

Land Transport (Road User) Amendment Rule [2011]

Questions and Answers

16 May 2011

1. Why is this amendment Rule being proposed?

The amendment Rule will make changes to the Land Transport (Road User) Rule 2004.

The main proposal is to change the give-way rules to improve safety at intersections.

Other proposals in the amendment Rule will either:

- be necessary as a consequence of changing the give-way rules
- align road user requirements with other legislation, or
- strengthen and clarify provisions on existing road user requirements.

Give-way rules

2. Why are changes to the give-way rules proposed?

A change to the give-way rules was identified as a road safety priority in the Government's road safety strategy to 2020, Safer Journeys. The changes were confirmed by Transport Minister Steven Joyce in September 2010 and will apply to the left turn-right turn give-way rule and the T-intersection rule.

The current give-way rules place complex demands on road users. Intersection crashes currently account for 17 percent of fatal crashes. While more than half of fatal intersection crashes occur in rural areas the majority, over 80 percent, of intersection crashes causing injury are in urban areas. Over the decade to 2009, the number of crashes involving pedestrians and turning vehicles at intersections has doubled.

It's expected that the proposed changes to the give-way rules will reduce intersection crashes and improve safety, especially for pedestrians and cyclists.

The proposed changes will result in less complex decision-making at intersections. Drivers of left-turning vehicles will only need to check whether there are pedestrians crossing the road into which they are turning, and whether there are any cyclists on the inside of the turning vehicle. The driver of a right-turning vehicle will need to assess only whether there is a sufficient gap in the oncoming traffic.

The proposed changes are also expected to marginally reduce the risk of a right-turning vehicle at an uncontrolled T-intersection being hit in the rear by straight-through traffic.

3. Is there public support for changing the give-way rules?

Public and stakeholder submissions during the development of the Safer Journeys strategy strongly supported a change to the rules. The proposal was ranked 10th out of 62 safety initiatives by the public during consultation on the Safer Journeys discussion document.

The current Rules are regarded by many people as being confusing and they produce hazardous situations for motorists.

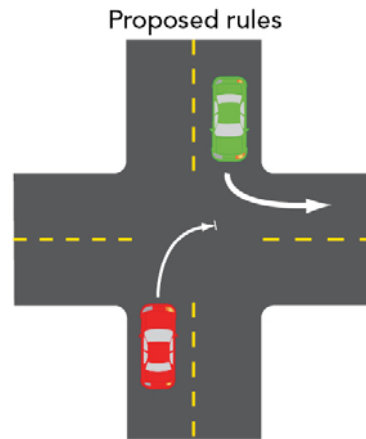
4. Which give-way rules are being changed?

The two give-way rules are:

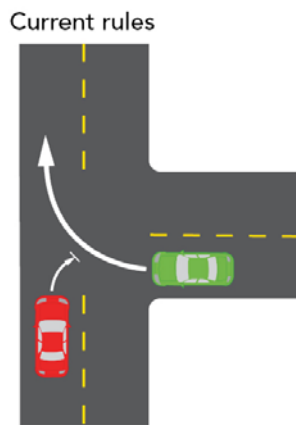
- Left-turn v. right-turn priority
- Uncontrolled intersections.



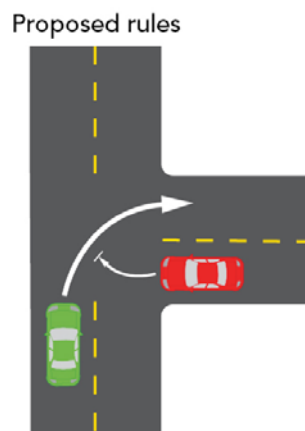
Vehicle turning right has priority at uncontrolled intersection.



Vehicle turning left has priority at uncontrolled intersection.



Vehicle turning right from terminating road has priority at uncontrolled T-intersection.



Vehicle turning right from continuing road has priority at uncontrolled T-intersection.

