

Review of Agricultural Transport Legislation

A DISCUSSION PAPER FOR PUBLIC COMMENT

April 2012

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POSITION PAPER



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1 MINISTERIAL FOREWORD

Agriculture and horticulture are at the core of New Zealand's economy, and are forecast to continue growing in importance. More than any other developed country, our economy depends on the success of our land-based industries.

It is vital then that land transport legislation applying to the primary production sector is fit for purpose and does not apply restrictions and costs that are unnecessary. Better and less regulation is a goal for the Government for good reason - achieving this can help support New Zealand's economic growth.

A Review Team that includes officials from the Ministry of Transport, Police, the New Zealand Transport Agency and the Department of Labour have spoken to stakeholders representing groups from across the sector and listened to their concerns. They have looked at whether the current rules properly take account of the realities facing the industry and how they compare to those in other developed countries.

Contractors and farmers need to harvest crops when they are ready, and when the weather is right. Sometimes this may mean working long and irregular hours. There is potential for changes to rules that would better accommodate this. At the same time, ensuring the safety of agricultural vehicle operators as well as other road users remains a paramount concern.

The Review Team have put forward the proposals in this document to achieve these aims and are keen to get the views of industry as well as other road users before further decisions are made.

I urge anyone with an interest to take this opportunity to share their views on how we can ensure that our agricultural land transport regulation is doing its job properly – keeping us safe and managing any impacts on our infrastructure without unnecessary red tape.



Hon Gerry Brownlee
Minister of Transport

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2 INTRODUCTION

This document presents proposals for changes to agricultural transport law. It does not reflect current government policy.

2.1 BACKGROUND

Over recent years the rural sector has raised concerns with aspects of transport law regulating agricultural vehicles, specifically:

- driver licensing requirements
- the restrictions on working hours
- restrictions on vehicle dimensions
- restrictions on vehicle weight limits and axle loads and permit processes
- speed limit restrictions for agricultural vehicles
- vehicle inspection requirements for agricultural vehicles
- operator safety

The sector expressed concern that the law does not take adequate account of the needs of farmers and rural contractors, particularly the seasonal nature of the agricultural task and the challenges imposed by the weather. The sector also expressed concern that the law is out of date, overly complex and inconsistent.

The previous Associate Minister of Transport, Hon Nathan Guy, commissioned the Ministry of Transport to investigate and review the issues raised by the sector.

2.2 PRINCIPLES OF THE REVIEW

Objectives

The objectives of the review are to identify opportunities to:

- enhance economic growth and productivity
- reduce compliance costs
- improve the quality of regulation
- ensure the safety of drivers, other agricultural workers and other road users
- identify the impact of heavy vehicles on infrastructure and prevent harm
- align, where possible, transport law with other health and safety regulatory regimes

Relationship with the Vehicle Licensing Reform project

On 28 March, Hon Gerry Brownlee, the Minister of Transport, announced the Vehicle Licensing Reform project. The Vehicle Licensing Reform project is a wider review examining annual vehicle licensing, warrant of fitness and certificate of fitness and

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transport services licensing. The final recommendations from the Vehicle Licensing Reform project may have implications for how some of the proposals in this paper would be implemented. Further information about the Vehicle Licensing Reform project, including questions and answers, is available at www.transport.govt.nz.

2.3 MEMBERSHIP

The Ministry of Transport formed a Review Team comprising the NZ Transport Agency (NZTA), the Department of Labour and the Police Commercial Vehicle Investigation Unit.

2.4 PROGRESS TO DATE

Targeted consultation in October 2011

In October and November 2011, the Review Team held an initial round of consultation with the following stakeholders to understand the issues of concern.

- Rural Contractors New Zealand
- Federated Farmers New Zealand
- Horticulture New Zealand
- The Tractor and Machinery Association
- The Road Transport Forum
- The New Zealand Automobile Association
- Local Government New Zealand

The Review Team also had discussions with Wine Growers New Zealand in January 2012.

Working groups

In December 2012, the Review Team formed three working groups to review the following issues.

