achieve its objective of putting in place a consistent and safe regime for traffic, parking and the setting of speed limits across the Auckland Region. While alternative measures such as the layout of roading infrastructure, education and raising awareness contribute to the management of the Auckland transport system; these measures work best when supported by a regulatory regime which allows for enforcement.

The legacy traffic control and speed limit bylaws contain varying provisions and do not reflect the current bylaw making powers in the LTA98. New bylaw powers were added to the LTA98 in 2011 and these have been included in the proposed bylaws e.g. the ability to restrict certain vehicles from particular unformed roads for environmental or safety reasons and the ability to restrict engine braking on roads where the speed limit does not exceed 70km/h.

The AT Traffic and Speed Limits Bylaws are intended to replace these legacy bylaws and are designed to harmonise the setting of restrictions across Auckland

The proposed bylaws set out a flexible framework to allow appropriate responses to issues by way of resolutions to set out the details of location specific traffic and parking controls and for the setting of particular speed limits. This approach is expressly allowed for under the LTA98, is consistent with the approach used in the legacy bylaws and is preferable to the alternative of needing to amend schedules to the bylaws for each individual traffic control.

Although the vast majority of traffic controls will be set for specific locations by way of resolutions made under the bylaw the Traffic Bylaw does contain five provisions that will apply across the entire region. These are prohibitions on: parking on cultivated areas off the roadway in urban areas; parking of vehicles for display or sale when not being used for ordinary travel; leaving machinery, materials or equipment on the roadway; carrying out major repairs or alterations to a vehicle on the road; and leaving a vehicle with no motive power parked on the road for more than seven days.

The current speed limits set under the legacy bylaws are described in a variety of inconsistent ways. To overcome the difficulties that this presents the proposed Speed Limits Bylaw contains a schedule setting out all the current speed limits of the region in a single consistent fashion. This will not change the speed limits in any areas but will make it easier for AT to maintain a single consistent register of speed limits into the future. Changes to individual speed limits will be made by way of resolutions under the bylaw (as allowed for by the LTA98) and the separate register of speed limits will be updated accordingly.

Consultation

Section 22AD(2) of the LTA98 requires AT to give written notice of its intention to make the bylaws to specified persons and give a reasonable time to enable them to give written submissions on the proposal. Following direction from the Board in December 2001 AT went further and undertook the public consultation in accordance with the requirements on councils for the SCP under the LGA02 giving interested persons a month to make written submissions and for those that do so, the opportunity to also make an oral submission.

Consultation was undertaken in three stages as follows:

- 1) With NZTA and the Police as the technical experts in the creation and enforcement of traffic controls.
- 2) With the major stakeholders including AC, the three adjoining territorial authorities (Kaipara District Council, Waikato District Council and Hauraki District Council); Local Boards; Maori (mana whenua and mataawaka); AA; and the Road Transport Forum.
- 3) With the public.

Response to First and Second Stage Consultation

All those parties contacted during the first and second consultation stages were re-contacted to invite their submissions during the public consultation phase. The AA provided comments during the public consultation stage.

The Police provided a general comment in support of the proposed AT bylaws. NZTA provided comments on the legislative authority for the bylaw that were adopted.

The Road Transport Forum sent a letter during the second stage of consultation opposing any provision in the bylaw prohibiting the use of engine brakes and recommending that AT put in place an advisory based voluntary option about the use of engine brakes supplemented by road signs. The Forum said clause 7.4 of the Land Transport (Road User) Rule 2004 provides an adequate tool to assist enforcement on the use of engine brakes generating unacceptable noise. Noting that clause 7.4 prohibits misuse of a vehicle that creates noise in the context of time of day, and locality which could relate to engine brakes. In their letter they indicated they would make a further submission during the public consultation stage, although no submission was received. A letter was sent to the Road Transport Forum indicating the reason for including this clause in the bylaw was to reflect the new bylaw-making provision included in the 2011 amendment to the LTA98. This amendment reflects the Government's view that this power was required so that RCAs could meet the legitimate concerns from residents living next to main roads rather than relying on the voluntary observation of engine braking restrictions in such areas. Clause 16 of the bylaw provides that a prohibition or restriction would only be placed on a specific road or part of a road where the permanent speed limit does not exceed 70km/h. This would be considered in terms of the particular road and specific concerns raised by all stakeholders regarding both noise and safety and after consultation with organisations such as the Road Transport Forum as an affected stakeholder.

The flexibility allowed for in clause 6 means that a restriction could be made to only apply at certain times.

Presentations on the proposed bylaws were held with Local Boards. They indicated their general support of the structure and general framework approach of the bylaws but some did go on to make written submissions on particular matters. AC made no comment on the proposed bylaws.

In accordance with advice from the Maori Statutory Board a review of the proposed bylaws for issues affecting Maori in particular was conducted by a specialist legal expert. AT provided the outcomes of this legal review and AT's responses to the legal review to Maori (mana whenua and mataawaka) along with the consultation documents. The issues identified by the review did not require changes to the bylaw. No responses were received from the consultation with Maori.

Waikato District Council asked for clarification on the application of the Franklin District Council Bylaws once the proposed bylaws are in place as the boundary line between the two regions now runs down the middle of some roads that were in the former Franklin District Council area. A response was sent to the Waikato District Council confirming all existing traffic restrictions put in place by Franklin District Council would remain in place. It was suggested that an orderly and effective process for implementing new traffic controls and their enforcement might be aided by an operational agreement and delegations for the making of resolutions and for the enforcement of any parking restrictions on these boundary roads. A current list of the boundary roads indicating the respective responsibilities of AT and Waikato District Council for the purposes of maintenance may be a useful starting point for discussions about whether AT or Waikato District Council should be delegated responsibility for the passing of resolutions and their enforcement. AT staff will continue to pursue this.

The feedback from the public consultation was generally positive. Support was expressed for the two proposed bylaws for traffic and speed limits applying across Auckland in place of the 12 traffic and speed limits bylaws currently in place made by the legacy councils in Auckland. This approach allows for consistency in approach to making and implementing traffic restrictions and speed limits.

48 submissions were received. The majority of written submissions relate to cycling issues. Submissions were received from 3 Local Boards, the Road Transport Forum and the AA. A summary of the submissions and the AT staff responses to them are contained in Attachments 1 and 2 to this report.

No submitters requested an opportunity to make an oral submission to the Board on the bylaws.

In accordance with the SCP requirement for submissions to be made publically available, all written submissions will be made available on the AT website.

Internal and Legal Review Process on Proposed Bylaws

The proposed bylaws have been reviewed and revised based on comments from AT staff (including the Bylaws Steering Group made up of relevant 3rd tier managers).

Prior to the consultation on the proposed bylaws legal advice was sought on the content and structure of the draft bylaws. Subsequently legal advice was also sought on the processes used by AT to consult on the bylaws, the changes being recommended by AT staff in response to the submissions as well as on editorial changes being made to the bylaws. This review did not identify any legal issues.

Recommended Changes to the Proposed Traffic Bylaw in Response to Submissions

Submissions on the Traffic Bylaw are summarised in Attachment 1 to this report.

Contra-Flow Travel by Cycles

The largest number of submissions received related to the contra-flow travel by cyclists on a one-way road. A change to the bylaw is not strictly necessary as contra-flow lanes could be resolved under the proposed bylaw on specific one-way roads as clause 6 provides that any resolution made under the bylaw can apply to specific vehicles or classes of vehicles. A one-way road resolved under clause 7 could be made to apply to all vehicles except cycles.

However, it is recommended that a sub-clause 7(2) be inserted following clause 7(1) to make it clear that AT may, by resolution provide that cycles can be excepted from a requirement under clause 7(1). Contra-flow lanes will usually be created by way of a cycle lane in the opposite direction except in a one-way road which is a shared zone where there are no lanes.

Consultation on Resolutions

A number of submissions requested AT consideration in relation to consultation. The Waitemata Local Board recommended specific provisions be included for consultation. Specific clauses specifying consultation are not recommended because the determination of the extent of consultation and the stakeholders consulted is not specified in legislation and AT is developing the process it currently follows for resolutions made under the legacy council bylaws. However an alternative wording for clause 6 has been developed should the Board wish to include a specific reference to consultation. The proposed alternative wording would not bind AT to a particular form of consultation or consultation with particular stakeholders. This would ensure that the obligation to consult retained sufficient flexibility to deal with situations where consultation was unnecessary or impractical due to either urgent safety imperatives or the very minor nature of some changes.