5. What is the history of New Zealand's give-way rules?

Leading up to a change to the legislation in 1977, there was a significant number of uncontrolled intersections, traffic volumes were increasing and occasions when two vehicles were turning were becoming more frequent. In situations where two vehicles were turning right and neither had priority, driver courtesy had to prevail.

Since the give-way rules were changed in 1977, traffic that is turning left at an uncontrolled intersection has had to give way to right-turning traffic.

The legislation was designed to produce rules that were consistent and simple for road users to apply, and to formalise the priority for vehicles that were both turning right.

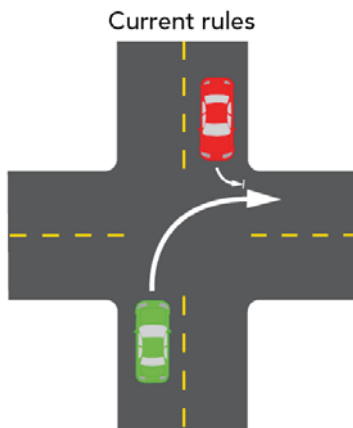
The introduction of the current rules, however, coincided with a 2.5 percent increase in casualty crashes at intersections in the three years following the change.

The 'Left-turn v. right-turn priority' has been an ongoing issue for debate, and revision of the rules was most recently considered when consulting on the draft Road User Rule in 2003. The changes put forward then are the same as those in the proposed amendment Rule now.

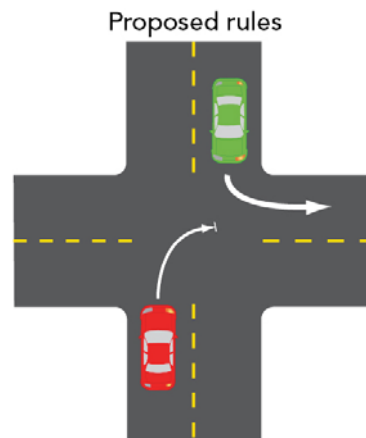
Left-turn v right-turn priority

6. What is the proposed change to the left-turn v. right-turn priority?

It is proposed to amend the Rule to require a driver turning right at an intersection to give way to all oncoming traffic travelling straight ahead or turning left, unless a traffic sign or traffic signal requires the driver to stop or give way.



Vehicle turning right has priority at uncontrolled intersection.



Vehicle turning left has priority at uncontrolled intersection.

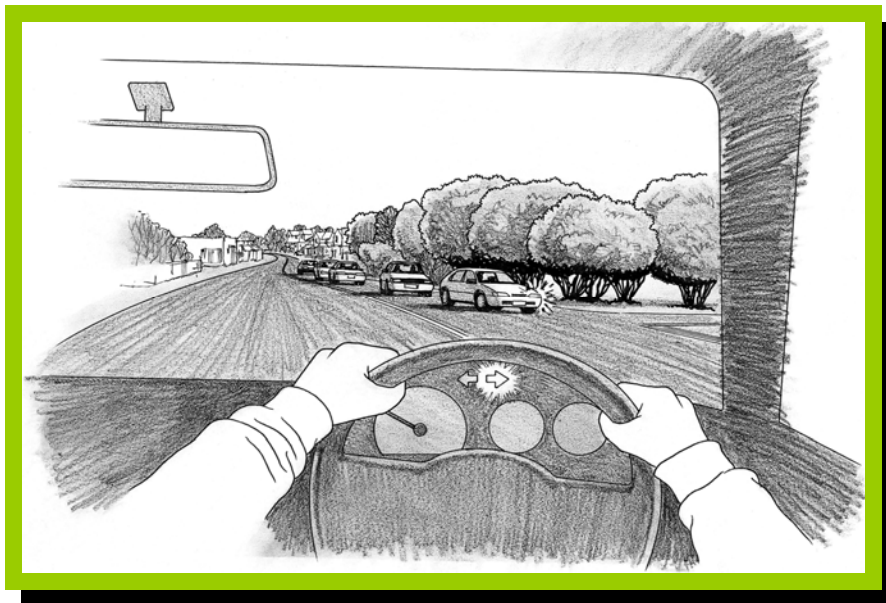
7. Why is this change proposed?