- Work time limits and driver licences
- Vehicle standards and inspection requirements and speed limits
- Over-dimension and overweight requirements

Over the December-February period the three working groups devised a number of proposals designed to address the issues, and satisfy the objectives of the review.

International research

The Ministry of Transport commissioned TERNZ, an independent research organisation that specialises in transport-related issues, to review agricultural transport law in comparable overseas jurisdictions. The report was received in mid February and is available on the Ministry of Transport's website.

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Targeted consultation in March 2012

The Ministry of Transport held a workshop with the stakeholders to discuss the proposals and identify any further issues. The Review Team has taken the feedback into account in preparing the proposals contained in this paper.

2.5 ACKNOWLEDGMENTS

The Review Team acknowledges the valuable and extensive cooperation provided by the Federated Farmers of New Zealand, the Tractor and Machinery Association, the Rural Contractors of New Zealand, Norwood Farm Machinery Centre and TRS Tyre & Wheel Ltd. The Review Team would also like to thank Horticulture New Zealand, the Road Transport Forum, Wine Growers New Zealand, the New Zealand Automobile Association and Local Government New Zealand.

3 INSTRUCTIONS FOR SUBMITTING

3.1 DEADLINE FOR SUBMISSIONS

Consultation on the proposals in this paper will close on Friday 25 May 2012.

3.2 HOW SUBMISSIONS WILL BE USED

The Ministry of Transport welcomes comment on the content of this position paper. The Ministry will use the feedback received to develop a set of final proposals for the Government to consider. The Government will be informed about the themes and issues raised in the feedback received.

3.3 HOW SUBMISSIONS SHOULD BE PREPARED

What to include in your submission

Please include the following information with your submission.

- The title of this document
- Your name, and title
- Your organisation's name (if applicable)
- Your address – postal and email

Document format if submitting electronically

Submissions should be sent in either Microsoft Word or email format. PDF documents are not compatible with the Ministry's submission processing systems.

Commenting on proposals or answering questions

The Ministry invites comments or queries on all of the proposals in this paper as well as any of the specific questions that have been posed. Questions have been posed where the Ministry is seeking particular input in addition to general comments on the proposals.

If you are commenting on a specific proposal, please reference the heading number of the section containing the proposal. If you are responding to a specific question, please include the heading number, and the question number.

Please ensure that your comments are clear, concise, accurate and constructive.

Address for correspondence

Queries and feedback should be directed to the Ministry of Transport.

Email

You can email your submission to agvehiclereview@transport.govt.nz

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Post

You can also post your submission to:

Agricultural Vehicles Review
Attention: Joseph Murray-Cullen
Ministry of Transport
PO Box 3175
Wellington 6140

3.4 CONFIDENTIALITY

Please note that submissions provided on the discussion paper will be subject to the provisions of the Official Information Act 1982. This Act requires information to be made available on request unless there is good reason to withhold the information.

If you do not wish any material provided in your submission to be released, please specify the material that you wish to be withheld and the grounds (as set out in the Act) for withholding. The decision on whether to release the material under the terms of the Act rests with the Ministry of Transport. Any decision regarding withholding information is subject to appeal to the Ombudsman.

4 SUMMARY OF PROPOSALS

4.1 DRIVER LICENSING AND THE WORK TIME RULE

Increase in the speed restrictions for Class 1 licensed tractor drivers to 40 km/h and recognise United Kingdom tractor licences

The current speed restriction for drivers of tractors up to 18 tonnes, or 25 tonnes in combination, would be increased from 30 km/h to 40 km/h.

The holder of a United Kingdom tractor licence would be permitted to drive any tractor permitted to be driven by a New Zealand Class 1 licence.

A new agricultural vehicle endorsement on the Class 1 (car) licence to permit holders to operate vehicles currently requiring a Class 2 (heavy vehicle) licence

A new agricultural vehicle endorsement on the Class 1 car licence would also be introduced, which would permit holders to drive some vehicles currently requiring a Class 2 licence. The agricultural vehicle endorsement would test applicants on key areas of the Class 2 licence that are relevant to operating agricultural vehicles, and would require a theory test, supported by practical certification from an employer or training provider.

