



Land Transport (Road User) Amendment Rule 2016

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, and having had regard to the criteria specified in section 164(2) of that Act, the Associate Minister of Transport makes the following ordinary rule.

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Rule

- 1 Title**
This rule is the Land Transport (Road User) Amendment Rule 2016.

2 Commencement

This rule comes into force on 1 December 2016.

3 Principal rule

This rule amends the Land Transport (Road User) Rule 2004 (the **principal rule**).

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 1.6 amended (Interpretation)

In clause 1.6, definition of **defence force emergency vehicle**,—

- (a) in paragraph (b), after “vehicle”, insert “operated by the New Zealand Defence Force”; and
- (b) in paragraph (c), after “Force”, insert “; or”; and
- (c) after paragraph (c), insert:
- (d) a counter-terrorism response vehicle operated by the New Zealand Defence Force

7 Clause 2.7 amended (Passing on right)

- (1) In clause 2.7(b)(iii), after “median”, insert “; or”.
- (2) After clause 2.7(b)(iii), insert:
 - (iv) is passing a cyclist and encroaches on the flush median for the minimum distance necessary to complete the manoeuvre safely.

8 Clause 4.1 amended (Giving way where vehicles are controlled by stop sign or give-way sign)

Replace clause 4.1(1) and (2) with:

- (1) A driver approaching or entering a place where the vehicles moving in the direction in which the driver is travelling are controlled by a stop sign must—
 - (a) stop his or her vehicle before entering the path of any possible vehicle flow at such a position as to be able to ascertain whether the way is clear for the driver to proceed; and
 - (b) give way to any vehicles that are approaching or crossing the place and that are not controlled by a stop sign.
- (2) A driver approaching or entering a place where the vehicles moving in the direction in which the driver is travelling are controlled by a give-way sign must

give way to any vehicles that are approaching or crossing the place and that are not controlled by either a stop sign or a give-way sign.

9 Clause 4.2 amended (Giving way where vehicles are controlled by same type of sign or in absence of signs)

In clause 4.2(1)(b) and (c), delete “at or near an intersection”.

10 Clause 4.5 amended (Approaching and entering intersections)

After clause 4.5(2), insert:

- (3) Despite clause 2.3(4) and anything in Part 3, a driver (other than a cyclist) approaching an intersection or an area controlled by traffic signals must not enter a cycle lane if the driver’s intended passage or exit from that cycle lane is blocked by stationary traffic.

11 Clause 5.8 amended (Speed limit where warning sign advises of accident, breakdown, or emergency)

- (1) In the heading to clause 5.8, replace “or emergency” with “**crash, emergency, or fire**”.
- (2) In clause 5.8, replace “or emergency” with “crash, emergency, or fire” in each place.

12 Clause 6.6 amended (Parking in special vehicle lane)

- (1) In clause 6.6(b), after “blue beacons”, insert “; or”.
- (2) After clause 6.6(b), insert:
- (c) the vehicle is a bus and the special vehicle lane is a cycle lane and the bus stops at a bus stop to allow passengers to board or alight.

13 Clause 11.12 amended (Lighting and reflector requirements for cyclists)

- (1) Replace clause 11.12(1) with:
- (1) A person riding a cycle on a road must use a headlamp, reflector, and rearward-facing position lamp—
- (a) in the time between sunset and the following sunrise; and
- (b) at any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 m.
- (2) In clause 11.12(2), replace “the hours of darkness” with “a time referred to in subclause (1)(a) or (b)”.

Schedule 1

Objective of rule

cl 4

This Land Transport (Road User) Amendment Rule 2016 (the **amendment rule**) amends the Land Transport (Road User) Rule 2004 (the **principal rule**). The principal rule establishes the rules under which traffic operates on roads.

The objective of the amendment rule is to amend the principal rule to—

- extend the definition of defence force emergency vehicle to include a counter-terrorism response vehicle operated by the New Zealand Defence Force;
- permit drivers to encroach onto flush medians when overtaking cyclists;
- extend the give-way and stop sign rules that currently apply to intersections to places where a cycle path or shared path crosses a roadway, so that cyclists on a cycle path or separated path or drivers on a roadway must stop or give way where either group is controlled by a stop sign or give-way sign;
- clarify that a driver approaching an intersection or an area controlled by traffic signals must not enter a cycle lane if the driver's intended passage or exit is blocked by stationary traffic;
- widen the range of circumstances indicated by a warning sign to which a 20 km per hour speed limit applies;
- allow a bus to enter and leave a cycle lane and stop at a bus stop for the purpose of picking up and dropping off passengers;
- extend the time during which cyclists must use headlamps, reflectors, and rearward-facing position lamps (to the time from sunset until sunrise).

Schedule 2

Consultation carried out under section 161(2) of Land Transport Act 1998

cl 5

For the purposes of consultation, amendments proposed to the Land Transport (Road User) Rule 2004 (the **principal rule**) and 14 other Land Transport Rules were combined into a single rule, the *Land Transport Rule: Omnibus Amendment 2016* (the **Omnibus Amendment Rule**). Following consultation, the provisions in the Omnibus Amendment Rule were split into separate amendment rules, including this amendment rule.

The New Zealand Transport Agency (the **Agency**) sent details of the amendment proposals by letter or email to approximately 3 170 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Amendment Rule was made available through the Agency's contact centre and, together with questions and answers, was also available on the Agency's Internet site. The availability of the

amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*.

The Agency received 35 submissions on the Omnibus Amendment Rule, of which 27 commented on the proposed amendments to the principal rule.

The submissions received were taken into account in finalising this amendment rule, following which it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 1st day of November 2016.

Hon Craig Foss,
Associate Minister of Transport.

Explanatory note

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

This rule, which comes into force on 1 December 2016, amends the Land Transport (Road User) Rule 2004 to—

- extend the definition of defence force emergency vehicle to include a counter-terrorism response vehicle operated by the New Zealand Defence Force:
- permit drivers to encroach onto flush medians when overtaking cyclists:
- extend the give-way and stop sign rules that currently apply to intersections to places where a cycle path or shared path crosses a roadway, so that cyclists on a cycle path or separated path or drivers on a roadway must stop or give way where either group is controlled by a stop sign or give-way sign:
- clarify that a driver approaching an intersection or an area controlled by traffic signals must not enter a cycle lane if the driver's intended passage or exit is blocked by stationary traffic:
- widen the range of circumstances indicated by a warning sign to which a 20 km per hour speed limit applies:
- allow a bus to enter and leave a cycle lane and stop at a bus stop for the purpose of picking up and dropping off passengers:
- extend the time during which cyclists must use headlamps, reflectors, and rearward-facing position lamps (to the time from sunset until sunrise).

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This rule is administered by the Ministry of Transport.