This will improve traffic management by:

- improving left-turn efficiency
- encouraging the use of left-hand lanes by straight-through traffic at multi-lane intersections

- reducing the possibility of an intersection approach becoming jammed by opposing left-and right-turning vehicles waiting for straight-through traffic; and
- reducing demands on drivers. The proposed changes will eliminate the need for left-turning drivers to check the intentions of following traffic that might be going straight through the intersection, in order to judge the intentions of an approaching right-turning vehicle. This would provide an opportunity for the left-turning vehicle to proceed before the right-turning traffic.

Turning right across oncoming traffic is a hazardous manoeuvre. The current give-way rule requires right-turning traffic to judge whether oncoming traffic is turning or not (see *Picture 1* below).



Picture 1: This driver's response to the conflict with the left-turning vehicle will depend on what he or she judges to be the intentions of the traffic following the left turner.

In checking the intentions of an approaching vehicle that is indicating a left turn, the right-turning driver may overlook traffic travelling straight through, especially cyclists or motorcyclists travelling behind the left-turning vehicle. The proposed change to the rules would mean that only the gap to oncoming traffic would need to be assessed.

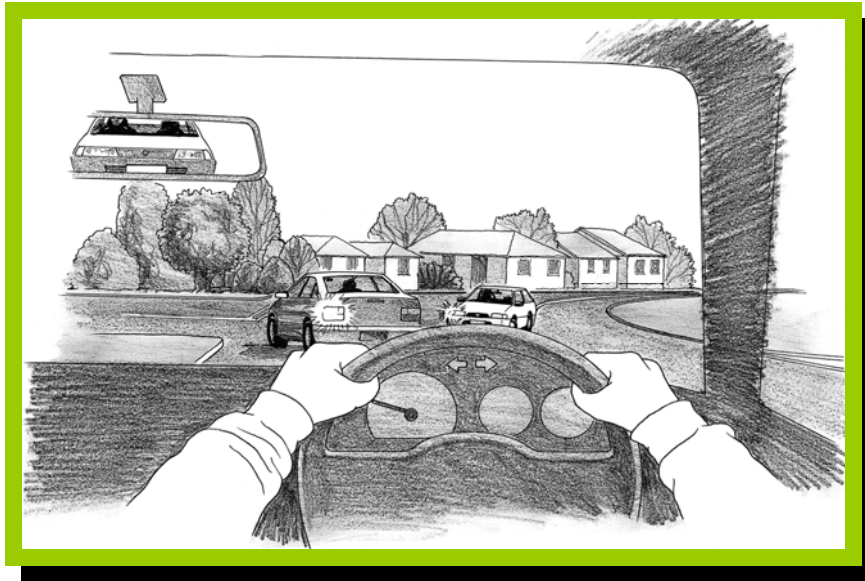
Higher-volume traffic

The current left turn-right turn rule creates crash risks:

- between left-turning vehicles and pedestrians crossing the road that the vehicle is turning into, or cyclists on the inside, because the driver of the vehicle has been watching for right-turning traffic
- between right-turning vehicles and left-turning vehicles
- between right-turning vehicles and vehicles overtaking the left-turning vehicles.

Currently, drivers turning left need to check in three different directions – the situation opposite them, behind them, and on the road they are entering – all within seconds. It is even harder if there is no give way or stop sign on a terminating road.

When a left-turning vehicle is part way through a turn and has stopped to give way to pedestrians, the vehicle's alignment will prevent an adequate view to the rear and increase the uncertainty as to whether to wait for an oncoming right-turning vehicle. With the current priority, traffic continuing straight ahead may pull right to pass a waiting left-turning vehicle increasing the risk of a head-on crash with oncoming traffic.



Picture 2: Left Turn vs Right Turn. The driver of the vehicle turning left needs to be aware, using the rear-view mirror, of the intentions of following traffic to evaluate what the vehicle turning right might do.