Vehicles requiring Class 1 driver licence holders are exempt from the work time rule

A key benefit to operators of this proposal is that vehicles operated by Class 1 licensed drivers are not subject to work time requirements. This should help contractors and farmers who often need to work long or irregular hours during harvest, and who also need to work around the weather. This new flexibility is balanced by the ongoing requirement for rural employers under the Health and Safety in Employment Act to effectively manage worker fatigue. This means that agricultural vehicle operators would not be able to work unlimited hours for extended periods of time.

4.2 INSPECTION, LICENSING, REGISTRATION AND ROAD USER CHARGES

Agricultural vehicles licensed to operate at up to 40 km/h would be exempt from licence fees, periodic inspection and road user charges

Agricultural vehicles licensed to operate at up to 40 km/h would be exempt from licence fees, periodic inspection and road user charges, but would still be required to be registered and in a road worthy condition. These vehicles would have to display a "40" sign clearly visible to the rear to facilitate enforcement.

Agricultural vehicles licensed to operate over 40 km/h would be required to display a Class G vehicle licence, pay road user charges and hold a simplified annual warrant of fitness

Agricultural vehicles licensed to operate over 40 km/h would be required to display a Class G vehicle licence, pay road user charges and hold a simplified (tractor-focussed), annual warrant of fitness.

Agricultural trailers and implements operated at speeds less than 40 km/h would continue to be exempt from registration, licensing and warrant of fitness

Agricultural trailers and implements would continue to be exempt from registration, licensing and warrant of fitness provided that they are operated at speeds less than 40 km/h. To address safety concerns, trailers operated at higher speeds would be subject to normal regulatory requirements.

Agricultural vehicles would be required to display and operate an amber beacon

It is proposed that agricultural vehicles be required to display and operate an amber beacon. Crash statistics show that a lack of forward warning to other road users about the presence of a slow moving agricultural vehicle on narrow and winding rural roads is the leading cause of crashes involving agricultural vehicles.

4.3 OVERWEIGHT AND OVER DIMENSION VEHICLE REQUIREMENTS

No change in the weight threshold for when operators must obtain an overweight permit

The weight threshold for when operators must obtain an overweight permit will remain unchanged. The Review Team looked into increasing the threshold for when operators must obtain an overweight permit and found that current overweight thresholds may be too generous.

The NZTA obtained data across all agricultural tyre sizes from Michelin that revealed that tyre contact area with the road is less than the NZTA previously thought. Pavement loads from agricultural vehicles with cleated tyres are higher than previously estimated, which was confirmed by an OPUS International Consulting Ltd Report to the Agricultural Transport Forum.

New hazard panel configuration

The Review Team is proposing to introduce an alternative hazard panel configuration to apply to all vehicles where it is more practicable or will give better visibility, which should provide some additional flexibility. The Review Team has also called for other suggestions.

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Advertising strategy to promote road user awareness of agricultural vehicles

The Review Team is also proposing to develop an advertising strategy with industry, particularly Federated Farmers, to improve road user awareness of agricultural vehicles.

Ability to exempt operators from travel time restrictions

Road controlling authorities would be permitted to issue permits for vehicles to travel during restricted travel times.

Clarify that operators are not required to remove the forks or other equipment fitted to the front arms of agricultural vehicles

The Review Team proposes to clarify that operators are not required to remove the forks or other equipment fitted to the front arms of agricultural vehicles.

5 SCOPE AND DEFINITION OF AGRICULTURAL VEHICLE

5.1 SCOPE

Currently a variety of vehicles can be regarded as “agricultural” for a variety of different reasons and under a variety of different legislation.