If the Board wishes to include consultation provisions the following underlined wording could be inserted in clause 6. "A resolution may be made under this bylaw after such consultation with affected local boards and stakeholders as is determined by Auckland Transport to be appropriate in the circumstances-".

Cycle Parking

AT staff agree with a submission from the Waitemata Local Board that cycles be excepted from the prohibition on vehicles parking on cultivated areas set out in clause 22 so long as cycles don't damage cultivated areas or interfere with or obstruct the movement of other modes (e.g. walking and motor vehicles). It is accepted that cycles are less likely to cause the types of invisible damage that the provision aims to prevent and so removing cycles from the ambit of the provision should not increase the risk of damage and reflects the more informal approach to cycle parking that is expected. It is therefore recommended that clause 22 be limited to only apply to motor vehicles.

Costs for towing vehicles and removing things from roads

AA recommends clarifying the clause to only permit the recovery of "reasonable costs" of towing. The clause needs to be amended to ensure motorists can only be charged towing fees as set out in current legislation.

It is recommended that the wording in clause 27 is amended to make it clear AT is only charging the costs prescribed by legislation. The cost of towing is prescribed by the Transport (Towage Fees) Notice 2004 which sets the maximum fees that may be charged

by RCAs. The costs for removing things left on roads would be determined by the relevant provisions under the LGA02.

Clause 27(2) has therefore been amended from “costs incurred by AT in connection with the removal of the vehicle or thing” to “appropriate costs in connection with the removal of the vehicle or thing”.

Additional Minor Changes Proposed by AT Staff

The following changes recommended do not materially change what was consulted on in the draft bylaw but are included for clarity and consistency with the bylaw enabling powers in the LTA98:

- 1) In clause 9(1) include the words “or turning movements”. Section 22AB(1)(r) of the LTA98 specifically provides for a bylaw to prescribe any “turning movement that may be made only by buses, taxis or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants”. Some legacy bylaws contain the same provision e.g. Auckland City Council Traffic Bylaw clause 25.3.3 bus priority turning movements.
- 2) It is suggested that a change in the title to clause 15 from “Vehicles under 3500 kg” to “Light motor vehicle restrictions” would aid in the understanding of the purpose of the provision. Light motor vehicles are defined by the transport legislation as being under 3500kg.
- 3) It is also suggested that the title of clause 20 be changed from “Disabled parking” to “Mobility parking” as this is now the more commonly used terminology. However, references to “disabled person’s parking permit” are retained as this is the exact wording of the bylaw making powers in section 22AB(1)(o) of the LTA98 which authorises “reserved parking spaces for disabled persons” as defined in the Disabled Persons Community Welfare Act 1975 (still in effect). The definition for “disabled persons parking permit” in clause 5(1) of the bylaw is based on the definition in the Land Transport (Road User) Rule; Many (not all) of the legacy councils make references to both disabled parking and/or operation mobility permits.
- 4) It is recommended that provisions that apply to the Northern Busway in the North Shore City Council (Traffic Control) Bylaw should not be revoked at this time. This clause should be retained as it applies to the parts of the Northern Busway under the control of AT (i.e. parking areas and the roads into the Busway). The draft bylaw for consultation did not specifically exclude these provisions from those to be revoked with the coming into force of the new AT bylaw, but it is recommended that this be changed. These provisions should instead be considered in conjunction with the matching NZTA bylaw that applies to the Northern Busway roadway which is under the control of NZTA.
- 5) Other changes to the Bylaws of an editorial nature have been recommended to ensure consistency with the legislative drafting approach in the NZTA Rules e.g. changing the words “shall not” or “may not” to “must not”.

Speed Limits Bylaw

Submissions on the Speed Limits Bylaw are summarised in Attachment 2 to this report.

In the second stage of consultation (prior to the public consultation) the Road Transport Forum commented in a letter that RCAs may inappropriately use temporary speed limits to avoid public consultation. A reply was sent to the Road Transport Forum explaining that a provision is not required in the bylaw to set temporary speed limits. The authority to set temporary

speed limits is contained directly in the Land Transport Rule: Setting of Speed Limits 2003 and the Rule does not require the use of bylaw powers to implement them.

AT staff recommend that the bylaw should not contain any reference to temporary speed limits as the legislation empowering speed limits does not require or anticipate temporary speed limits being dealt with by way of bylaws. To require a bylaw resolution for every temporary speed limit would be unduly onerous and in conflict with the approach set out in the Land Transport Rule.

Delegations Under the Proposed Bylaws

The power to make resolutions under the legacy bylaws is currently delegated to the Traffic Control Committee. It is recommended that the Board continues to delegate the power to make resolutions under the proposed AT bylaws to this Committee. The proposed wording for this delegation is set out in Attachment 5 to this report.

Certain provisions in the Traffic Bylaw allow for permission from AT to undertake an activity on a road. It is considered that the power to grant such permissions is different from that to pass resolutions and can be delegated to AT staff. For example a person may seek permission to keep machinery on a road for a specific time and for a particular reason e.g. freight delivery. The current delegation to the Chief Executive of Auckland Transport is worded so as to allow for these decisions and no further action is required from the Board in this regard.

Where AT takes on RCA powers for roads that are outside the Auckland transport system pursuant to a delegation it becomes the bylaw-making authority for those roads as well under the LTA98. An example being where NZTA delegates RCA powers for state highways. However, this is not the case in relation to any delegation of road controlling powers from AC to AT (for example in relation to roads that are parks, reserves, beaches etc.) because the LGA02 and the LGACA both expressly prohibit the delegation of bylaw-making powers. These bylaws will therefore apply to roads where the RCA power has been delegated to AT by organisations other than AC.

Next Steps

The Board must consider the summary of the written submissions on the draft bylaws at a public meeting before making the bylaws to comply with the SCP. As no submitters have requested the opportunity to make oral submissions the Board is only required consider the written submissions that have been received. This meeting must be held in full compliance with the meetings provisions of the LGOIMA in order for the bylaws to be made.

After the Board has made the bylaws the Minister of Transport will be notified in accordance with section 22AB(4) of the LTA98.

Public notice of the bylaws coming into force will be made as soon as reasonably practicable after the bylaws are made by the AT Board in accordance with the LTA98 section 22AE.

The Minister of Transport will be notified within one week after the bylaws are made.

A public notice will confirm the date the bylaws come into effect. Subject to the Board approval the bylaws will commence 1 August 2012.

Attachments

Attachment 1 – Auckland Transport Traffic Bylaw Summary of Written Submissions

Attachment 2 – Auckland Transport Speed Limits Bylaw Summary of Written Submissions

Attachment 3 – Auckland Transport Traffic Bylaw 2012

Attachment 4 – Auckland Transport Speed Limits Bylaw 2012

Attachment 5 – Delegations

WRITTEN BY	Terry Sugrue Regulations and Standards Manager	
RECOMMENDED by	Greg Edmonds Chief Operations Officer	
APPROVED FOR SUBMISSION by	David Warburton Chief Executive	

