

Heidi O’Callahan’s Submission on the draft Land Transport Rule Setting of Speed Limits 2024

Summary

This draft Speed Management Rule does not contribute to an effective, efficient and safe land transport system, and has no basis in evidence. It will lead to more deaths and serious injuries, more emissions, more transport poverty, more transport-caused public health problems, and to an erosion of civic engagement and democratic health.

The Safety Strategy, along with a general requirement throughout the existing Rule for RCA’s to set out their “objectives, policies and measures for managing speed” seems to have been replaced with nothing but the “Ministerial Speed Objective”. In other words, with the decisions of a politician who has no expertise in the topic.

The “**Summary of Effects**” in the consultation document is pure disinformation. It does not use the knowledge base held by the Ministry of Transport. It includes a number of outright inaccuracies, and several times, a claim that impacts are “difficulty to quantify”, in clear obfuscation of the facts. Some of these I mention within my answers to the questions. Others I will mention here:

- Increasing speeds increases emissions via two mechanisms:
 - Higher emissions per journey. There will be more acceleration in urban areas, and more travelling at inefficient speeds on highways.
 - More vehicle trips. This draft Rule will lead to more driving, and prevent modeshift to the sustainable, low-emissions modes.

It is ignorant and political of the Ministry to imply that the New Zealand Emissions Trading Scheme (ETS) will be effective as a tool to reduce transport emissions.

- The idea that the new Rule will have “**no direct impact on our international circumstances or obligations in respect of land transport safety**” is perhaps the most bizarre statement in the entire consultation document. There is no basis for believing New Zealand will not be impacted by international condemnation. If the Ministry was acting responsibly, it would be laying out clearly the implications of this government’s regressive transport policies, for proper civic discussion.

It was reasonable for the public of New Zealand to think that, in funding a Ministry of Transport, we were funding the acquisition and retention of a body of knowledge and evidence that could be called on as required. Now is such a time. Politics has turned so sour the Minister is making proposals that work egregiously against our basic needs. Yet with this draft Rule, and the GPS before it, it appears the most basic professional ethics and responsibilities are not being followed by Ministry leadership and staff.

It is to the Ministry’s shame that this comes as no surprise. The Ministry has a history of rejecting international best practice around safety. As I laid out in my Greater Auckland post,

“New Zealand’s Input to the UN on Safety”, the Ministry gave feedback on the draft Stockholm Declaration, sent to the Secretariat for EU and International Affairs in January 2020. This feedback consistently sought to reduce the declaration’s strength.

This proposed Rule is more than negligent, it negatively impacts every family and individual in New Zealand. Faster speeds will kill hundreds of people and seriously injure thousands more. As each innocent victim dies, the responsibility lies with Ministry of Transport officials who have failed to stand up for us.

But the impacts go further. Each time the Ministry goes to public consultation on an irresponsible proposal such as this, requiring the public to have to read documents that are anti-children and hateful, and to argue for what our families deserve, damage is done. The process is a massive waste of our time and energy. It kills hope, and creates despondency, dividing society and destroying democracy.

The Ministry of Transport is taking an active part in negatively impacting the mental, social, physical and democratic health of our people. Professionalism is lacking. I expect Ministry staff to fight for our safety. Losing your jobs, if it comes to that, is preferable to children losing their lives.

Proposal 1 – require cost benefit analysis for speed changes

I oppose this proposal.

Speed limits need to be set to prevent death and serious injury based on evidence. CBAs have no place in the decisions; the proposal defies international safety guidance.

1. Even **if** there were benefits to an “economy” in traffic travelling at a speed that causes death and serious injury, it would be inhumane to promote them. Economies serve society, not the reverse. A core tenet of Vision Zero is that safety is not traded off against any other consideration, such as travel time or economic concepts.
2. Economies benefit from safe speeds rather than from lethal ones. The proposal limits the matters for which costs and benefits can be considered, ignoring modeshift, children’s independence, levels of physical activity and public health, city liveability, traffic volumes, noise, emissions and the local environment. Limiting the matters in this way will skew the results of the analysis away from safe speeds. The CBA requirement is merely a ruse to lend pseudo-economic weight to the Minister’s desire for faster speed limits and has no basis in evidence.
3. Having to perform CBA **for each road** is an onerous task that is best understood as bureaucratic red tape designed to prevent change.
4. The Ministry knows the above issues and their response to the problems they raise are inadequate. First, the Ministry has not provided the details of the analysis to be used, preventing fair public critique. Second, the Ministry has provided outright disinformation in the consultation documents, to justify the inclusion of this CBA approach, including:

“The proposed changes will ensure economic impacts are considered alongside safety and road user and local community views when changing speed limits.” To the

contrary, the Ministry knows the proposed changes will ensure most economic impacts will be ignored.