The scope of this project is limited to vehicles that have a specialised agricultural function. Road vehicles, including four-wheel drive vehicles, utility vehicles, trucks and heavy trailers are excluded from the proposals for agricultural vehicles in this position paper and will remain subject to the usual requirements for such vehicles. Vehicles that have other specialist functions such as tractors used for road building would continue to be covered by existing legislation for these functions. This is summarised in the table below.

| Included in proposed agricultural vehicles regime | Excluded from proposed agricultural vehicles regime | To continue to be covered by existing specialist regimes |
|---|--|--|
| <ul style="list-style-type: none"> • Tractors used for agricultural purposes • Agricultural trailers • Soil cultivators • Planters and seed drills • Harvesters • Bailers • Hay rakes • Produce sorters | <ul style="list-style-type: none"> • “On-road” 4WD vehicles • Utes • Trucks • Goods trailers operated at more than 40 km/h | <ul style="list-style-type: none"> • Tractors used for purposes other than agriculture (eg roading) • All-terrain vehicles |

5.2 PROPOSED DEFINITION OF AGRICULTURAL VEHICLE

In developing this position paper it became apparent that some new stand-alone definitions for agricultural vehicles are required. The following definitions are proposed.

Agricultural motor vehicle means a self-propelled machine that is designed, constructed or wholly adapted for agricultural purposes and includes:

- an agricultural tractor
- an agricultural trailer

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This definition does not include:

- a motor vehicle in Group A, L, M, N or T of the table in Appendix 1 (other than an agricultural trailer)
 - an all-terrain vehicle¹
 - a self-propelled machine for trimming trees and hedges
 - a motor vehicle designed only or mainly for the spreading or cartage of lime or fertiliser if it is used to do this on a road
-

Agricultural tractor means a motor vehicle (other than a traction engine) constructed principally for towing an agricultural trailer or drawing or powering agricultural implements².

Agricultural purpose includes:

- the cultivation of land, the growing and harvesting of crops, the rearing of livestock, horticulture and viticulture
 - land management operations connected with the activities above, but does not include forestry or other land management operations
-

Agricultural trailer means a trailer operated in connection with the operation or management of a farm and includes:

- an agricultural implement that has wheels which are in contact with the ground when towed on a road

This definition does not include:

- a trailer that is principally designed for the carriage of goods that is operated at a speed above 40 km/h
 - a logging trailer
-

All-terrain vehicle means³ a vehicle, with or without motor cycle controls and equipment, that:

- is principally designed for off-road use; and
- has three or more wheels; and
- has an engine capacity exceeding 50 ml; and
- has a gross laden weight of less than 1000 kg

¹ All-terrain vehicles used as agricultural vehicles are exempted from vehicle certification requirements.

² This is subject to the definition of tractor in the Land Transport Act 1998, which defines a tractor as a motor vehicle (other than a traction engine) designed principally for traction at speeds not exceeding 50 kilometres per hour.

³ Please see the discussion in Section 12 below

6 CRASHES INVOLVING AGRICULTURAL VEHICLES 1997 TO 2010

The Ministry of Transport reviewed all road crashes involving agricultural vehicles over the period 1997 to 2010.

6.1 CRASHES INVOLVING AGRICULTURAL VEHICLES

Agricultural vehicles are involved in a very small number of crashes. For the period 1997 to 2010, there were 28 fatalities, 73 serious injuries and 175 minor injuries associated with crashes involving agricultural vehicles.

The following table shows the average number of crashes involving agricultural vehicles by injury type, and what proportion these are relative to the average number of crashes involving all vehicles.

| Injury type | Average number of injuries to all road users from crashes involving agricultural vehicles | Proportion of average number of injuries to all road users from crashes |
|-----------------------|--|--|
| Fatal | 2 | 0.5% |
| Serious injury | 5 | 0.3% |
| Minor | 13 | 0.2% |
| Total | 20 | 0.2% |

Agricultural vehicles comprise 1.15 percent of the vehicle fleet.

It appears that agricultural vehicles are under-represented in crashes relative to fleet size. However no data is available on the vehicle kilometres travelled by agricultural vehicles to confirm this assessment.

6.2 THE SOCIAL COST OF CRASHES

The average cost to society of injuries to all road users from crashes involving agricultural vehicles is around \$14 million per year, which is about 0.4 percent of the cost to society of road crashes. A 10 percent reduction in crashes could save society about \$1.4 million a year.

6.3 LEADING CAUSES OF CRASHES

The crash reports suggest that the leading contributing factors in crashes involving agricultural vehicles were:

- A speed mismatch between agricultural vehicles and other vehicles. 85 percent of crashes involving agricultural vehicles occurred in a 100 km/h zone.