Auckland Transport Traffic Bylaw Written Submissions

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
All Clauses	Waitemata Local Board and Henderson-Massey Local Board	<p>General submissions in support of the Bylaw The Local Boards support Auckland Transport's intention to provide an integrated system that controls traffic and parking or sets speed limits.</p> <p>Recommendation No recommendation as both submissions are in support of the Bylaw.</p>
All Clauses	Waitemata Local Board	<p>Explicit clauses on environmental protection The Local Board wants explicit clauses to provide for environmental protection e.g. prioritising walking and cycling to help reduce CO2 emissions, congestion and improved air and water quality.</p> <p>Recommendation It is not necessary to include explicit clauses in the Bylaw for resolutions to be made based on safety and environmental reasons.</p> <p>A new bylaw making power was included in the Land Transport Act at s22AB(1)(zk) to enable a road controlling authority to make a bylaw for parking and road use and to regulate any road-related matters to enhance or promote road safety or provide protection for the environment. It was decided not to include a separate resolution making power relying on this provision alone as it would be too vague and undefined. Such a provision would not accord with best practice in legislative drafting and might be open to challenge. However there are several provisions in the Bylaw that rely in part on this power for example the prohibition on the repair of vehicles on roads in clause 25 and the prohibition of parking by motor vehicles on cultivated areas in an urban traffic area in clause 22.</p> <p>Even if an explicit clause is not included, both safety and environmental considerations can be general policy considerations taken into account for any other the clauses in the Bylaw without needing to explicitly state this. For example such considerations may apply to resolutions made for walking, cycling and shared zones determining pedestrian and cycle priorities.</p>
All Clauses	The Office of the Children's Commissioner	<p>A submission made to Auckland Council on the Draft Auckland Long-Term Plan 2012-2022 was also sent as a submission on the Bylaws. The submissions recommend that:</p> <p>"Council and Auckland Transport emphasise the importance of health and safety of children by preventing injuries from occurring by including a high level of acknowledgement of traffic in the Auckland Plan, LTP and the Regional Land Transport Programme 2012-2015.</p> <p>Council and Auckland Transport make traffic safety an explicit focus when planning transportation and infrastructure for Aucklanders in order to maintain and promote health and safety for Aucklanders (especially children)."</p> <p>Recommendation No changes are required to the Bylaw. These submissions are general policy statements that are consistent with the purpose of Auckland Transport.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
Clause 5 Interpretation	Waitemata Local Board	<p>Definitions The Local Board agrees with aligning definitions in the Bylaw to the Act.</p> <p>It welcomes the inclusion of the definitions for <i>carpool</i> and <i>car share</i>, which enables Auckland Transport to promote “the more efficient use of vehicles through parking options”.</p> <p>Recommendation No recommendation is required as the submission is in support of the Bylaw.</p>
Clause 6 Resolutions	Waitemata Local Board	<p>Making of resolutions The Local Board acknowledges the enabling framework that allows Auckland Transport to make bylaw provisions by resolution.</p> <p>Recommendation No recommendation is required as the submission is in support of the Bylaw.</p> <p>Clause 6 reflects section 22AB(3) of the Land Transport Act 1998 which expressly provides for the details of traffic and parking controls to be included in resolutions made under the Bylaw. This flexibility enables Auckland Transport to respond appropriately to specific issues on specific roads.</p>
Clause 6 Resolutions	<p>Waitemata Local Board</p> <p>Henderson-Massey Local Board</p> <p>Automobile Association</p>	<p>Consultation on resolutions The Waitemata Local Board requests that clause 6 be revised to include circumstances when Auckland Transport must consult with stakeholders and local boards on resolutions.</p> <p>The Waitemata Local Board says resolutions need to be widely publicised to enable the public to submit on the resolution. The resolution also needs to be notified to the relevant Local Board for their input.</p> <p>The Henderson-Massey Board requests a mechanism for input into the setting of speed limits as the local board represents the local community and has local knowledge.</p> <p>The Automobile Association request the inclusion of a clause to state that Auckland Transport will only make a resolution following consultation.</p> <p>Recommendation Consideration was given to including wording in the Bylaw specifically requiring consultation however for the following reasons it is recommended that the process for consultation is not prescribed in the Bylaw:</p> <p>Firstly, there is no specific legislative provision requiring consultation on resolutions made by a road controlling authority;</p> <p>Secondly, it is important to have a transparent process in making resolutions under the Bylaw however the extent, type and stakeholders affected by a resolution needs to be determined by Auckland Transport as the road controlling authority as appropriate in the circumstances. Auckland Transport determines who is an affected stakeholder, which depending on the circumstances may include the community, the local board, territorial authorities, the police, NZTA and the automobile association. Auckland Transport considers stakeholder views when making a resolution.</p> <p>Auckland Transport is developing a process on the consultation that it undertakes prior to the making of resolutions under the current legacy council traffic bylaws.</p> <p>Occasionally situations arise where consultation is not carried out for example where an urgent safety issue is identified or where a long</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
		<p>standing control is being covered by a resolution because the resolution cannot be located. Temporary resolutions are also not usually consulted on.</p> <p>While it is not recommended that wording be included in the Bylaw requiring consultation, if the Auckland Transport Board wants to include consultation requirements the wording of clause 6 could be altered to read <u>“A resolution may be made under this bylaw ...after such consultation with affected local boards and stakeholders as is determined by AT is appropriate in the circumstances”</u></p> <p>This wording would not bind Auckland Transport to a particular form of consultation or consultation with particular stakeholders.</p>
<p>Clause 6 Resolutions</p>	<p>Waitemata Local Board</p>	<p>Include sub-clauses on Auckland Plan and Local Board Plans Include sub-clauses that resolutions can only be made after analysis of the impact of resolutions on the Auckland Plan and any Local Board Plan and noting any conflicts with those plans.</p> <p>Recommendation Wording should not be included in the Traffic Bylaw referring to the Auckland Plan or Local Board Plan for the following reasons:</p> <p>There are no legislative requirements in the Land Transport Act requiring consideration of these plans when making resolutions under a traffic bylaw.</p> <p>The primary purpose of traffic controls is for the safe and efficient movement of people and vehicles. Specific references to other planning documents which may have different drivers and which are made by other agencies may compromise the development of resolutions for their primary purpose. Consideration of such matters as a mandatory requirement for all resolutions would take up valuable resources for no good purpose as few matters will be relevant.</p> <p>In making resolutions Auckland Transport must consider various legal and legislative requirements and take into account policy e.g. Land Transport Rules determined by the Ministry of Transport. As these are many and varied they are not listed in the Bylaw.</p>
<p>Clause 6 Resolutions</p>	<p>Waitemata Local Board</p>	<p>Delegation to Local Board The Local Board reminds Auckland Transport that it is seeking an official delegation from AT to enable it to discharge its local place-making and shaping functions within the road corridor.</p> <p>Recommendation No changes are recommended in the Bylaw. It is recommended that that resolutions made under the Bylaws continue to be delegated to the Traffic Control Committee. This Committee presently makes resolutions under the legacy bylaws.</p> <p>Local Boards are consulted on proposed resolutions for their particular areas and can provide input. The Traffic Control Committee will give considerable weight to this input.</p>
<p>Clause 7 One-Way Roads</p>	<p>Waitemata Local Board and multiple identical submissions from cyclists and cycle groups such as Cycle Action Auckland</p>	<p>Contra-flow cycle lanes on one-way road Submission to amend the bylaw to permit cyclists to use one-way streets in both directions. The submissions do not “seek that one-way streets automatically allow two-way cyclist traffic - only a change to the wording of the bylaw so that Auckland Transport can, after assessing the merits, legally permit such movement in any particular situation or street.”</p> <p>“Cyclist two-way usage of one-way streets is common in numerous overseas jurisdictions, and offers the opportunity to easily provide cyclist connectivity for little cost. The width of most one-way streets easily accommodates the two-way traffic of a motor vehicle and a bicycle.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
		<p>Recommendation</p> <p>A change to the Bylaw is not strictly necessary as contra-flow lanes can be resolved under the bylaw on specific one-way roads as clause 6 provides that any resolution made under the clauses of the Bylaw can apply to specific vehicles or classes of vehicles. A one-way road resolved under clause 7 could be made to apply to all vehicles excepting cycles.</p> <p>However it is recommended sub-clause 7(2) in the attached draft Traffic Bylaw be included to make it clear that Auckland Transport may by resolution provide that cycles may be excepted from a requirement under clause 7(1).</p> <p>Contra-flow lanes will usually be created by way of a cycle lane in the opposite direction except in a one-way road which is a shared zone where there are no lanes.</p> <p>For information</p> <p>The Cycle and route planning guide on the NZTA website states “A contra-flow lane is a lane that permits cyclists to ride against traffic in a one-way street. They have the same features as traditional cycle lanes and are located so that cyclists ride in the normal position on the left. Cyclists pass motorists right shoulder to right shoulder.”</p>
<p>Clause 9: Routes and Manoeuvres on Roads</p>	<p>Waitemata Local Board</p>	<p>Identification of walking and cycle paths</p> <p>Proposes a system in which local boards work with AT to identify walking and cycle paths and sites requiring safety regulations relating to unsafe turning movements.</p> <p>Concern was expressed on the illegal parking of motor scooters on cycle paths.</p> <p>Recommendation</p> <p>No change is required to the Bylaw. Auckland Transport consults with the community and Local Board and consider feedback, when it proposes restrictions to regulate the movement and flow of traffic on roads and cycle paths to prevent unsafe turning movements across road intersections and into or out of access ways and entrances to premises next to roads.</p> <p>Motor cycles (motor scooters) are prohibited from parking on cycle paths and footpaths under the Land Transport (Road User) Rule 2004.</p>
<p>Clause 10 Special Vehicle Lanes</p>	<p>Ina Stenzel and Sandy Mills</p>	<p>Prohibit vehicles (other than cycles) from kerbside cycle lanes</p> <p>The submitters request a change to prohibit vehicles from using kerbside cycle lanes or from queuing in it at an intersection as cycle lanes are narrower than bus lanes.</p> <p>The submitters request a change to the Land Transport (Road User) Rule 2004 2.3 which allows vehicles to travel in special vehicle lanes (bus lanes, cycle lanes or transit lanes) for the minimum distance necessary but no more than 50 metres if a vehicle need to cross the lane to turn left.</p> <p>Recommendation</p> <p>This submission is outside the scope of the Bylaw. While clause 10 determines where special vehicle lanes can be placed on roads for cycles, buses and other specific vehicles, the use of lanes is prescribed by the Land Transport (Road User) Rule 2004.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
<p>Clause 12: Cycle Paths</p>	<p>Waitemata Local Board</p>	<p>Cycle paths – location and use The Local Board asks to be actively consulted by Auckland Transport on resolutions for cycle paths and to also be able to propose cycle paths and priority uses on shared paths, consistent with local boards' place-making and shaping role.</p> <p>The Local Board is concerned about the numbers of scooters illegally using cycle paths. Although this problem is currently confined to NZTA constructed and owned cycle paths, there will be instances where AT will construct and own cycle paths. The clause can be strengthened to state that use of cycle paths by scooters is prohibited.</p> <p>Recommendation No change is required to the Bylaw.</p> <p>Auckland Transport will consult with affected stakeholders including the community and Local Boards on proposals for cycle paths including the priority of use on the cycle path.</p> <p>Determining priority of use by cyclists, pedestrians and other users (e.g. users of mobility devices) on shared paths (off road cycle paths) by way of resolution and signage must be consistent with the Land Transport (Road User) Rule 2004 which sets out rules for priority of use. Scooters are not permitted on cycle paths.</p>
<p>Clause 13 Shared Zones</p>	<p>Waitemata Local Board</p>	<p>Delegation The Local Board is firmly of the view that non-regulatory measures such as the design and layout of shared zones are local board decision-making responsibilities, consistent with local boards' local place-making and shaping role and wants this formally clarified by way of specific delegations from AT to local boards.</p> <p>The Board also proposes that all shared zones be designed with cyclists in mind, and where appropriate provide for cycle-contra-flows.</p> <p>Recommendation No changes are recommended in the Bylaw respecting design and layout. The decisions about the design and layout of shared zones is outside the scope of the Bylaw which deals solely with the traffic controls imposed within shared zones.</p> <p>It is recommended in the Report to the Board of Auckland Transport that the delegation to make resolutions to create shared zones is exercised by the Traffic Control Committee.</p> <p>Consultation on shared zones will be undertaken with affected stakeholders including the affected Local Board.</p> <p>A change is recommended in clause 7 (One-way roads) in support of the Waitemata Local Board's proposal that consideration be given as appropriate on a road for contra-flow for cycles if a shared zone is created as a one-way road for motor vehicles.</p>
<p>Clause 14 Cruising</p>	<p>Automobile Association</p>	<p>Application to public events and restriction by time. AA supports this clause but proposes the following amendments to the clause:</p> <p>To state it does not apply to events organised with prior approval of AT as this may unfairly prohibit public events such as car club runs.</p> <p>To add a time restriction in the application of the clause to 9pm – 6am.</p> <p>Recommendation An amendment is not necessary to state this does not apply to prohibit public events. Additionally Clause 6 provides that a restriction or prohibition on cruising can be made to apply at specific times and on specific roads.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
		<p>This provision is intended to cover a specifically defined activity of “cruising” on roads as defined by the Land Transport Act 1998.</p> <p>Activities that are authorised by law are not prohibited. Car club runs are very unlikely to be covered by this clause because of the detailed description of cruising as defined in clause 5 which is same definition in the Land Transport Act. Whether or not a vehicle is covered by the definition of cruising will be determined by the Police.</p> <p>None of the legacy bylaws contains a “cruising” provision as this power was only introduced in 2009.</p> <p>Clause 14 may be used in conjunction with clause 15 which restricts access to specific roads to address anti-social behaviour associated with the use of vehicles.</p>