The existing priority, therefore, requires traffic turning left to respond to a situation ahead based on what's happening immediately behind. This produces hesitation and uncertainty, and in exceptional circumstances can result in an intersection approach becoming jammed. In contrast, traffic turning right has a clear view of all oncoming traffic and pedestrians and, therefore, is better placed to assess the situation.

8. Will this proposed change cause delays to traffic turning right?

The proposal may potentially delay traffic turning right. This does have some safety implications because waiting traffic towards the middle of a road is at a higher risk of collision from behind than waiting traffic towards the left of the road. This was a motivation for the change to the give-way rules in 1977.

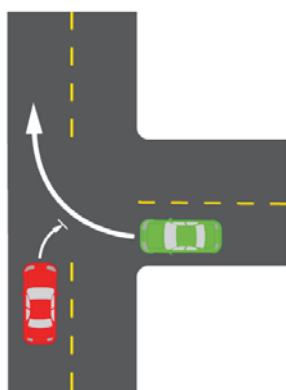
However, the increasing number of right-turn bays on higher volume roads, means this risk would be substantially reduced today. The proposal would increase the efficiency of left-turns and encourage through traffic to stay towards the left of the road away from oncoming traffic and this would also reduce collision risk.

Uncontrolled T-intersections

9. What is the proposed change to the give-way rule at uncontrolled T-intersections?

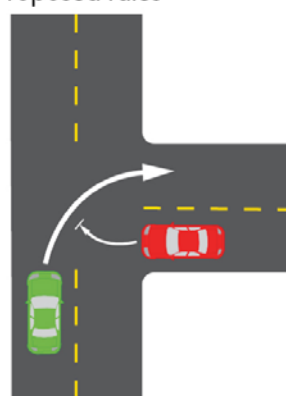
It is proposed to amend the Rule to require all traffic from a terminating road at an uncontrolled intersection to give way to all traffic travelling on a continuing road.

Current rules



Vehicle turning right from terminating road has priority at uncontrolled T-intersection.

Proposed rules



Vehicle turning right from continuing road has priority at uncontrolled T-intersection.

10. Why is this change proposed?

Conflicting right turns at uncontrolled T-intersection

The T-intersection rule applies when there are conflicting right-turns at a T-intersection. At present, the right-turning vehicle on the terminating road (the base of the 'T') has priority over the right-turning vehicle on the continuing road (the top of the 'T').

The T-intersection is a very common intersection in New Zealand, and often the continuing road is the higher volume (or major) road. The current T-intersection rule gives the vehicle entering from a minor road priority over a vehicle travelling on the major road (see *Picture 3*).

The planned change is to require traffic from a terminating road at an uncontrolled intersection to give way to traffic on a continuing road. This also brings it into line with the current give-way rules at controlled T-intersections.

Note: a controlled intersection is one where the give-way priorities are set by traffic signs, traffic signals or a roundabout. Uncontrolled means the absence of any of these devices.



Picture 3: Turning right at an uncontrolled T-intersection. The vehicle on the left that is turning right from the continuing road has to give way to the vehicle turning right from the terminating road.

If a stop or give-way control is installed on the terminating road this priority is reversed (see *Picture 4*).



Picture 4: Turning right at a controlled intersection. The vehicle on the terminating road has to give way to the vehicle turning right from the continuing road.

The T-intersection is the most common intersection type. They have increased over time because it's recognised that they are inherently safer than crossroads. At the vast majority of T-intersections the continuing or through road (the top of the 'T') has the major traffic flow. Therefore the best safety and efficiency result is for traffic travelling along a major road to have priority over traffic entering from a minor road (the stem of the 'T').

Currently, road users have to learn and apply two rules for T-intersections: a major/minor rule if the intersection is controlled, and the give-way-to-the-right rule if it is not. Road users can misapply the rules or hesitate unduly when two vehicles are turning right at an uncontrolled T-intersection.

A common approach overseas is to have a give-way rule especially for T-intersections so that whether it is controlled or not makes no fundamental difference. So, all traffic on a road that terminates at a T-intersection would be required to give way to any traffic on the continuing road. It is proposed to amend the Road User Rule to apply this to New Zealand.