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- Poor advance warning to other road users about the presence of an agricultural vehicle caused by hazard lighting and panelling not being fitted or dirty as well as winding and narrow rural roads
- Other drivers being at fault. In 65 percent of crashes, the other driver was listed as being at fault.

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7 DRIVER LICENSING AND WORK TIME REQUIREMENTS

7.1 DRIVER LICENSING

Issues

Agricultural industry representatives have said that current driver licence categories create difficulties for operators of agricultural vehicles, and can conflict with industry needs.

The Federated Farmers of New Zealand commented that the 30 km/h limit for tractors driven on a Class 1 licence raises the risk of other vehicles crashing into slow moving agricultural vehicles. An analysis of crashes supports this view. It showed that from 1997 to 2010, 51 percent of crashes involving agricultural vehicles involved another vehicle crashing into the rear of an agricultural vehicle. The Federated Farmers of New Zealand has called for the speed limit to be raised.

Currently, New Zealand law does not recognise tractor licences from countries such as the United Kingdom and Ireland. Industry representatives say that recognising overseas tractor licences would improve their ability to recruit seasonal workers with tractor licences (and not Class 1 or higher licences). The sector does not currently recruit these workers as it can take some time for seasonal workers to graduate to a full Class 1 licence and often these workers are only in New Zealand for a year or less.

Industry representatives have also commented that obtaining licence Classes 2 – 5 to allow the driving of medium and large vehicles takes considerable time and incurs costs. They called for the time limits to be reduced. Industry also suggested an increase the maximum weight that can be driven by Class 2 drivers to 25 tonnes.

Industry representatives proposed that an agricultural vehicle endorsement should be created. A person or their employer would then need to demonstrate that they have competence for that type of vehicle. Industry representatives emphasised that this should be a cost-effective process.

The current driver licence regime is set out in the table below.

| | Class 1 licence | Class 2 licence |
|----------------------------|---|--|
| Current Legislation | Tractors of up to 18 tonnes IF driven at less than 30 km/h (25 tonnes in combination) | All tractors up to 18 tonnes (or 25 tonne in combination) IF driven at more than 30 km/h |
| | Special type vehicle (requires “wheels, tracks, rollers, or forklift” endorsement) between 6 tonne and 18 tonnes IF driven at less than 30 km/h | Most vehicles between 6 tonnes and 18 tonnes |
| | Other vehicles of up to 4.5 tonnes (Learner and Restricted) or 6 tonnes (full licence) | Special type vehicles over 18 tonnes IF driven at less than 30 km/h |

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The Review Team considered the following options.

1. No change.
2. Enable all agricultural vehicles to be operated on a Class 1 licence.
3. Increase the speed that Class 1 drivers can operate agricultural vehicles from 30 km/h to 40 km/h, create an agricultural endorsement for the Class 1 licence, and recognise overseas tractor licences.

Proposal

The Review Team proposes option 3: Increase the speed that Class 1 drivers can operate agricultural vehicles from 30 km/h to 40 km/h, create an agricultural endorsement (**Class 1A**) and recognise overseas tractor licences.

The holder of a UK tractor licence would be permitted to drive any tractor permitted to be driven by a New Zealand Class 1 licence.

An agricultural endorsement would be gained by a theory test on matters such as over-dimension rules and evidence of competence for a class of vehicle. Competence would be demonstrated with:

- written certification from a current or previous employer or appropriate training provider
- an appropriate NZQA certificate

Individuals would not be able to sign their own certification.

Holders of a Class 2 or higher licence would continue to be able to operate all agricultural vehicles proposed to require an agricultural endorsement.

The rule would also state that an agricultural vehicle that currently requires Class 1 W (wheels) licence could be driven on Class 1W OR Class 1A licence and does not require both endorsements.

The Review Team notes that the agricultural endorsement will create an inconsistent speed boundary with other vehicles requiring an endorsement to a Class 1 licence (wheels, tracks, rollers forklifts) which permit operators to travel up to 30 km/h. The Review Team will ensure that this issue is addressed in a future driver licensing review.