“CBA helps ensure that decision-makers are well informed about how decisions impact on people and supports good evidence-based decision-making.” To the contrary, having a process of CBA in existence misinforms decision-makers about the appropriate way to approach the task of setting speed limits. Worse, the Ministry knows that limiting the matters to be considered means this CBA approach will entirely misinform the decision-makers.

“Costs include any negative impacts attributable to the change (for example, increased travel times and increased number and severity of crashes) and implementation costs.” Throughout this section, the Ministry has regressed to presenting an erroneous and overly simplistic understanding about the effects of safety on travel times. New Zealand cities are slow **because of the priority given to traffic, which prevents people using other, more space-efficient modes.** Safe speeds as part of the whole-of-network approach create environments where modeshift and traffic evaporation will improve travel times for all, even for those who drive. The staff in the Ministry who understand this have clearly been overridden by those playing political games with our lives.

“To simplify the approach for RCAs, the CBA requirements focus on the more limited range of impacts...” The CBA requirements may simplify the approach, but only via misinforming the analysis.

Finally, if the Ministry believed CBA was the correct approach to resolving matters of safety, this entire proposal would be treated as one scenario, the existing Rule as another, and a CBA would be performed to compare them. The Ministry could easily apply a thorough economic analysis, which would confirm that this proposed Rule does not stand up. Instead, the Ministry neither used basic safety evidence to prevent the Minister’s ideas about CBAs from being incorporated into this proposed Rule, nor has it used economic tools available to relieve the Minister of his misapprehensions about its economic impacts; not even CBA!

Proposal 2 – strengthen consultation requirements

I oppose this proposal.

The hypocrisy

If the proposal was intended to ensure the community’s views were heeded, there would be no revocation of the speed limits which have already been through community consultation.

In general, the Ministry knows from previous feedback that the public are in favour of lower speeds. For example, when the Rule was updated in 2019, the summary of feedback said:

“A large number of submitters called for a general reduction in speed limits and with it, a reduction in the default speed limits of 50 km/h for urban roads and 100 km/h for rural roads.”

To now impose a blanket revocation of speed limit reductions, placing onerous CBA and consultation requirements on lowering them again, indicates the Minister is aware that higher speed limits:

- Are unpopular
- Require political action of one sweeping change to raise the speed limits, as consultation wouldn't demonstrate public support for each individual change, and
- Can only be maintained by creating institutional barriers to lowering them again.

The Minister's position is that of a coward. He is hiding behind blanket changes in the direction he desires and placing barriers to changes in the direction of safety.

The question is why the Ministry has supported him.

The role and type of consultation

Speed limits should be set according to the evidence, by experts. The only role for consultation is about placemaking aspects of safety infrastructure, and perhaps when considering genuine choice between traffic circulation options involved with the removal of traffic lanes.

Over many decades, other areas of New Zealand society where lives are being lost, such as aviation, construction and industrial workplace safety, have improved their outcomes by following the advice of safety experts. They have achieved this unconstrained by constant, onerous public consultation, despite obviously similar legal positions. It is a sign of incompetence that the Ministry has avoided ensuring safety for land transport is similarly relieved of consultation requirements. It is past time for staff to force an overhaul of the organisation's conservatism and car dependent views. The Ministry of Transport should be embarrassed to lead our country's most regressive sector.

I note the requirement to include ***“in the consultation documentation the cost-benefit analysis and an explanation of how the Ministerial Speed Objective and road safety aspects of the GPS have been had regard to”***

Given the lack of evidence behind using CBA analysis for setting speed limits, requiring its inclusion in the documentation for consultation will amplify the erroneous analysis results, inviting misinformed reckons in the consultation feedback (from those who mistakenly see themselves as threatened economically by safe speeds). Its inclusion will lead to a grossly misinformed public and a reduction in the quality of civic discussion.

Māori consultation

While I am opposed to consultation around speed limits in general, I realise consultation for speed management plans will continue until we have ethical and informed leadership of the Ministry. Given this situation, the Rule must specifically retain processes for Māori to contribute. Māori experience disproportionate rates of deaths and serious injuries on our roads, and it is appropriate for the principles of Te Tiriti o Waitangi to be followed to allow Maori input to improve outcomes. Removing these provisions is unpalatable, but also

dangerous for the country. Following the Minister's racist and populist leanings will lead the country towards racism and away from democracy.

Is this genuine or reasonable?

The proposal to ***“use reasonable efforts to consult with persons that use the road for which a speed limit change is proposed,”*** notably excludes:

- the people who cannot currently use the road due to its lack of safety
- future generations who will suffer due to the retention, today, of a car dependent system in which traffic is prioritised.