<p>Clause 15 Vehicles under 3500 kg (renamed –Light motor vehicle restrictions)</p>	<p>Automobile Association</p>	<p>Breadth of clause 15</p> <p>The AA does not support inclusion of this provision as it is too broad and provides Auckland Transport excessive power to prohibit cars from using roads in Auckland. It would inconvenience motorists that have a legitimate cause to be in a location. The requirement to write to Auckland Transport for permission to visit a restricted location is bureaucratic and illogical.</p> <p>The AA says this should be included in clause 14 if it relates to cruising. If it relates to drag-racing or inappropriate road use legislation already covers illegal street racing, loss of traction and excessive noise.</p> <p>Recommendation Retain this clause in its current form.</p> <p>Clause 15 is based on clauses in current legacy bylaws. Existing restrictions made pursuant to legacy bylaws will be retained.</p> <p>The power in clause 15 can be very effective in preventing anti-social behaviour associated with large gatherings of young car enthusiasts late at night in inappropriate locations. The AA’s fears that the power could be used in an excessive fashion to prohibit vehicles with a legitimate cause to be in a location are unfounded as it does not apply to anyone actually visiting an address in or near the area covered. Also it can only apply between 9pm and 4am. It may be used in conjunction with the new power in clause 14 to address anti-social behaviour associated with the use of motor vehicles.</p> <p>While clause 14 and 15 both relate to the unsafe and unlawful use of vehicles on roads they operate differently in different circumstances and the Land Transport Act distinguishes between these activities.</p> <p>Clause 15 is a blanket restriction on access by motor vehicles under 3500kgs for both safety and environmental reasons whereas clause 14 is a restriction on vehicles operating their vehicle in a manner that is determined to be “cruising” by the police.</p> <p>Clause 15 allows for restriction by resolution, <u>of access to specified roads by vehicles below 3500kg at night</u> (between 9pm and 4am). It is intended to prevent access to locations known to be frequented for the purpose of unauthorised street and drag racing or large congregations of vehicles being parked up to display modifications and sound systems which can become unruly and antisocial. Exemptions are provided for taxis, for vehicles of residents and visitors (including workers) to properties with frontage to the affected roads and for persons who have obtained prior permission of Auckland Transport.</p> <p>Consultation will be undertaken with people in an affected location prior to such a restriction being made which should identify any access issues for people who have a legitimate reason to be at a location.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
		<p>While there are provisions in legislation that enable the police to enforce some of these activities on any road in NZ the benefit of having a bylaw provision is that a restriction can be placed on specific roads that may have been used for these types of activities to prevent problems reoccurring.</p>
<p>Clause 16 Engine braking</p>	<p>Waitemata Local Board</p>	<p>Submission in support The Local Board supports the minimisation of nuisance caused by engine braking in residential areas. If we are to see greater intensification along key transport corridors as envisaged by the Auckland Plan, more and more residents will be exposed to noisy vehicles.</p> <p>Recommendation As the Local Board supports this provision no recommendation is necessary.</p>
<p>Clause 17 Unformed Legal Roads</p>	<p>Automobile Association</p>	<p>Freedom of mobility and consultation The clause “as worded could impede an individual’s freedom of mobility”. Restrictions on unformed roads should be made after adequate community and stakeholder consultation i.e. 4-WD clubs.</p> <p>Recommendation Retain the current wording. No rights exist in law to use a motor vehicle on a road and being able to prevent damage to the road surface or undue risks to safety should outweigh the desire of those who use the road for recreational purposes.</p> <p>The ability to restrict the use of motor vehicles (not bicycles, pedestrians and animals including horses) on unformed legal roads for the purposes of protecting the environment, the road and adjoining land and the safety of road users was included in the Land Transport Act 1998 bylaw powers by an amendment in 2011, and therefore none of the legacy bylaws contains a similar provision.</p> <p>Consultation will be undertaken with affected stakeholders prior to implementation of such a restriction on a particular road.</p>
<p>Clause 17 Unformed Legal Roads</p>	<p>Bill and Diane Rea (owners of property adjoining an unformed legal road)</p>	<p>Adjoining owner access Consultation should be undertaken with all adjoining owners for their views to be considered prior to any restrictions being made.</p> <p>“The standard road width is normally 20 metres but some unformed roads have road land in excess of this measure and that land should receive the same consultation with adjoining owners as if it were within the 20 metre road width as it remains part of the unformed legal road reserve. This is of interest to the wider community and future generations.</p> <p>Vehicle access on unformed legal roads may be realistic at one end, but not at the other.</p> <p>“The status quo has always been that those whose land adjoins an unformed legal road do have the right to say no to anything that is perceived to affect them and future generations.”</p> <p>Recommendation Consultation will be undertaken with affected stakeholders prior to implementation of such a restriction on a particular road. This will include adjoining landowners</p> <p>Such a restriction will normally be placed on the entire width of unformed road but in places where this is not necessary it could be limited to just part of the road.</p> <p>The submitters are incorrect in their assertion that adjoining land owners</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
		<p>have some sort of veto power over activities on an unformed road. This is not the case. Adjoining owners do not have more rights than any other member of the public in relation to the control of an unformed road.</p> <p>The ability of adjoining owners to access their property whether from the unformed road or by way of another access would be considered prior to the implementation of any restriction being made on the road.</p> <p>Under the law, roads whether unformed or not are generally accessible by the public but Auckland Transport has the legislative ability to restrict access to motor vehicles. No rights exist in law to use a motor vehicle on a road. The New Zealand Court of Appeal rejected a claim that the law gave individuals an absolute right to use motor vehicles, stating that the 'liberty to drive' is not a natural right.</p>
<p>Clause 19 Parking Places, Parking Buildings and Transport Stations</p>	<p>Waitemata Local Board</p>	<p>Definition of vehicle and parking by cycles The Local Board requests that cycling be excluded from the definition of 'vehicle' in clauses 19 and 22. The Board notes that many of the most convenient, safe and secure cycle parking areas are often informal in nature (e.g. against a fence). These can sometimes include 'cultivated areas' that would not be suitable for large and heavy motor vehicles, but are perfectly suitable for bicycles. Improvised cycle parking should be allowed, provided it does not interfere or obstruct the movement of other modes (e.g. walking and motor vehicles), or damage property.</p> <p>Recommendation (See also recommendation for clause 22 below) No change is required to clause 19 or the definition of vehicle in clause 5 of the Bylaw. The definition of "vehicle" (which includes a cycle) duplicates the definition in the Land Transport Act 1998.</p> <p>However clause 6 of the Bylaw provides that any resolution made under the Bylaw to regulate, control or prohibit can be made to apply to all vehicles or any specified class of vehicle.</p> <p>This means a cycle can be included or excluded from the application of a resolution to regulate, control or prohibit anything on a road. For example under clause 19 parking can be reserved exclusively for cycles at a transport station on a road (on either the carriageway or the footpath).</p> <p>Furthermore under the Land Transport (Road User) Rule 2004 6.14 a person can park a cycle on a footpath if facilities have been installed on a footpath or cycle path for parking, standing or storage of vehicles or if the cycle does not unreasonably obstruct any other user of the footpath.</p>
<p>Clause 19 Parking Places, Parking Buildings and Transport Stations</p>	<p>Henderson- Massey Local Board</p>	<p>Parking of articulated trucks at off-road sites The Local Board states that the former Waitakere City Council made provision for parking of articulated trucks at off-road sites between the hours of 6pm and 6am, and requests that Auckland Transport consider this as part of the traffic bylaw.</p> <p>Recommendation No change is required to the Bylaw. If the concern is to ensure off-road parking sites it is outside the scope of the bylaw which relates to on road matters only. However Auckland Transport can consider reserving parking for such trucks by resolution under clause 19 on the road. The most recent version of the Waitakere City Council Bylaw had a similar clause to this proposed clause and made no reference to the parking of articulated trucks at off-road sites. No resolutions have been identified that allow for this in Waitakere. However any resolutions passed by legacy councils that were in place and any parking places that have been signed and marked will remain in effect until amended or revoked under this clause.</p> <p>The Local Board can request the Auckland Transport consider a request for parking on a particular road.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
<p>Clause 19 Parking Places, Parking Buildings and Transport Stations</p>	<p>Rhys Thompson</p>	<p>Parking by motorcycles in the former Auckland City Council legacy council area Clause 25.15.5c of the Auckland City Council Traffic Bylaw 2006 requires vehicles to display a receipt in pay and display areas. This should not apply to vehicles such as motorcycles, scooters mopeds, bicycles and pushchairs as the receipt could blow away or be stolen. This effectively excludes them from pay and display areas. There is insufficient free motorbike parking. The Council should provide more parking and encourage environmentally friendly forms of transportation such as motorcycles, scooters mopeds and bicycles.</p> <p>Recommendation No change is required to the Bylaw. The provision in the Auckland City Council Traffic Bylaw is not duplicated in the Auckland Transport Traffic Bylaw. The Auckland Transport Traffic Bylaw makes provision for other types of parking and any requirements for parking such as the method or manner or parking whether this includes receipts to be displayed or not will be specified in resolutions made under the Bylaw.</p> <p>It is noted that any restrictions currently in place in pay and display parking areas will continue in effect until amended or revoked under the proposed Bylaw.</p> <p>The provision for more parking falls outside the scope of the Bylaw.</p>
<p>Clause 19 Parking Places, Parking Buildings and Transport Stations</p>	<p>GW Thompson</p>	<p>There are only a small number of free parking spots for motor cycles and scooters Motorcycles and scooters should be able to park on some footpath areas away from pedestrians and footpath and roadside parking should be free to reduce the number of large vehicles on the road.</p> <p>More education and signage is required on attitudes by drivers who are careless in their use of the road towards cyclists.</p> <p>Glass is a problem for cyclists and regular sweeping of main cycle routes would minimize problems with cyclists having to move further into the road to avoid glass.</p> <p>Recommendation No change is required to the Bylaw.</p> <p>Provisions for more or free parking, glass on roads and education for drivers all fall outside the scope of the Bylaw.</p>
<p>Clause 20 Disabled Parking (renamed Mobility Parking)</p>	<p>Waitemata Local Board</p>	<p>Submission in support The Local Board supports any attempt to improve access for disabled people.</p> <p>Recommendation No recommendation is necessary.</p>
<p>Clause 21 Residents' Parking</p>	<p>Automobile Association</p>	<p>Fees Clause 21 presumes that fees will be paid for resident's parking which may not be the case. This needs to be amended accordingly perhaps through the use of the words "any fees" as opposed to "the fees".</p> <p>Recommendation Changing the wording to insert "any fees" instead of "the fees" makes it clear that Auckland Transport may or may not have fees for parking on a specific road.</p> <p>A similar change will be made to clause 19</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
<p>Clause 22 Parking Vehicles off a Roadway</p>	<p>Waitemata Local Board</p>	<p>Definition of vehicle and parking by cycles The Local Board requests that cycling be excluded from the definition of 'vehicle' in clauses 19 and 22. The Board notes that many of the most convenient, safe and secure cycle parking areas are often informal in nature (e.g. against a fence). These can sometimes include 'cultivated areas' that would not be suitable for large and heavy motor vehicles, but are perfectly suitable for bicycles. Improvised cycle parking should be allowed, provided it does not interfere or obstruct the movement of other modes (e.g. walking and motor vehicles), or damage property.</p> <p>Recommend (See also recommendation for clause 19 above) Amend clause 22 to apply to "motor" vehicles only, thereby excluding cycles from the application of the clause and enabling them to park on cultivated areas in urban traffic areas so long as they cause no damage.</p> <p>Under the Land Transport (Road User) Rule 2004 r6.2 parking on cultivated areas is only prohibited if the parking is causing damage. This makes the prohibition difficult to enforce as it may not be clear which vehicle caused any visible damage and because much of the damage is caused to utilities and plants below the surface and is not immediately visible to a parking warden.</p> <p>The proposed Bylaw provision is stricter than the Rule but it is easier to enforce because it does not require evidence of damage. However cycles are less likely to cause the types of invisible damage that the provision aims to prevent and so removing cycles from the ambit of the provision should not increase the risk of damage and reflects the more informal approach to cycle parking that is expected.</p>
<p>Clause 22 Parking Vehicles off a Roadway</p>	<p>Tree Council</p>	<p>Submission in support</p> <p>"We oppose the idea that cars should be permitted to park on grass verges (berms) in Auckland.</p> <p>We are particularly concerned about the effect of soil compaction on Auckland's street trees. Soil compaction reduces the percolation of water and gaseous exchange, particularly air, through the soil profile. This is considered a significant biotic factor which predisposes trees to suffer from ill health and predation.</p> <p>Compaction has been found to be a factor in reducing root growth and causing a typical tree growth and consequently reduced vigour and vitality."</p> <p>Recommendation No recommendation is necessary.</p>
<p>Clause 22 Parking Vehicles off a Roadway</p>	<p>Henderson- Massey Local Board</p>	<p>Prohibit trucks parking on grass verges and footpaths Requests that a bylaw preventing trucks from parking overnight on roadside grass verges and footpaths be included in the Traffic Bylaw.</p> <p>Recommendation No change is recommended to the Bylaw.</p> <p>The provision already prohibits trucks from parking on cultivated areas (i.e. grass verges) in urban traffic areas.</p> <p>It is also noted that it is not necessary to amend the Bylaw to prohibit trucks from parking on a footpath as this is prohibited by 6.14 of the Land Transport (Road User) Rule 2004.</p>