Driveways

Currently, if a driveway is a public entrance or exit, for example, at a supermarket, hospital or airport, it must be treated as an uncontrolled intersection. Given the differing designs and locations of driveways, the NZTA believes it would unnecessarily complicate the proposed changes to the give-way rules if driveways were to be included within the definition of an intersection. Instead, it is proposed to add a new provision into the Road User Rule to require that a vehicle exiting a driveway must give way to vehicles on the road.

General give-way rule information

11. Are changes proposed to the give-way rules at traffic signs or signals?

No. The give-way rules that apply when traffic is controlled by a traffic sign or traffic signals will stay the same, except where the opposing signs or signals are the same ie, both drivers have a green light, or a stop or give-way sign. If both drivers are controlled by signals or stop or give-way signs, the proposed new give-way rules will apply, as explained below.

Also, no change is proposed for intersections where roundabouts are installed.

12. What other changes are proposed as a consequence of changing the give-way rules?

A change is proposed to reverse the provision which currently requires a driver facing a green traffic signal and turning left to give way to vehicles approaching from the opposite direction and lawfully turning or about to turn right. This also applies if both drivers are controlled by stop or give-way signs.

13. Will there be any additional costs if changes to the give-way rules are introduced?

Left-turn v right-turn priority

The left-turn v right-turn priority potentially increases delay for right-turning vehicles as opportunities for turning will be lost, and there may be costs associated with addressing this.

At intersections controlled by traffic signals, longer right-turn phases may be necessary to prevent excessive queue length. At other intersections, there may be a need to provide exclusive right-turn lanes where there is no need at present. At busier give-way controlled intersections that have high flows of turning traffic and significant delays, the proposal may bring forward the need for traffic signals.

Uncontrolled intersections

Give Way signs and markings at many minor T-intersections would not be required if the proposed T-intersection rule amendment is adopted. Their intended use is for

exceptional circumstances such as high traffic flows or a need to reduce approach speeds because of poor sight lines.

Under New Zealand's current give-way rules there is an incentive to control minor T-intersections, especially along arterial and collector roads, to allocate priority to the through road for efficiency purposes. A change to the T-intersection rule would free up resources in the future for safety and efficiency projects.

14. How do we know these changes will improve safety?

There was a 7.1 percent reduction in crashes, following a similar give-way rule change to the one we are proposing for New Zealand, in Victoria in 1993.

It's estimated that changing New Zealand's give-way rules will result in a reduction of about seven percent of relevant intersection crashes. It is estimated that the change will save one life and prevent 97 injuries (13 serious and 84 minor injuries) each year.

The current give-way rule delays vehicles turning right off a through road when right-turning vehicles out of a terminating road oppose it. The hesitation that occurs when two opposing right-turning vehicles meet at an uncontrolled intersection increases the delay on the through road. This increases the risk of being hit from the rear by straight through traffic. There was an annual average of 240 casualty crashes in the four-year period 2006 to 2009 where a vehicle towards the centre of the road waiting to turn right was struck from behind. The proposed change will reduce this risk.

Overall, the give-way change proposals should produce more cautious decision-making and reduce the level of judgement needed in complex and dynamic traffic environments and promote smoother traffic flow.

15. Do any other countries have similar give-way rules to New Zealand?

Our current rules were adopted following a similar change made by the State of Victoria. In 1993, Victoria joined the rest of Australia by adopting the rule of right-turning traffic giving way to all oncoming traffic.

New Zealand is the only known jurisdiction in which our current rules apply. Similar rules to other jurisdictions would improve safety as drivers from overseas would not have to adopt different give-way rules.

