



Cycling Advocates' Network

Submission to

New Zealand Transport Agency

on

Draft Land Transport Rule: Vehicle Dimensions and Mass Amendment [(No 2) 2009] Rule 41001/5

Thank you for the opportunity to give feedback on the Land Transport Rule: Vehicle Dimensions and Mass Amendment [(No 2)]. This submission has been prepared by members of the Cycling Advocates' Network (CAN) executive with an invitation to the wider membership to have input into the draft. We are willing to discuss any of the comments below further with you.

About CAN

The Cycling Advocates' Network of NZ (CAN) is this country's national network of cycling advocates. It is a voice for all cyclists - recreational, commuter and touring. We work with central government and local authorities, on behalf of cyclists, for a better cycling environment. We have affiliated groups and individual members throughout the country, and links with overseas cycling organisations.

CAN has previously submitted on changes to amendments to the Vehicle Dimensions and Mass Land Transport Rule. This Rule is of particular significance to the safety of the road users we represent.

Summary

CAN is opposed to the introduction of any legislation which allows either the length or width of vehicles to be increased, unless significant improvements are made to the roading network with particular consideration to the safety of cyclists. The size of trucks should not be increased until there are sufficient and consistent hard shoulders to ensure the safety of cyclists.

CAN notes the link made between the proposed amendment and the government's goals of improved economic productivity and growth but we emphasise the need to balance this with other goals of safety and choice. Extra large vehicle routes should avoid significant cycle routes as far as possible.

We note the comments on the NZTA website that the Ministry commissioned studies related to the noise, vibrations, emissions and safety implications of operating heavier vehicles. According to the NZTA website, these studies showed that there were no discernible changes in environmental factors, and that heavier vehicles can be upgraded so that braking and towing safety performance is maintained. However, the impact of noise on cyclists as far as we are aware, has not been adequately investigated. We also note that the surveys of the public's perceptions were in fact surveys of *motorists* and not specifically of cyclists. Indeed, it appears that the needs of cyclists have not been considered.

CAN is particularly concerned that there are no plans to restrict the types of load that heavier trucks may carry.

The information provided about the impacts of heavier loads on road maintenance costs is not reassuring. All that has been said is that the Government is aware of the concerns of road controlling authorities "and continues to work closely with the NZ Transport Agency and local authorities on this issue". We consider this to be a very inadequate response.

The government should not be working to the status quo in safety; rather, it should be improving safety constantly. Productivity gains and the improvement in emissions must be achieved without compromising safety for cyclists. We recognise that some trucks are currently operating to better-than-minimum standards, but adding to their weight will increase their stopping distances.

The environmental benefits of reduced emissions from larger trucks are in fact outweighed by the negative impacts on viability of rail and shipping through this encouragement for use of heavy trucks to move freight.

Specific Comments

Proposal 1: Increase the maximum mass and certain dimension limits for vehicles operating up to 44 tonnes without the need for a permit.

CAN opposes any increase to maximum mass and dimension limits for vehicles under 44 tonnes. Significant improvements should be made to driver training and monitoring, as well as to the roading network, before consideration is given to bigger trucks.

Proposal 2: Allow road controlling authorities to issue permits (ie, 'high-productivity motor vehicle' permits) for standard size vehicles to operate above 44 tonnes and up to 53 tonnes on specified routes that have been assessed by the road controlling authorities, with conditions of operation specified in the permits.

Should the amendment be adopted, CAN strongly supports restrictions on routes used by vehicles issued with a permit. Cyclists make extensive use of the State Highway network as well as other roads which might be used by the proposed larger vehicles. In urban areas, cyclists use such roads for activities such as commuting, shopping, travelling to school or visiting friends. Outside urban areas, cyclists use the roads for recreational riding (sports and cycle touring) as well as commuting. The importance of cycle tourism was recognised at the February 2009 Jobs Summit and in the May 2009 Budget allocation for the new national

cycleway. In many places, the State Highway network is the only route available to cycle tourists. To date, no national route planning for cycling has been undertaken, despite this being one of the ten initiatives under the implementation plan of the National Walking and Cycling Strategy. We fail to see how route planning for heavy trucks can be undertaken when route planning for cycling has not been done yet.

The economic benefits of cycle tourism as well as the health benefits from active transport, and the long-term economic benefits of encouragement of the use of rail for freight need to be more fully considered; to date, assumed economic benefits appear to be based on short-term potential gains through enhancements to distribution of goods by road.

Proposal 3: Allow the NZ Transport Agency (NZTA) to issue high-productivity motor vehicle permits for increased overall vehicle length and associated dimensions for vehicles to operate above or below 53 tonnes gross mass on specified routes assessed by the NZTA, with conditions of operation specified in the permits.

As above, CAN does not support the amendment to allow larger vehicles.

Benefits and costs of proposed changes

CAN considers that benefits and costs must be considered holistically and within a long-term perspective. Calculation of benefits and costs should take into account the impacts on other road users including cyclists. For example, they should include the costs of any deterrent effect on active transport modes.

Costs and benefits should not be defined solely in narrow economic terms. Safety 'benefits' seem to be derived from either the introduction of better vehicle standards (e.g. stability, power/weight ratio), or a reduction in truck vehicle kilometres travelled (VKT).

The first could be introduced without any change to mass or dimension limits, and indeed is already being implemented by the industry. The VKT reduction argument appears to be based on the assumption that the same amount of freight will be transported by fewer trucks. This will discourage freight from being transported by other modes (rail, sea, air) than road and increase truck VKT.