Bylaw Clause	Submitter	Summary of submission and Auckland Transport Recommendation
<p>Clause 22 Parking Vehicles off a Roadway</p>	<p>Automobile Association</p>	<p>Amendment to Clause AA is concerned by the wide ranging nature of the clause and requests an amendment to allow parking on cultivated where permitted to do so by signposts.</p> <p>Recommendation No change should be made to the clause which is authorised by 6.2 of the Land Transport (Road User) Rule 2004.</p> <p>The restriction in 6.2 of the Land Transport (Road User) Rule 2004 which was revised in 2009 restricts parking on cultivated areas whether urban or rural if the cultivated area is likely to be damaged. This rule provides that this does not apply if the road controlling authority provides signs or markings, or makes a bylaw, indicating that a different rule applies.</p> <p>This clause restricts the parking of vehicles off the roadway on cultivated areas including grass plots, flower beds or shrubbery in urban traffic areas only. Parking may be allowed on cultivated areas where it is designed and constructed to accommodate a parked vehicle or with written permission of Auckland Transport. Written permission could be given in the form of a sign. This is less strict than the requirements of some of the legacy bylaws that prohibited parking on cultivated areas in rural and urban areas. The legacy council provisions were included prior to the amendment to the Rule in 2009.</p>
<p>Clause 27 Removal of Vehicles and Things</p>	<p>Automobile Association</p>	<p>Costs of towing AA recommends clarifying the clause to only permit the recovery of “reasonable costs” of towing. The clause needs to be amended to ensure motorists can only be charged towing fees as set out in current legislation.</p> <p>Recommendation Clause 27(2) has been amended from “costs incurred by AT in connection with the removal of the vehicle or thing” to “appropriate costs in connection with the removal of the vehicle or thing”. The change to the wording allows for AT to charge only the costs prescribed by the Transport (Towage Fees) Notice 2004 in relation to the removal of vehicles and the costs incurred in removing other things in accordance with the Local Government Act 2002.</p>