16. In summary, what are the benefits of the proposed changes to the give-way rules?

Adopting the proposal for changing the give-way rules will:

- mean that absent or misleading signals should not lead to a collision unlike in the current situation which relies heavily on the drivers of the two 'conflicting' vehicles accurately signalling their intentions
- remove the need for a driver turning right to judge the intentions of approaching traffic, and especially the intentions of vehicles following behind a vehicle indicating a left-turn, to turn safely
- remove the problem of a driver turning left having to be aware of intentions of traffic approaching from the rear to judge what an approaching vehicle turning right might do
- remove the need for a driver turning left at night to look into the headlights of approaching traffic to check for a right-turn indication

- help ensure that traffic turning left is aware that there may be pedestrians crossing in the road into which it is turning and cyclists on the inside of the turning vehicle
- for T-intersections, clarify the distinction between controlled and uncontrolled intersections in preparing to give way when turning right
- especially for T-intersections, align the rules with drivers' expectations on which roads (major/minor) vehicles should have the priority when giving way
- reduce the risk of vehicles turning right into an uncontrolled terminating road being hit from the rear on a through road
- standardise the give-way rules for driveways and intersections
- be consistent with Australia and other countries and reduce confusion among overseas drivers visiting New Zealand.

Other changes proposed in the amendment Rule

17. What changes are proposed for road users around 'T' or 'B' traffic signals?

It's proposed to allow riders of motorcycles, mopeds and cycles using a bus lane that is controlled by a 'B' (bus) signal to proceed on a white 'B' signal. Those riders would still need to comply with a yellow or red 'B' signal.

The Rule currently only allows buses using a special vehicle (bus) lane controlled by a 'B' signal to proceed on a white 'B' signal.

Currently, unless excluded by signage, riders of motorcycles, mopeds and cycles are allowed to use the bus lane. Allowing these riders to proceed on a white 'B' signal would prevent them from blocking the way of a bus if there's a bus behind them and improve traffic flow.

18. What is the proposed change to the rule for drivers approaching a pedestrian crossing?

It's proposed to amend the Rule so that drivers approaching a pedestrian crossing controlled by a school patrol don't have to stop if children are obviously waiting to cross but where a school patrol sign is not extended.

Given that school children are permitted to cross only when the school patrol sign is extended, the requirement for a driver to stop if there are children waiting to cross is unnecessary and confusing.

19. What are the proposed changes to the requirements relating to the use of child restraints and safety belts?

Currently the Rule allows a driver or passenger of a vehicle to be excluded for medical reasons from having to use a safety belt, or be restrained in a child restraint, when travelling in the vehicle.

This requires producing a certificate from a registered medical practitioner stating that use of a safety belt or child restraint is impracticable or undesirable for medical reasons.

Currently, there's no time limit on the medical certificate so it's proposed to place a two-year time limit on these certificates to ensure they are still relevant, with the effect that people whose circumstances no longer prevent them from being secured by a seatbelt or child restraint must be safely restrained. The proposed change will also aid enforcement as the current requirement can result in old and unreadable documentation being produced to the Police.

20. What is the proposed change to speed limits relating to buses?

It's proposed to extend the circumstances in which the 20 km/h speed limit applies to passing a stationary school bus so that the speed limit would also apply whenever a flashing school bus sign on the bus is activated.

21. What is the reason for this proposed change?

Travelling by school bus is one of the safest ways for students to travel to and from school.

Despite the safety of bus travel, in the 22-year period from 1987 to 2009, 23 children were killed, 47 seriously injured and 92 received minor injuries when crossing the road to or from a school bus.

The Road User Rule currently requires a driver, when meeting or overtaking a stationary school bus that has stopped to set down or pick up school children, to drive with due care for the safety of the children, and to drive at 20 km/h while passing the bus.

This proposal provides for the current 20 km/h speed limit to also apply when a flashing school bus sign that is fitted to a bus is being operated. One of the four currently approved school bus signs incorporates two alternatively flashing lights.

The flashing lights can be operated up to 20 seconds before the bus stops to set down or take on school children, and up to 20 seconds after it has moved away from the place at which it stopped.

This proposal would extend the time when the 20 km/h speed limit applies to provide school children with greater safety by creating a 'safety cocoon', warning other motorists that they are approaching an area where children are likely to cross the road, and to slow down.