Impact of increased weight and size of heavy vehicles

CAN is concerned about proposals for greater dimension and mass vehicles to be able to use roads. The assumed safety gains from the advantage of longer trucks over wider or higher loads are likely to be cancelled out by the adverse effects on cyclist safety when cyclists are less visible to drivers of trucks and where a down-draught is created by a long passing vehicle. In addition, research shows cyclist safety is diminished when cyclist numbers decrease. A decline in cycling is likely to follow where perceptions of safety deteriorate. CAN recommends that opportunities for truck side under-run protection should be used.

Safety and perceptions of safety

Cyclists' actual and perceived safety will be adversely affected if the proposed amendments are approved. Much existing infrastructure is not safe with existing vehicle mass and weight. For example, State Highway One has several one-lane bridges where there either are no footpath at all or a 1 m wide footpath. The bridge at Otaki over the Otaki river has a 100 km speed limit. A juggernaut truck at 90-100 k can blow a cyclist or pedestrian off such a footpath. Cyclist safety is particularly compromised on roads with no sealed shoulder where the cyclist has no option but to ride in the traffic lane.

A cyclist is at greatest risk when being overtaken by motor vehicles in the face of on-coming traffic. The driver of any motor vehicle is obviously reluctant to slow down to the speed of a cyclist and when these situations develop it seems that the majority of drivers will endeavour to overtake the cyclist allowing only the barest minimum of clearance. Cyclists feel much safer if they can ride on a sealed shoulder. Improving the standards of roading to provide an adequate sealed shoulder on all roading where there are heavy vehicles should be a priority for NZTA before increased mass and dimensions are considered.

CAN is also concerned that at corners in urban areas there would either be encroachment on the side of the road (or footpath), or (if the road widths were modified) unwanted effects on other road users, such as increasing the speed at which cars could take the corner. This should be analysed. On this issue, we received the following comment from a member:

SH88 is a major commercial access way to Port Chalmers. It is relatively narrow and twisting, with speed limits between 50 & 80 kph. SH1 through Dunedin is on two one way streets, both two lane plus a marked cycle lane plus car parking on both sides. It is intersected at right angles by a number of significant access points to and from South Dunedin and Port Chalmers. It seems to me that the heavy trucks we currently have on our roads are already unable to comply with the road code. I regularly observe truck and trailer units turning into the one way system, apparently unable to turn into the near lane as required by law but crossing not only both car lanes, but also the cycle lane. On SH88 the existing trucks appear to require the full width of the lane to proceed. I have personal experience of being forced right off the road on left hand corners, and to take evasive action in the form of an emergency stop if overtaken by a truck and trailer unit on a left hand curve. Recent experience from quite a high speed to a standstill and having the somewhat grim satisfaction of watching the truck wheels clip the gutter on the spot I would have been on. From the truck driver's point of view of course, the alternative is to cross into the opposing lane, risking a head on collision.

The public perception of longer or heavier vehicles is an issue which should be addressed. Vehicles should not be so big that they scare other road users. The issue of size and its psychological impact on other human beings needs to be taken seriously. In the absence of NZ based research, we quote from the USA report 'Comprehensive Truck Size and Weight Study - Summary report for Phase 1', Federal Highway Administration, March 1995:

While the perception issue is not one which can be readily dealt with, it requires consideration in the evaluation of regulatory options. European research on public

attitudes about trucks indicates that medium sized goods vehicles are often preferred to either fewer larger or more small goods vehicles.

Regardless of the actual changes in risk in moving to larger and/or heavier vehicles, there will always be a public perception that the risk to other road users has increased. This will impact particularly on more vulnerable road users who will feel the greatest potential threat. The result may be that cyclists (or parents of cyclists) may be less inclined to travel (or allow their children to travel) by bicycle. A resulting reduction in cycling (with a corresponding increase in motor vehicle traffic) would, in the long term, have negative effects on road safety overall.

A large truck thundering up behind a cyclist at 100 km/hr understandably makes the cyclist nervous. Knowing that the truck driver is very unlikely to slow down until it is safe to pass, whatever the conditions, adds to that.

It may be that driver education, minimum passing distances and speed restrictions are the answer to this problem, but until a solution is found, the size of heavy goods vehicles should not be increased. CAN strongly supports a reduction in the speed limit for heavy vehicles.

Until such time that real progress is made in improving the road environment for cycling, CAN recommends that there should be no increase in vehicle dimension limits. For sustainable economic growth and productivity a more co-ordinated and comprehensive approach is needed than merely allowing larger vehicles.

More comprehensive and long-term environmental gains are needed

If the government seriously wishes to foster economic productivity and growth, support must be given to expansion of rail and shipping for freight. Any gains from reduced emissions from larger vehicles are quickly negated by the impacts on the viability of these more environmentally sustainable modes. Environmental impacts are not simply greenhouse gas emissions but use of fossil fuels in transport and in road construction and maintenance. In addition, there is environmental degradation from contaminants in run-off from roads.

Need for more adequate consultation

CAN is disappointed that the proposed rule has been developed without adequate consultation with affected road users. CAN was invited to a briefing about the pilot project for heavier trucks in February 2008. At that stage, the project was just in the scoping stage and CAN was promised further information when the details were confirmed, but despite repeated requests to Ministry of Transport officials, there was no further contact on this project. We are therefore not confident that cyclist issues were adequately considered in the preparation of this rule.

Yours sincerely

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24 July 2009