Auckland Transport Speed Limits Bylaw Written Submissions

Bylaw clause	Submitter	Summary of Submission Auckland Transport Recommendation
Bylaw –all clauses	<p>Waitemata Local Board</p> <p>Henderson-Massey Local Board</p>	<p>General submissions in support of the Bylaw The Local Boards support AT’s intention to provide an integrated system that controls traffic and parking or sets speed limits.</p> <p>No recommendation As the submissions are in support no changes are necessary.</p>
Clause 6 Speed limits	<p>Waitemata Local Board</p> <p>Henderson-Massey Local Board</p>	<p>Consultation It is important in forming the resolutions that seek to regulate speed limits in various spaces within the region (apart from roads controlled by NZTA), that Auckland Transport’s Traffic Control Committee adequately consults with Local Boards.</p> <p>The Waitemata Local Board advocates that a local board should also be able to propose speed limits for spaces within its jurisdiction, and requests that Auckland Transport resolve to enact such speed limits.</p> <p>The Henderson-Massey Board requests a mechanism for local board input into setting speed limits as the local board represents the local community and has local knowledge.</p> <p>Recommendation No change is recommended.</p> <p>Auckland Transport is required to follow the requirements for consultation in setting speed limits in the Land Transport Rule: Setting of Speed Limits 2003 as a road controlling authority.</p> <p>Auckland Transport consults affected stakeholders including local communities and local boards prior to making a resolution for speed limits in their local areas, and pays close attention to their views in making speed limits. But must also comply with the criteria set out in the Rule for setting speed limits.</p> <p>Local Boards are able to recommend that the appropriateness of speed limits in any area be investigated in accordance with the Setting of Speed Limits Rule provisions.</p> <p>The consultation process will be consistent with the current process followed when making resolutions under the legacy previous councils’ speed bylaws.</p> <p>Resolutions may be made for urgent safety reasons and consultation may be limited.</p>
Clause 6 Speed limits	<p>Automobile Association</p>	<p>Consultation</p> <p>We agree with the draft bylaw and note the inclusion of a clause 6(2) which requires Auckland Transport to consult the AA prior to setting a speed limit or designating an urban traffic area.</p> <p>Recommendation Submission in support. No change is necessary.</p> <p>This clause requires Auckland Transport to comply with all requirements of the Land Transport Rule: Setting of Speed Limits 2003. The requirement to consult is not specifically referenced in the Bylaw as the Rule sets out the specific consultation requirements.</p>

Bylaw clause	Submitter	Summary of Submission Auckland Transport Recommendation
Clause 6 Speed limits	Kay Stowell	<p>Submission on speeds on Great Barrier Island The submitter believes the proposed speed limit of 50km through settlement areas (e.g. Port Fitzroy) is too fast. It should either be left at 100km or reduced to 50kms.</p> <p>Recommendation This submission is outside the scope of the consultation on the Bylaw. No speed limits are changed by this Bylaw. All existing speed limits remain in place.</p> <p>Auckland Transport is reviewing speed limits as a separate process and consultation will be undertaken with any affected stakeholders on any changes to speed limits made under the Auckland Transport Speed Limits Bylaw.</p>
Land Transport Rule: Setting of Speed Limits 2003	Waitemata Local Board	<p>Submission on Speed Limits Rule</p> <p>Advocating to NZTA and Ministry of Transport on parking warden powers for speed enforcement in shared zones</p> <p>The Board advocates Auckland Transport works with NZTA and MOT to enable parking wardens instead of the Police to enforce slow-moving vehicles e.g. cars illegally driving in pedestrian malls, or cars exceeding speed limits. Police resource constraints and changing street environments mean there is a critical need to empower parking wardens to police low-level moving vehicle violations.</p> <p>Recommendation This submission falls outside the scope of the Bylaw.</p> <p>Only the Police have legal authority to enforce speed limits. Auckland Transport's position on this proposal would need to be determined if it wished to make such a submission to NZTA.</p>



Traffic Bylaw 2012

Auckland Transport Board meeting 18 July 2012

Explanatory Note

This bylaw made pursuant to section 22AB of the Land Transport Act 1998, allows for Auckland Transport as the road controlling authority to set requirements for parking and control of traffic on roads under the care, control, or management of Auckland Transport. This bylaw revokes and replaces transport-related bylaws made by the previous local authorities of Auckland.

This explanatory note is for information purposes only and does not form part of this bylaw.

