



## **SUBMISSION**

### **To the Transport Ministry / State Services Commission**

#### **Government Transport Sector Review**

#### **Introduction**

The Cycling Advocates Network (CAN)<sup>1</sup> is pleased to present this submission on the above Review. The national committee of the group has prepared this submission, with feedback from CAN members. CAN has based its submission on examination of the relevant Review documents, other MoT background material, and our own experiences with the various transport agencies. CAN's membership includes a number of transportation professionals and their knowledge and experience has been a key input into this submission. If you require any clarification of the points raised by us, please feel free to contact us as detailed at the end of our submission.

#### **Executive Summary of Issues**

CAN would like to highlight in our submission the following key issues:

- We feel that some reorganising is necessary to achieve optimal outcomes under the new land transport environment, particularly for modes like cycling.
- The Review provides an ideal opportunity to put structures and processes in place to promote the optimal implementation of the National Walking/Cycling Strategy.
- The makeup and balance of agency staff and boards needs to be reviewed to ensure that all modes get a fair hearing.
- A central land-use policy agency needs to be developed to ensure that planning issues in local/regional council plans meet national policy objectives.
- Better consistency of practices and standards is needed between Road Controlling Authorities, possibly via structural changes to transport network management.
- A transport agency needs to be resourced to coordinate the national funding of Travel Demand Management initiatives.
- The process for ongoing development, maintenance, and training for national standards and guidelines needs to be improved.
- We support the development of a "TrackCo" crown entity to manage/maintain the national rail infrastructure, so long as walking/cycle "trails" are allowed for too.

These are explained below in more detail.

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<sup>1</sup> More information about CAN is at the end of our submission.

## General Comments

CAN welcomes this Review, and considers it particularly timely given the recent changes in the land transport environment here. Although recent documents such as the New Zealand Transport Strategy (NZTS), Land Transport Management (LTM) Act, and National Walking/Cycling Strategy (NWCS) have signalled the Government's intent to encourage sustainable transport modes such as cycling, optimal outcomes are not likely to be achieved without changes to the existing transport sector organisation. It is important to remember that the transport sector also plays a very significant role in many other Government sustainable development strategies, such as the National Energy Efficiency & Conservation Strategy.

Most of our comments are related to where we see transport sector activities impacting on cycling and sustainable transport in general. However, where appropriate we will also highlight other transport sector issues we have noted.

A key observation for us is the relative level of "in-fighting" or "buck passing" between the various transport sector agencies. This is particularly evident when trying to get cycling issues properly addressed by organisations that have traditionally been focused on roads and motor vehicles. Such disputes can waste a lot of time and energy sniping at each other and protecting their patches, rather than achieving the best transport solution for all. It is not clear whether even a significant reorganisation would necessarily resolve this, but it is a strong argument for returning to a single transport agency (or at least fewer agencies).

Timing of Review - The feedback period is relatively tight, given that the Christmas break in the middle precludes much activity before mid-January '04. At the same time however, we are keen to see prompt changes in some aspects of the existing transport sector.

Scope of comments by CAN - Generally CAN has limited involvement outside of the land transport sector, so can't really comment specifically on the CAA and MSA. We would note however recent problems with bicycle carriage on Air NZ and relatively spurious reasons for imposing charges for them but not other similar items (e.g. golf bags). In carrying out its intention to promote cycling, we trust that this Government will do what it can to encourage easy travel by cycle on other modes such as airlines, ferries and trains. Greater recent involvement by the Government in the management of these modes should be taken advantage of in this regard.

## National Walking/Cycling Strategy (NWCS) implementation

This Sector Review provides an ideal opportunity to put structures and processes in place to promote the implementation of this strategy. At present, walking and cycling still tend to fall through the cracks somewhat and, worryingly, have no clear agency leading their promotion (although the LTSA have made impressive progress in pushing safety issues). There is an urgent need to identify any sector issues impeding optimal provision for walking/cycling.