The needs of all these people should be provided for by experts in safety and sustainable transport transformation, not via public consultation.

In the consultation document, the Ministry has provided disinformation to hide the lack of ethics of this proposal. Saying, ***“The draft Rule ensures RCAs undertake genuine consultation and increases transparency of decisions in response to feedback received”*** is patently incorrect. It is well-established that the quality of this kind of consultation is low. Best practice transport management for a country that needs to significantly shift its modes away from driving, and to resolve transport-created crises in access, public health, safety and climate involves:

- Deliberative democracy. When this has been used in New Zealand, its results are in stark contrast to this proposed Rule, and
- Demonstration of new systems. Consulting with people who have only experienced one system is not democratic.

The Ministry's misapprehension about consultation is also demonstrated in the new interpretation for “public acceptance”:

“public acceptance, in relation to an amended speed limit, means public support for the amended speed limit as ascertained through a public consultation process that meets the requirements in clause 3.10, with any necessary modifications and undertaken after the commencement of this rule”

If Ministry officials are not yet aware that public sentiment cannot be understood well through public consultation as widely practised in New Zealand, it is time they sought the advice of experts in modern democracy. Consultation on speed management plans is both inadequate and undemocratic. Pretending that the draft Rule provides “genuine consultation” is poppycock and, frankly, insulting to democracy experts.

Requirements for Reporting Public Feedback

The onerous consultation requirements are worsened by the extra requirements to summarise the feedback and to take it into account in decision-making. This elevates public feedback above its relevance and adds more bureaucratic barriers to progressive change.

Pilot Speed Limits

I oppose the changes to clause 2.8 of the proposed Rule, which adds the requirement that all pilot speed limits are as specified in Schedule 4. Schedule 4 generally puts Urban Streets at 50 km/h, in clear disregard for the Stockholm Declaration and Vision Zero. This is bad enough in general, but by removing the possibility of pilots to demonstrate slower and safer speeds, it removes a critical part of informing the public and improving the deliberation aspects of democracy. The clause dictates not just what the speeds should be but what the public can be exposed to as an experiment, in a clear attempt to limit the progress of public understanding of what is possible.

It is hard to believe the Minister has directly required detailed changes like this; rather there must be people in the Ministry also trying to prevent democratic progress.

Proposal 3 – require variable speed limits at school gates

I oppose this proposal. The requirement for safe speeds is 24/7 in all parts of cities.

- **The proposed lengths are preposterously short.** Almost no children live within 300m of an urban school gate or 600m of a rural one. These lengths may have been conceived by someone who drives their own children to school and manages to park within 300m of their local school, but they are not based on evidence. The proposal serves as safety wash. For children to travel independently to school and to their other activities and friends' places, they need safe speeds throughout their city, town or region.
- **Variable signs have no evidential basis.** This is an ignorant cop out that serves the myth that children only travel twice a day. Perhaps narcissists caring only about their driving amenity are happy to ignore children's needs for safety over all 24 hours of the day.

There are *other* traffic measures appropriate for application at school start and end times only; generally, these are measures to overcome the dangers created by the high traffic volumes. Speeds are *not* one of these measures appropriate for timed operation; speeds should be safe at all times.

Since before last year's election politicians have been free with their "whataboutism" arguments, which should have been easy for Ministry officials to counter. An example is the argument that a shift worker at 4 am shouldn't be slowed down by 30 km/h speed limits. Yet, such workers have empty streets and no congestion so they have good travel times anyway. Given it's hard to provide public transport services at this time, a competent Ministry would be ensuring shift workers are safe to choose the low-cost travel options of cycling via implementing 30 km/h at night throughout all urban streets.

Instead, by removing lower speed limits at those times, the Ministry is systematically reducing safety at the time of night that most drivers are more likely to be affected by drink, drugs or tiredness. It's almost like the proposed Rule has been written by people who don't cycle in the early hours of the morning; people who should have asked those of us who do? It is a time of day that is nice for biking, but could be improved by better speed management.

I do note the use of the word “**default**”. Are Ministry officials advising the Minister what, if any, the differences are between the word and his pet emotive one, “blanket”.

These words in the consultation document are patently incorrect and constitute serious disinformation:

“The impact on land transport safety outside schools is difficult to quantify.”

“The impact on public health from this proposal is difficult to quantify.”

The impact on safety and public health of replacing permanent lower speeds over wider areas, with variable speeds over very short lengths of street, is well researched. It is unethical of Ministry staff to so deliberately misinform the public, in what appears to be an attempt to reverse the maturity of civic discussion.

Proposal 4 – introduce a Ministerial Speed Objective

I oppose this proposal.

Throughout the proposed Rule, the Ministerial Speed Objective seems to replace the Safety Strategy. In other words, the Ministry is proposing that politics, rather than evidence, forms the basis of our transport practices.