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1 Title

This bylaw is the Auckland Transport Traffic Bylaw 2012.

2 Commencement

This bylaw comes into force on 1 August 2012.

3 Application

This bylaw applies to all roads under the care, control, or management of Auckland Transport for which it has bylaw-making powers.

**Part 1
Preliminary Provisions**

4 Purpose

The purpose of this bylaw is to set the requirements for parking and control of vehicular or other traffic on any road under the care, control or management of Auckland Transport.

5 Interpretation

(1) In this bylaw, unless the context otherwise requires-

Act means the Land Transport Act 1998 the regulations and the rules under that Act.

approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit-

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by Auckland Transport.

bus lane means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of-

- (a) buses; and
- (b) cycles, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).

carpool means a shared use of a vehicle by a driver and one or more passengers, usually for commuting to a similar or nearby destination including place of employment, business or educational facility.

class of vehicle means groupings of vehicles defined by reference to any common feature and includes-

- (a) vehicles by type, description, weight, size or dimension;
- (b) vehicles carrying specified classes of load by the mass, size or nature of such loads;
- (c) vehicles carrying no fewer or less than a specified number of occupants;
- (d) vehicles used for specified purposes;
- (e) vehicles driven by specified classes of persons;
- (f) carpool and shared vehicle; and
- (g) vehicles displaying a permit authorised by Auckland Transport.

cruising means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that-

- (a) draws attention to the power or sound of the engine of the motor vehicle being driven; or
- (b) creates a convoy that-
 - (i) is formed otherwise than in trade; and
 - (ii) impedes traffic flow.

cycle lane means a longitudinal strip within a roadway reserved by a marking or sign for the use of cycles.

cycle path-

- (a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and
- (b) includes a cycle track formed under section 332 of the Local Government Act 1974.

diverted material means anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.

emergency vehicle means a vehicle used for attendance at emergencies and operated-

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

light rail vehicle lane means a lane reserved for the use of light rail vehicles by a marking or sign installed at the start of the lane (unless the light rail vehicle lane is a continuous loop) and at each point at which the lane resumes after an intersection.

motor vehicle-

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include-
 - (i) a vehicle running on rails; or
 - (ii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iii) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (iv) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (v) a pedestrian-controlled machine; or
 - (vi) a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
 - (vii) a mobility device.

parking machine means a parking meter or other device that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

parking place means a place (including a building) where vehicles, or any class of vehicles, may stop, stand, park.

shared vehicle means a vehicle operated by an organisation approved by Auckland Transport to provide its members, for a fee, access to a fleet of shared vehicles which they may reserve for use on an hourly basis.

special vehicle lane means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane.

traffic means road users of any type and includes pedestrians, vehicles and driven or ridden animals.

transit lane means a lane reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane)-

- (a) passenger service vehicles;
- (b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;
- (c) cycles;
- (d) motorcycles;
- (e) mopeds.

transport station means a place where transport-service vehicles, or any class of transport-service vehicles, may wait between trips and includes all necessary approaches and means of entrance to and egress from any such place, and all such buildings, ticket offices, waiting rooms, cloak rooms, structures, appliances, and other facilities as Auckland Transport considers to be necessary or desirable for the efficient use of that place for the purpose for which it is provided and the collection of charges in relation to that use.

urban traffic area means an area designated pursuant to the Land Transport Rule: Setting of Speed Limits 2003 that consists of one or more specified roads or a specified geographical area, to which the urban speed limit generally applies.

vehicle-

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
 - (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
 - (c) does not include-
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (viii) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (ix) any rail vehicle.
- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Interpretation Act 1999 applies to the interpretation of this bylaw.
- (4) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Auckland Transport at any time.

6 Resolutions made under this Bylaw

A resolution may be made under this bylaw-

- (a) to regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case; or
- (b) that applies to all vehicles or traffic or to any specified class of vehicles or traffic using a road; or
- (c) that applies to any road or part of a road under the care, control, or management of Auckland Transport; or
- (d) that applies at any specified time or period of time.

Part 2 Vehicle and Road Use

7 One-way roads

- (1) Auckland Transport may by resolution require vehicles on roads to travel in one specified direction only.
- (2) Every driver of a vehicle must travel only in the direction specified on a one-way road.
- (3) Auckland Transport may specify by resolution that cycles may travel in the opposite direction on a one-way road.

8 Left or right turns and U-turns

- (1) Auckland Transport may by resolution prohibit-
 - (a) vehicles or classes of vehicles on any road from turning to the right or to the left or from proceeding in any other direction;
 - (b) vehicles turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn) on specified roads.
- (2) A person must not turn a vehicle to the left, or to the right, or perform a U-turn, or proceed in any other direction on any road where Auckland Transport has prohibited or restricted such movements.

9 Routes and manoeuvres on roads

- (1) Auckland Transport may by resolution prescribe for traffic or specified classes of traffic routes that must be followed or any turning movements or manoeuvres that must be undertaken at an intersection, or on a road or cycle path.
- (2) A person must not use a road or cycle path in a manner contrary to a prohibition or restriction made by Auckland Transport.

10 Special vehicle lanes

- (1) Auckland Transport may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- (2) A person must not use a special vehicle lane contrary to any restriction made by Auckland Transport.

11 Traffic control by size, nature or goods (including heavy vehicles)

- (1) Auckland Transport may by resolution prohibit or restrict the use of roads as unsuitable for the use of any specified class of traffic or any specified class of motor vehicle due to their size or nature or the nature of the goods carried.

- (2) A person must not use a road contrary to a prohibition or restriction made by Auckland Transport.
- (3) If in the opinion of Auckland Transport it is safe to do so, Auckland Transport may permit a vehicle to use any road in contravention of a prohibition or restriction made under this clause for the purpose of-
 - (a) loading or unloading goods or passengers at any property whose access is by way of the road; or
 - (b) providing an emergency service in or near a road from which it has been prohibited and for which alternative access is not available; or
 - (c) undertaking maintenance on a road from which it has been prohibited and for which alternative access is not available; or
 - (d) undertaking maintenance of a network utility provider's assets on or near a road from which it has been prohibited and for which alternative access is not available.

12 Cycle paths

- (1) Auckland Transport may by resolution-
 - (a) fix the length, route and location of a cycle path;
 - (b) determine priority for users of a cycle path on a shared path that may be used by some or all of the following persons at the same time-
 - (i) pedestrians;
 - (ii) cyclists;
 - (iii) riders of mobility devices;
 - (iv) riders of wheeled recreational devices.
- (2) A person must not use a cycle path in a manner contrary to any restriction made by Auckland Transport.

13 Shared zones

- (1) Auckland Transport may by resolution specify any road to be a shared zone.
- (2) Except where Auckland Transport has by resolution specified otherwise, no person may stand or park a vehicle in road specified a shared zone.
- (3) A person must not use a shared zone in a manner contrary to any restriction made by Auckland Transport.

14 Cruising

- (1) Auckland Transport may by resolution-
 - (a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

- (2) A person must not use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Auckland Transport.

15 Light motor vehicle restrictions

- (1) Auckland Transport may by resolution restrict or prohibit any motor vehicle having a gross vehicle mass less than 3,500kg from being operated on any road between the hours of 9pm and 4am.
- (2) A person must not drive or permit a motor vehicle to be driven in contravention of a resolution made by Auckland Transport unless-
- (a) that vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
 - (b) that vehicle is being used for the time being as a passenger service vehicle; or
 - (c) prior written permission from Auckland Transport has been obtained.

16 Engine braking

- (1) Auckland Transport may by resolution prohibit or restrict engine braking on any road where the permanent speed limit does not exceed 70km/h.
- (2) A person must not use engine braking on any road in contravention of a prohibition or restriction made by Auckland Transport.

17 Unformed legal roads

- (1) Auckland Transport may by resolution restrict the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users.
- (2) A person must not use a motor vehicle on an unformed road contrary to a restriction made by Auckland Transport.

**Part 3
Parking**

18 Stopping, standing and parking

- (1) Auckland Transport may by resolution-
- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
 - (b) limit the stopping, standing or parking of vehicles on any road and vehicles of any specified class or description.
- (2) A person must not stop, stand or park a vehicle on any road in contravention of a prohibition, restriction or limitation made by Auckland Transport.