For example, Priority 6 of the NWCS, "*Improve networks for long-distance cycling [and walking]*", needs a specific agency to be responsible for managing this process nationally. Routes often cross district and regional boundaries, as well as involving TLAs, Transit, rail/river corridors, Crown/DOC land and private land. The end result is often one of "buck passing" with no real outcome. As manager of the national state highway network, Transit NZ

is one possibility to coordinate national networks for walking and cycling also (and arguably our rail network too). DOC is another, given a preference for off-road walking/cycling routes, and their stated support of the Te Araroa ("Long Pathway") national pathway concept. Neither is currently ideal however because each has a limited mandate. We recommend that a new specific agency or sub-agency department should be developed to take on this task.

Although arguably outside the scope of this Review, a similar exercise needs to be undertaken of other Government sectors whose policies and activities also have a significant effect on walking/cycling, including Health, Education, Environment, Tourism, Sport/Recreation, Economic Development, and Conservation. The NWCS will achieve much more if other sectors besides transport are engaged.

CAN wishes to see clear allocation of responsibility and resources for monitoring and implementing the NWCS in any restructuring of Government transport agencies. This includes the establishment of a cycling and walking unit at the Ministry of Transport, an enhanced role for the inter-agency Pedestrian and Cycling Advisory Groups, and allocation of responsibility for implementation of the promotional aspects of the NWCS to Bike Wise (Health Sponsorship Council).

We commend you also to look at CAN's earlier submission on the draft NWCS<sup>2</sup> for further details about some of the key issues, particularly under the "Implementation" section. Some of the actions implemented in the UK to make progress with their national Cycling Strategy are also worth looking at for here, e.g. national Board overview, regional auditors, web-based resources available for stakeholders.

As a major employer and generator of transport in its own right, we would expect that the Government transport sector (and indeed, local and central Government in general) will lead by example in promoting cycling and the NZTS, e.g. by developing travel plans, ensuring that agencies are cycle-friendly employers, providing bike parking and pool-bikes at agency offices, and supporting national promotional activities such as Bike To Work Day. Not only would such activities improve transport outcomes at a local level, it would also help key policy-makers see directly some of the benefits (and issues involved) in encouraging cycling and other sustainable modes.

## **Staff/Board makeup and balance**

Most land transport agencies still seem to be very "road-oriented" in terms of the make-up of both their staff and boards. Staff positions that deal with cycling, walking, buses, rail, ferries, or travel demand management are either non-existent or appear to be "token". The backgrounds of those nominated to the various agency boards also appear to lack experience in these fields<sup>3</sup>. Similar issues arise in other agency forums such as Transfund's Research Steering Group and the National Road Safety Advisory Group (both with no alternative mode representatives), despite having been made aware of this in the past by CAN.

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<sup>2</sup> Available on our website at [www.can.org.nz/submissions](http://www.can.org.nz/submissions)

<sup>3</sup> For example, the very recent new appointments to the Transfund and Transit boards.

A review of the composition and balance of each agency, board, and other sector group is necessary to ensure that all modes have a fair chance of being considered adequately. If necessary, new positions or personnel replacements should be implemented. Ongoing training and other relevant opportunities<sup>4</sup> should also be provided to all staff/board members, so that they can better appreciate the issues and perspectives of the various transport modes.

## Land-use planning capability

Transport is inextricably linked to land-use planning, particularly when trying to curb unnecessary motor vehicle growth in the long-term. However this is not recognised at a national level; there is no specific Government agency responsible for land-use planning (with the Ministry for Environment having only a slight involvement). We note that many overseas countries/states have a "Ministry/Dept of Infrastructure Planning" or similar title, rather than a single-focus Transport Ministry.