Example of a school bus sign incorporating two alternatively flashing lights

22. What changes are proposed to the requirement for bus drivers to ensure passengers under five years are properly restrained by a child restraint?

The Rule was amended in 2009 to exclude a bus driver from having to ensure that all his or her passengers were properly restrained by a child restraint or safety belt while the vehicle was travelling on a road.

The amendment, however, omitted to exclude bus drivers from the requirement in the Rule to ensure that, while the vehicle is travelling on a road, every passenger under the age of five years is properly restrained by an approved and appropriate child restraint, if one is available in the bus.

Is it proposed to amend the Rule to ensure that the intention of the 2009 amendment is achieved.

23. What changes are proposed for school buses travelling on school trips?

Currently, a driver is not allowed to exceed the prescribed 80 km/h speed limit when driving a school bus.

It is proposed to change the definition of 'school bus' to exclude a bus travelling on a school trip if the number of passengers being carried does not exceed the number allowed by the Certificate of Loading. In practice, this would require all passengers to be seated.

This would mean that a driver could drive at the speed limit specified in the Road User Rule of 90km/h for buses and would not need to display a school bus sign.

General information

24. What is the authority for making the amendment Rule?

The *Land Transport Act 1998* provides for the Minister of Transport to make land transport Rules concerning road user behaviour, including the setting of standards and requirements concerning the conduct of drivers, pedestrians and other road users; and regulating traffic of all classes, and prohibiting traffic or a class of traffic on a specified road or class of road.

25. What is the consultation process for the amendment Rule?

The public consultation (yellow) draft Rule has been released for comment. The availability of the draft Rule and associated information material will be advertised in major daily newspapers and in the *New Zealand Gazette*. Groups and individuals who have registered their interest in this Rule will be directly advised of the availability of the yellow draft and invited to make a submission.

26. How can I obtain a copy of the draft amendment Rule?

Copies of the yellow draft amendment Rule, with the accompanying overview, can be accessed on the NZ Transport Agency's website at www.nzta.govt.nz/consultation/road-user-amendment-2011

A copy can also be obtained by telephoning the NZ Transport Agency Contact Centre on 0800 699 000.

27. Does the draft amendment Rule give me all the information I need to fully understand what is proposed?

Because this is an amendment Rule, it contains only the proposed amendment provisions. However, the accompanying overview provides information about why the amendments are required.

28. How can I see how the proposed change will fit into the Road User Rule?

The material on the website links the proposed amendments with the Rule on the website. This is intended to help put the proposed changes into context.

29. Where can I get a copy of the *Land Transport (Road User) Rule 2004*?

The *Land Transport (Road User) Rule 2004* is available from bookshops that sell legislation or direct from the printers, Legislation Direct (telephone (04) 568 0005). Land Transport Rules are also available on the NZTA's website at www.nzta.govt.nz/resources/rules/about.

30. How can I make a submission?

If possible, please send your submission by email to info@nzta.govt.nz and, if you wish, follow it up with a signed paper copy.

Alternatively, you can submit your comments on-line at www.nzta.govt.nz/consultation/road-user-amendment-2011.

If posting your submission, please address it to:

Road User Amendment Rule
Rules Team
NZ Transport Agency
Private Bag 6995
Wellington 6141

Please send your submission to reach the NZTA by 5pm on 24 June 2011.

Please note: submissions are public information. Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you do not want them disclosed.

For more information on this proposed amendment Rule, you can go to: www.nzta.govt.nz/consultation/road-user-amendment-2011 or telephone the NZTA Contact Centre on 0800 699 000

31. What is the deadline for submissions?

Submissions close at 5pm on 24 June 2011.

32. What will happen to my comments?

Comments made in submissions will be analysed and taken into account in redrafting the Rule for the final draft phase.

The final version of the Rule will go to Cabinet for noting and will then be signed by the Minister of Transport.

33. When would the Rule come into force?

Subject to government approval, it is proposed that the amendment Rule (excluding the give-way Rule changes) would come into force in late 2011.

The new give-way rules would come into effect in April 2012 to allow time for a public awareness campaign.

ENDS