19 Parking places, parking buildings, transport stations and zone parking

- (1) Auckland Transport may by resolution-
- (a) reserve any area of land or any road or any part of a road or any zone or any building or any part of a building owned or under the care, management or control of Auckland Transport to be a parking place or a transport station;

- (b) specify the vehicles or classes of vehicle that may or must not use a parking place or transport station;
 - (c) prescribe the times, manner and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
 - (d) prescribe-
 - (i) any charges to be paid for the use of a parking place or transport station; and
 - (ii) the manner by which parking charges may be paid by the use of parking machines or in any other specified manner;
 - (e) make provision for the efficient management and control of a parking place or transport station.
- (2) Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing or parking restrictions apply.
- (3) A person must not park a vehicle in a parking place or transport station in contravention of prohibition or restriction made by Auckland Transport.

20 Mobility parking

- (1) Auckland Transport may by resolution reserve any parking space on a road for the exclusive use of a disabled person who has on display in the vehicle a current approved disabled person's parking permit that is clearly legible.
- (2) Auckland Transport may approve the form of a disabled person's parking permit.
- (3) A person must not park a vehicle which is not displaying a current approved disabled person's parking permit in a parking space reserved for the exclusive use of disabled persons.
- (4) A person must not park a vehicle which is displaying an approved disabled person's parking permit unless the vehicle is being used to convey a disabled person or to pick up or drop off a disabled person.

21 Residents' parking

- (1) Auckland Transport may by resolution reserve any specified parking place as-
- (a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
 - (b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- (2) Auckland Transport may by resolution prescribe-
- (a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
 - (b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- (3) Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and display a current approved resident's parking permit so that it is clearly legible.

- (4) A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Auckland Transport unless a current approved resident's parking permit is prominently displayed in the vehicle.

22 Parking vehicles off a roadway

- (1) A person must not stop, stand or park a motor vehicle in urban traffic areas on that part of the road which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- (2) A person may stop, stand or park a motor vehicle in contravention of this clause if-
- (a) that part of the road is designed and constructed to accommodate a parked vehicle; or
 - (b) Auckland Transport has given written permission to stop, stand or park a vehicle in that part of the road.

23 Parking for display or sale

A person must not stop, stand or park a vehicle on any road or parking place for the purpose of advertising a good or service, or for offering the vehicle for sale unless the vehicle is being used for day to day travel.

24 Machinery or equipment on roads

A person must not leave any machinery, equipment, materials or freight containers on any road unless that person has the written permission of Auckland Transport. This clause does not apply to containers that are used solely for the purpose of kerbside collection of waste or diverted material authorised by Auckland Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.

25 Repairs on vehicles

A person must not carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

26 Broken down vehicles

A person must not leave a vehicle on any road for a continuous period exceeding seven days if that vehicle does not have effective motive power or is in such a state that it cannot be safely driven.

**Part 4
Enforcement Powers**

27 Removal of vehicles and things

- (1) In addition to the powers conferred on it by any other enactment, Auckland Transport may remove or cause to be removed from any parking place, transport station or road any vehicle or thing using those places stations or roads in breach of the bylaw.
- (2) Auckland Transport may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the vehicle or thing.

28 Removal of construction

Auckland Transport may remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

**Part 5
Offences and Penalties**

29 Bylaw breaches

A person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

**Part 6
Exceptions, Revocation and Savings provisions**

30 Exceptions

- (1) A person is not in breach of this bylaw if that person proves that-
 - (a) the act or omission complained of took place in response to a situation on a road; and
 - (b) the situation was not of the person's own making; and
 - (c) the act or omission was taken-
 - (i) to avoid the death or injury of a person; or
 - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Clause 30(1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this bylaw.
- (3) Any restrictions made under Parts 2 and 3 of this bylaw do not apply to-
 - (a) a vehicle that is actually engaged in urgent repair work to a public utility service;
 - (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation; or
 - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- (4) A person is not in breach of this bylaw if that person proves that the act or omission-
 - (a) took place in compliance with the directions of an enforcement officer or a parking warden; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.

31 Revocation

The following transport-related bylaws are revoked to the extent that they apply to any roads under the care, control or management of Auckland Transport-

- (a) Auckland City Council Traffic Bylaw 2006;
- (b) Franklin District Council Traffic Control Bylaw 2006;
- (c) Chapter 13 (Parking and Traffic) of the Manukau City Consolidated Bylaw 2008;
- (d) Part 6 (Traffic Control) of the North Shore City Council Bylaw 2000 excepting clause 6.5 and any specific definition in clause 6.1 that relates to clause 6.5;
- (e) Papakura District Council Parking and Traffic Bylaw 2009;
- (f) Chapter 25 (Parking and Traffic Control) of the Rodney District Council General Bylaw 1998;
- (g) Waitakere City Council Use of Roads and Parking Bylaw 2010 (Waitakere City Council Traffic Bylaw 2010).

32 Savings

Any resolutions, approvals, permits or other acts of authority made pursuant to the bylaws referred to in clause 31 remain in force in the area to which it applied on the date of revocation until revoked by Auckland Transport.



Speed Limits Bylaw 2012

Auckland Transport Board meeting 18 July 2012

Explanatory Note

This bylaw made pursuant to the Land Transport Rule: Setting of Speed Limits 2003 made under the Land Transport Act 1998, allows for Auckland Transport as the road controlling authority to set speed limits on roads under the care, control or management of Auckland Transport. This bylaw revokes and replaces the bylaws setting speed limits made by the previous local authorities of Auckland.

This explanatory note is for information purposes only and does not form part of this bylaw.

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1 Title

This bylaw is the Auckland Transport Speed Limits Bylaw 2012.

2 Commencement

This bylaw comes into force on 1 August 2012.

3 Application

This bylaw applies to all roads under the care, control or management of Auckland Transport for which it has bylaw-making powers.

4 Purpose

The purpose of this bylaw is to allow Auckland Transport to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2003 on all roads under the care, control or management of Auckland Transport.

5 Interpretation

(1) In this bylaw, unless the context otherwise requires, -

Designated location means a designated location under the care, control or management of Auckland Transport.

Rule means the Land Transport Rule: Setting of Speed Limits 2003.

(2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Land Transport Act 1998, and the Rule.

(3) The Interpretation Act 1999 applies to this bylaw.

6 Speed limits

(1) Auckland Transport may by resolution -

- (a) set permanent, holiday, variable or minimum speed limits for any road in Auckland under the care, control or management of Auckland Transport;
- (b) set speed limits for any road in a designated location in Auckland under the care, control or management of Auckland Transport;
- (c) designate urban traffic areas of Auckland under the care, control or management of Auckland Transport.

(2) Auckland Transport may only set a speed limit or designate an urban traffic area if it has complied with the relevant requirements of the Rule.

7 Revocation and savings

(1) The following bylaws or parts of bylaws respecting speed limits are revoked to the extent that they apply to any roads under the care, control or management of Auckland Transport-

- (a) Auckland City Council Traffic Bylaw 2006;
- (b) Franklin District Council Speed Limits Bylaw 2005;
- (c) Chapter 16 (Speed Limits) of the Manukau City Consolidated Bylaw 2008;
- (d) Part 6 (Traffic Control) of the North Shore City Council Bylaw 2000;

- (e) Papakura District Council Speed Limits Bylaw 2009;
 - (f) Chapter 18 (Road Speed Limits) of the Rodney District Council General Bylaw 1998; and
 - (g) Waitakere City Council Speed Limits Bylaw 2010;
- (2) The speed limits made under the bylaws referred to in clause 7(1) set out in Schedule 1 to this bylaw remain in effect until changed by resolution made under this bylaw
- (3) Any act undertaken in accordance with any of the bylaws listed in clause 7(1) that is continuing at the commencement of this bylaw, continues to have full force and effect.

**DELEGATION RELATING TO THE AUCKLAND
TRANSPORT TRAFFIC BYLAW 2012 AND AUCKLAND
TRANSPORT SPEED LIMITS BYLAW 2012**

Delegation to the Traffic Control Committee

The Auckland Transport Board hereby delegates to the Traffic Control Committee the power to pass resolutions under the Auckland Transport Traffic Bylaw 2012 and the Auckland Transport Speed Limits Bylaw 2012.