The Government should consider the development of a land-use policy agency, jointly reporting to the MoT and MfE. Its roles could include:

- Identifying the relationship of key legislation (e.g. Local Govt Act, Resource Mgmt Act) to transport
- Developing national planning guidelines for transport issues in local/regional council plans
- Reviewing existing local plans and provide advice on more optimal provisions to meet the objectives of the NZTS and other national policies

## Consistency of Road Controlling Authorities (RCAs)

New Zealand suffers from having many roading jurisdictions; with Transit NZ, 74 Local Authorities and various other organisations all operating different network policies. Whilst Transit NZ provides a fairly consistent policy for the management of its highways nationally, there is no national "local road" agency to determine (or indeed mandate) appropriate standards and practices elsewhere. Instead, local practice is largely dictated by the size of the network, urban/rural nature, the number of ratepayers, and the individual whims of the local staff and councillors. This has a particular effect on the success of cycling in different areas, including the provision of good quality cycling facilities.

With Transit, its policies and practices are generally designed for high-speed rural roads and are mostly inappropriate for urban roads where most cycling is done. Hence in many urban areas, where local authorities are often making useful strides towards providing for cyclists on local roads, the adjacent State Highways are often the "missing link" in an urban cycling network. This can lead to cycling facilities that are discontinuous or inconsistent - a situation that is well-recognised as dangerous (and often inconvenient) for the cyclist.

A very real concern is that, even if the national transport agencies provide adequate guidance and policies for encouraging cycling and sustainable transport in general, many local authorities will still continue to ignore these national signals. The LTM Act provides some

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<sup>4</sup> For example, taking part in an organised cycle ride to illustrate cycle facilities (or lack of)

encouragement to TLAs to follow national policies, but still appears to be without some "teeth" if they don't.

A proactive national audit/review function should be set up and properly resourced, to regularly review local/regional transport strategies/policies for their adherence to the NZTS and other relevant policies. Such reviews should also identify any unexplained inconsistencies or deficiencies in standards/guidelines used by districts.

To better highlight best practice and improve national consistency, central Government could also set up "Centres of Excellence" (based on a similar UK system), which are local councils that have demonstrated specific expertise in an area of transport planning. Some central Government funding would help them publicise their knowledge and projects to other councils, e.g. via websites and "helpdesk" services. Such an initiative here could help RCAs tap into the excellent activities already underway in some locations.

Ultimately, the management of New Zealand's transport networks may also need overhauling, to minimise the disparity between RCA practices. Possible options include:

- Eliminating Transit NZ and incorporating State Highways under local road management (already some isolated examples of this<sup>5</sup>)
- Pooling small RCAs together to form regional roading networks
- Combining the management of all local transport networks (road, rail, paths, etc) together under "Transportation Controlling Authorities"

## **Travel Demand Management (TDM) agency support**

Currently there is no clear transport agency championing the use of TDM programmes (e.g. "TravelSmart" travel behaviour schemes, institution travel plans, promotion of sustainable transport modes). It is left to the likes of EECA to promote them, but with minimal funding.

Ideally a transport agency needs to be resourced to coordinate the national funding of such TDM initiatives, particularly in conjunction with other projects for various travel modes. Consideration should be given to mirroring the Australian national model, TravelSmart Australia (<http://www.travelsmart.gov.au/>).

Like walking and cycling, there also needs to be strong recognition at the top level that TDM should not just be an "add-on" to traditional planning for roading and public transport. Agency structures and procedures may need to be revised to better reflect the inclusive nature of considering all transport options fully.

## **Development/maintenance of land transport Standards/Guidelines**

The current fragmented land transport sector means that there is no clear agency overseeing the all-important task of developing and maintaining national standards and guidelines for the planning, design, construction and maintenance of transport facilities. In general it is left to Transit, LTSA, Transfund, and more recently the RCAs Forum to agree on

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<sup>5</sup> For example, Marlborough Roads and InRoads<sup>3</sup> (Bay of Plenty)

who will be responsible for each document. This does not always result in the best solution for the sector as a whole (e.g. Transit developing standards most suited to state highways and not local roads) or means that some important documents still haven't been developed (e.g. speed/traffic management guidelines). LTSA has initiated a standards/guidelines review and programme but progress still seems to be dependent on willing sponsors.

