



## Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 29th day of June 2015

Present:

His Excellency the Governor-General in Council

Pursuant to section 48A of the Land Transport Management Act 2003, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Transport, makes the following order.

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**Order****1 Title**

This order is the Land Transport Management (Road Tolling Scheme for Takitimu Drive (Route K)) Order 2015.

**2 Commencement**

This order comes into force on 31 July 2015.

**3 Interpretation**

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

**Act** means the Land Transport Management Act 2003

**road tolling scheme** means the road tolling scheme established by this order for the Takitimu Drive toll road

**Takitimu Drive toll road** has the same meaning as Route K, as defined in section 5(1) of the Act

**toll revenue inflow** means toll revenue—

- (a) that is collected in respect of the road tolling scheme; and
  - (b) that the Minister approves under section 10(2)(ba)(i) of the Act as an inflow of the national land transport fund.
- (2) Unless the context otherwise requires, a term or an expression that is defined in the Act and used, but not defined, in this order has the same meaning as in the Act.

*Road tolling scheme established***4 Road tolling scheme for Takitimu Drive established**

- (1) This order establishes the road tolling scheme for Takitimu Drive.
- (2) The Agency is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) The Takitimu Drive toll road is the road that may be tolled.
- (4) The toll revenue inflow may be applied only for the purposes of—

- (a) the planning, design, and construction of the Takitimu Drive toll road (including reimbursement of related costs); and
- (b) meeting any conditions or requirements set out in this order (including reimbursement of related costs, to the extent that they relate to the Takitimu Drive toll road).

## **5 Duration of road tolling scheme**

The Agency may toll the Takitimu Drive toll road during the period—

- (a) beginning on 1 August 2015; and
- (b) ending on the date on which the toll revenue inflow fully reimburses the national land transport fund for payments made from the fund to the Agency or the Tauranga City Council for the activities specified in clause 4(4)(a).

*No prerequisites for tolling*

## **6 No conditions to be met before tolling begins**

For the purpose of section 46(2)(b)(i) of the Act, the Agency is not required to meet any conditions before it begins tolling the Takitimu Drive toll road.

*Setting, publication, and collection of tolls*

## **7 Setting of tolls**

- (1) The Agency—
  - (a) may set a toll that applies each time a vehicle uses the Takitimu Drive toll road; and
  - (b) may set different levels of tolls for different classes of persons or motor vehicles, different times or days, different directions of travel, different methods of payment, or any combination of those factors; but
  - (c) must not set a toll that exceeds a base amount specified in subclause (2)—
    - (i) as adjusted to increase it by the same percentage as the total percentage increase in the CPI (if any); and
    - (ii) as rounded to the nearest 10 cents.
- (2) The base amounts are,—
  - (a) for a motor vehicle with a gross vehicle mass of more than 3 500 kilograms, \$5.00 including goods and services tax; and
  - (b) for any other motor vehicle, \$2.00 including goods and services tax.
- (3) At least 28 days before a toll takes effect, the Agency must publish the details of the toll on an Internet site maintained by or on behalf of the Agency.
- (4) In this clause,—

**CPI** means the New Zealand Consumers Price Index (All Groups) published by Statistics New Zealand

**total percentage increase in the CPI** means the percentage rise in the CPI as measured between—

- (a) the CPI for the June 2014 quarter; and
- (b) the most recent CPI.

## **8 Exemptions from paying tolls**

- (1) The Agency may, for emergency, traffic management, or promotional purposes, grant exemptions from the obligation to pay tolls for the use of the Takitimu Drive toll road.
- (2) An exemption must specify—
  - (a) whether it applies to motor vehicles generally or to 1 or more classes of motor vehicles; and
  - (b) whether it applies to the use of the Takitimu Drive toll road—
    - (i) at a specified time; or
    - (ii) on a specified day or days; or
    - (iii) in a specified direction; or
    - (iv) in any combination of the circumstances referred to in subparagraphs (i) to (iii).
- (3) The Agency must publish the details of an exemption, and its purpose, on an Internet site maintained by or on behalf of the Agency—
  - (a) at least 28 days before the exemption takes effect; or
  - (b) if it is impracticable for the Agency to comply with paragraph (a), as soon as practicable after granting the exemption.