This is the opposite direction to where we should be heading.

Additionally, the proposed Rule:

- Replaces the “**whole-of-network**” safety approach with consideration of just a few elements of safety, and
- In general, it removes the requirement for RCAs to demonstrate “**how speed will be managed**”.

We can only expect a piecemeal, incoherent, politically-charged process from now on.

The Ministry knows this; the proposal is unethical in its entirety.

Proposal 5 – changes to speed limits classifications

I oppose this proposal.

International guidance, based on extensive peer-reviewed research over decades, is that speed limits need to be set according to the survivable speed. This generally means **30 km/h** unless people outside vehicles are physically separated from vehicles entirely (including with grade separation at intersections). Even where they are, speeds should be limited to **50 km/h** if driveways or other 90 degree vehicle - vehicle collisions can occur. Even where these collision types do not exist, speeds should be limited to **70 km/h** if head-on vehicle collisions can occur.

The Ministry knows that the proposed schedule of speeds does not comply with Vision Zero, the Stockholm Declaration or any other international guidance on speeds, and that the schedule of speeds will lead to a worsening of our safety crisis.

Yet, the consultation document doesn't even explain that the proposed speeds are unsafe and will lead to more deaths and serious injuries. Instead, the Ministry has continued with the disinformation, using phrases such as:

***“The draft Rule proposes a more balanced approach to setting speed limits”
“It enables a targeted approach to reducing speed limits”***

The draft Rule neither proposes a more balanced, nor a more targeted approach. It proposes a blanket approach of higher, more dangerous speeds that will cause more death and serious injury.

Safety experts have had to battle sector belligerence for decades about whether the built environment or the speed limits should lead. Improvements made over the last decade have included accepting the need for ***“accommodating needs”*** of people, by reducing speeds, and supporting those lower speeds as required. The following words in the consultation document sweep away all these improvements, with a return to the idea of ***“accommodating speeds”*** instead:

“The draft Rule and subsequent speed limit changes may also result in wider engineering changes to accommodate new speed limits (either higher or lower) depending on decisions taken by RCAs.”

“Accommodating speeds” equates to making a hostile environment for anyone outside a car.

I note that the Ministry says,

“The draft Rule implements the next step in delivering on the Government’s commitment to stop and reverse the previous government’s blanket speed limit reductions by replacing the Land Transport Rule: Setting of Speed Limits 2022 (the 2022 Rule).”

And

“The schedule moves back to more standardised speed limits”.

It seems the Ministry is claiming the proposed schedule of speeds are *“more standardised”*, even, than the previous government’s *“blanket”* speed limits. It would be funny if children weren’t going to die. Perhaps the correct term would be ***“smothering blanket”*** speeds? The Ministry had the choice to expose the clear hypocrisy of Minister Brown and other Ministers in continuing to use inaccurate and emotive language. Instead, the Ministry chose to play along with the nasty politics and his choice of language. But the question remains. Why?

Proposal 6 – update the Director’s criteria for assessing speed management plans for certification

I oppose this proposal, due to its coherence with the other parts of the proposed Rule.

Proposal 7 – reverse recent speed limit reductions

I oppose this proposal. It is unsupported by any evidence, and will lead to deaths and serious injuries.

These words in the consultation document are patently incorrect, and constitute disinformation:

“Reversing certain types of reduced speed limits may result in higher average operating speeds. The level of impact on land transport safety that could result from increased operating speeds is difficult to quantify due to uncertainty about which roads will have speed limits increased and what impact those speed limit increases will have on operating speeds.”

Clauses such as 3.11(f) are also onerous. This one requires the speed management plan to include comment on any review about a RCA’s alignment with this Rule. Given this Rule erodes safety, clauses such as these simply add more steps at which staff resource in every Council around the country will be wasted.

In Conclusion

This draft Rule is unevidenced, and should not be adopted.

It is unclear why Minister Simeon Brown desires to follow a direction away from safety, and away from expert-led practices, given the political consequences of being held responsible for hundreds of extra deaths and thousands of serious injuries. We can but surmise his reasons. He may be serving business or corporate interests who profit with each increase in the public’s reliance on cars. He may be seeking relief from personal insecurities by seeking approval from the culture of petro-masculinity. He may have other neurological problems; perhaps he is a psychopath. Equally, he may simply never had had some simple safety concepts explained to him properly. Is it time for some Ministry education sessions?

The real question is not what drives Minister Brown. Rather, it is why New Zealanders have not been protected from him by the Ministry of Transport. If one destructive and hard-hearted Minister can wipe evidence-based reason from our transport rules, creating a less safe environment for every child in the country, what indeed was the point of having funded a Ministry of Transport all these years?

I expect better.