This issue is of particular concern to cyclists for two reasons. Firstly, it is only very recently that work has begun on developing national standards and guidelines for planning and design of cycle facilities; the existing setup appeared to do little to encourage their development. Secondly, there are many existing "mainstream" standards and guidelines that also have a significant effect on cycling (often through a complete absence of mentioning them), and require a review process to ensure that they also adequately provide for cyclists<sup>6</sup>.

A particularly relevant example of the lack of accountability is our recent experience with Transit NZ. Whilst we were pleased that Transit chose to fund the development of a *NZ Cycling Design Guide*, this project (begun in late-2001) has been languishing for some months with Transit staff awaiting finalisation, approval by the Transit Board and publication. While Transit has commissioned the work, the final product is unavailable to the industry because Transit has other priorities. It is significant that Transit has only 10% of New Zealand's roads and probably only 1% of the country's cyclists.

A better process needs to be developed regarding the ownership of standards/guidelines and accountability for getting documents in place or updated. It is not entirely clear which agency is best placed to manage this (or whether a new entity should be developed). CAN has no problem with inter-agency cooperation to do the work, but someone has to lead and be accountable.

Consistent resources also need to be provided for ongoing development and maintenance of NZ standards/guidelines. This should allow for research that may be needed to determine appropriate NZ criteria, including proactive trials (i.e. initiated by central Government, not local RCAs) of innovative or non-standard treatments identified as promising for the NZ context.

Concerted central Government management is also needed to provide for adequate industry training in the understanding and use of these standards/guidelines. It is noticeable since the demise of more centralised Government transport management (e.g. Ministry of Works) that local training opportunities for transport professionals have been very minimal. For non-traditional disciplines like cycle planning/design, it is not clear how long it would have taken for training (like the recent nationwide workshops) to have been developed, if not for the efforts of some proactive private individuals. A central agency would be able to review the existing levels of knowledge within the industry, identify "knowledge gaps", and initiate the development of appropriate training.

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<sup>6</sup> Examples include Transit's *Bridge Manual* and various Austroads *Traffic Engineering Practice Guides*.

## **National Rail Policy**

CAN supports the development of a "TrackCo" crown entity to manage/maintain the national rail infrastructure and presumably oversee the running of various private train services on the network. A possible alternative is to assign Transit NZ with the task of also looking after the rail network, as part of an enlarged brief to manage the New Zealand's national transport networks.

Although direct Government funding of basic rail infrastructure/management should be provided, there is a strong case for some contestable funds to also be available as part of Transfund's allocations. In this way, the merits of some rail corridor initiatives can be evaluated against other options such as road-based projects.

There is a vital need to allow for the use of rail corridors by other modes, especially walking and cycling. "Rail trails" are very common in other countries; this applies to both disused and operational rail corridors. The forthcoming rail management legislation is presumably the best way to allow for this.

## **Other Miscellaneous Issues**

### **Regulation of road safety/management regimes**

Compared with the other transport modes, road transport is relatively loosely regulated both for the road users and the road owners. A notable difference is that many safety or management systems mandatory in other modes are either non-existent or voluntary in the roading sector, e.g. RCA safety management systems, safety audit of projects, use of best-practice design standards, commercial company safety programmes, driver license training/acquisition, consideration/funding of all transport modes.

As it stands, this means that some RCAs or transport operators can get away with poor practices because there are limited carrots and (especially) sticks to deal with these. For cyclists, who are particularly vulnerable to poor practices by other parties, these are very pertinent concerns. Examples include dangerous driving by motor vehicle drivers, and roads designed without consideration for cyclists.

Each relevant agency should identify what initiatives should be compulsorily introduced. A review should be made of all systems in place in other transport modes and consider the appropriateness of introducing similar regimes to road transport, either on a guideline or mandatory basis.

### **Inter-sector cooperation/coordination**

Activities of other Government agencies have considerable effect on transport, particularly the non-car modes, e.g. Education policies (location/number of schools/institutes, student transport), Finance (tax rates/incentives for various travel modes), ACC (liability of RCAs or other road users in crashes).