## **9 Collection of tolls**

- (1) The Agency must establish an electronic system for collecting tolls that—
  - (a) does not hinder the free flow of traffic; and
  - (b) enables a regular user of the Takitimu Drive toll road to pay a toll automatically (for example, by automatic deduction from a toll account held by the Agency); and
  - (c) enables a user of the Takitimu Drive toll road to pay a toll in advance of, or within 5 working days after, using the road.
- (2) The Agency must ensure that the details of the tolls that are payable, and the payment methods offered by the Agency, are published on an Internet site maintained by or on behalf of the Agency for the duration of the road tolling scheme.

*Availability of untolled alternative route***10 Agency must ensure that feasible, untolled, alternative route is available**

The Agency must, for the duration of the road tolling scheme,—

- (a) ensure that a feasible, untolled, alternative route is available to road users; and
- (b) erect and maintain the signage and other information required to—
  - (i) inform drivers approaching the Takitimu Drive toll road of the standard tolls that apply; and
  - (ii) inform drivers approaching or using the Takitimu Drive toll road of the options for paying a toll; and
  - (iii) enable drivers approaching the Takitimu Drive toll road to choose to use the untolled alternative route.

*Information disclosure***11 Disclosure to Minister**

- (1) As soon as practicable after the end of every financial year, the Agency must provide to the Minister—
  - (a) details of the operation of the road tolling scheme, including—
    - (i) actual traffic volumes for the year, for each class of motor vehicle that uses the Takitimu Drive toll road, compared with forecast traffic volumes; and
    - (ii) actual toll revenue from the Takitimu Drive toll road for the year, compared with forecast toll revenue; and
    - (iii) forecast traffic volumes and toll revenues for the forthcoming financial year; and
  - (b) details of financial matters, including—
    - (i) details of the extent to which the toll revenue inflow has reimbursed the national land transport fund for payments made from the fund to the Agency or the Tauranga City Council for the activities specified in clause 4(4)(a); and
    - (ii) financial statements for the Agency's road tolling operations as a whole; and
  - (c) confirmation that a feasible, untolled, alternative route remains available to road users; and
  - (d) any other details that are material to the Agency's operation of the road tolling scheme.
- (2) The Agency may provide the information to the Minister in its annual report or in any other form.

## 12 Disclosure to public

As soon as practicable after providing information to the Minister under clause 11, the Agency must publish a summary of the information on an Internet site maintained by or on behalf of the Agency.

Michael Webster,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order establishes a road tolling scheme to replace the road tolling scheme for Route K established by the Tauranga District Council (Route K Toll) Empowering Act 2000 (the **local Act**). Route K is the section of Takitimu Drive that runs between the junction of State Highway 29 and State Highway 36 and the junction of State Highway 2 and State Highway 2A. It is referred to in this order as the Takitimu Drive toll road.

The local Act will be repealed on 1 August 2015 when section 71(2) of the Land Transport Management Amendment Act 2013 (the **2013 amendment Act**) is brought into force by the Land Transport Management Amendment Act 2013 Commencement Order 2015. That order will also bring section 42 of the 2013 amendment Act into force on 1 August 2015. Section 42 inserts new sections 48A and 48B into the Land Transport Management Act 2003 (the **principal Act**). The new sections authorise the establishment of a replacement road tolling scheme for Route K.

New section 48B provides that the power to begin collecting tolls under an order made under new section 48A is exercisable from the date on which the order commences. In practice, this means tolls may be collected on and from the day after the date on which the order commences (*see* section 35(2) of the Interpretation Act 1999). In order to provide for a seamless transition between the old tolling regime for Route K and the replacement tolling regime for Takitimu Drive, this order comes into force on 31 July 2015, which is 1 day earlier than the empowering provision under which it is made. Commencing the order before its empowering provision is done in reliance on section 11 of the Interpretation Act 1999. The tolling scheme established by this order does not have effect until 1 August 2015 (*see clause 5*).

### Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 17 June 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.transport.govt.nz/about/regulatory-impact-statementsbusiness-compliance-cost-statements-risbccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 2 July 2015.

This order is administered by the Ministry of Transport.