Some non-transport agencies have considerable programmes that affect travel choice or provide useful information, especially of non-car options, e.g. EECA, SPARC, Ministry of Health. However these are not always coordinated with transport initiatives.

The process by which various agencies seek feedback from other affected agencies needs to become more transparent. All Government departments/agencies should have to develop implementation plans that specify the steps they will take to implement the NZTS and associated strategies, including availability of funding for infrastructure/programmes.

Equally, the transport sector should be required to detail the steps it is taking to implement other areas of Government policy, such as the Health Strategy, National Energy Efficiency & Conservation Strategy, and climate change policies. In our experience, it is very easy for transport agencies to operate in a way that puts the focus purely on transport itself, rather than on how transport can assist or detract from wider goals (such as building a more active, healthy nation, or reducing greenhouse gas emissions). The LTM Act will help to re-focus some parts of some agencies, but unless all agencies are required to work towards non-transport goals, there is unlikely to be a significant or speedy change in culture in some agencies.

### **Transport research**

Existing transport research is not well coordinated or managed by one agency; there are a variety of funders (Transfund, FRST, LTSA, TLAs, private companies). For less developed subjects like cycling, there is a danger of "slipping through the gaps", with no-one adequately covering research in this area. This is not helped by cycling's cross-over links with other sectors too, such as health and environment too.

An overarching transport research strategy needs to complement the NZTS and be reviewed on a regular basis. The recent MoT research review<sup>7</sup> could form the initial basis, although the MoT is not adequately resourced to take on this function. A centralised database of past/current research needs to be developed for easy access of transport information/findings and to help develop appropriate future research proposals.

### **Accident Investigation**

CAN generally supports the suggested ideas in the MoT's *Review of Transport Accident and Incident Investigation* discussion document.

The Transport Accident Investigation Commission (TAIC) are generally not involved in road accidents unless it involves another mode (e.g. train level crossing crash); given the huge numbers and costs of road crashes and injuries this seems a serious anomaly.

Other agencies (Police CVIU, LTSA) do not generally investigate road crashes with the same methodology, i.e. to prevent recurrence more than assign blame/fault. This means that they fail to identify systematic problems that will in all likelihood re-occur and cause further accidents. For cyclists, who are involved in a relatively high rate of accidents with other vehicles, this is a serious concern.

The TAIC should be empowered to investigate at least all fatal/serious crashes involving a commercial vehicle (trucks, buses, etc). They could also be called upon to investigate specific

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<sup>7</sup> *Land Transport Research Needs in New Zealand*, Prepared for the Ministry of Transport by Pinnacle Research, October 2003.



crash problems/themes as requested by other transport agencies or the Government. This approach also separates the potential conflict of interest of a safety regulator investigating its own systems.

Ideally it would also be preferable if private individuals or organisations could also seek an inquiry from the TAIC (or alternatively the Coroners Office) regarding particular safety issues (although accepting that such requests would be limited by available resources). Cyclists for example often express grave concern about various road and driver practices; yet feel unable to get an official investigation into the issues.

Another concern for cyclists is the relatively low level of cycle accident reporting via conventional (Police/LTSA) means, particularly for non-motor-vehicle accidents. This biases safety funding towards motor vehicle problems. CAN would like to see better cooperation between the relevant organisations (e.g. hospitals, insurance companies, council complaints registers) to better identify cycling safety concerns.

## Conclusion

In summary, CAN supports the intent of this Review, particularly the move to incorporate the principles of the recent LTM Act into the relevant agencies. Accountability should be strengthened so that agencies that have the responsibility and mandate to deliver transport policy are also accountable for this. The Review is also a timely opportunity to ensure that the NWCS is implemented in the best possible manner.

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The Cycling Advocates' Network of NZ (CAN) Inc is this country's national network of cycling advocate groups. 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. In addition, several national/regional/local government authorities, transportation consultancies, and cycle industry businesses are supporting organisations.