The following table summarises the proposed approach.

| | Class 1 or overseas tractor licence | Class 1A (or 1W, if applicable) licence | Class 2 licence |
|--------------------------|---|--|--|
| Proposed approach | Tractors registered for operation at less than 40 km/h and less than 18 tonnes (25 tonnes in combination) | Tractors registered for operation over 40 km/h and less than 18 tonnes (25 tonnes in combination) | Most vehicles under 18 tonnes operated at over 40 km/h plus heavier special type vehicles driven under 30 km/h |
| | | Other specialist agricultural vehicles between 6 and 18 tonnes registered for operation at less than 40 km/h | (no change to current upper limits of Class 2) |

Reasoning

Option 3 was preferred for the following reasons.

- Increasing the Class 1 licence speed threshold aligns with proposals noted elsewhere in this document that involve a threshold of a 40 km/h operating speed.
- The increased speed limit should help improve road safety by reducing the speed difference between agricultural vehicles and other vehicles.
- Allowing a wider range of vehicles to be driven on a Class 1 licence will make it easier for the sector to find employees with the right licences.
- An agricultural endorsement would be faster and less costly to obtain than a Class 2 licence.
- Vehicles that can be driven on a Class 1 licence (with or without an agricultural endorsement) would not be subject to work time requirements.

Option 2 was not preferred, as it could result in relatively inexperienced drivers operating the largest and most over-dimension vehicles. The proposed approach addresses this issue as holders of an agricultural endorsement or a Class 2 licence would have the training to understand how to manage the risks associated with over-dimension vehicles.

Questions

- 1) Which specialist agricultural vehicles should be included in the agricultural endorsement category?
- 2) Are the options for demonstrating type-competence appropriate?
- 3) Should the theory component of the agricultural endorsement be more narrowly focused than a Class 2 licence or the same?

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7.2 WORK TIME REQUIREMENTS

Issues

The Land Transport Act 1998 and the Land Transport Rule: Work Time and Log Books 2007 (the Work Time Rule) established a regulatory regime to prevent fatigued drivers from driving a transport service or heavy motor vehicle on the road. The Work Time Rule does this by limiting the maximum amount of time that the driver of a transport service or heavy motor vehicle may work, including driving, before taking a rest.

The Land Transport Act lists three ways that a driver becomes subject to the requirements of the Work Time Rule when they drive any vehicle:

- requiring a Class 2-5 driver licence; or
- used in a transport service; or
- used for the carriage of goods for hire or reward

There is one exception, which is a goods vehicle requiring a Class 1 or 2 licence that is not being used to carry goods for hire or reward used within a 50 km radius of the vehicle's normal base of operations.

The following two tools provide additional flexibility.

- Operators may obtain approval for an approved fatigue management scheme from the NZ Transport Agency, which has the effect of making the operator bound by the conditions of the scheme, not by the work time limits set in the Act.
- Operators may obtain approval for a variation to the Work Time Rule to extend one or two work days within a cumulative work period, offset against working fewer hours over the following days.⁴

Employers of drivers not subject to work time limits are still required to meet the general duties of the Health and Safety in Employment Act 1992 to manage hazards. Under that Act, a vehicle can be a workplace, and fatigue can be considered a significant hazard which must be adequately managed by the employer.

Internationally, nearly all other jurisdictions that apply work time or hours of service limits exempt operators of agricultural vehicles from work time restrictions.

Industry representatives commented that the work time restrictions are adversely impacting agricultural productivity and economic growth. Work time restrictions on the hours for operators of agricultural vehicles necessitate either a change of operator once the limit is reached, or ceasing operation of the agricultural vehicle. During critical weather windows in harvest or planting seasons, ceasing operation is not an option given the potential for significant economic loss to crops. Switching operators is not always practical or cost-effective given the unpredictable timing of agricultural work, the specialist skills needed to operate agricultural vehicles and implements, and labour shortages in the agriculture sector.

The Rural Contractors of New Zealand commented that while the Work Time Variation for Critical Agricultural Operations goes some way towards reducing the impact by providing more flexibility for the sector, it believes, however, that it is still overly

⁴ See the Work Time Variation for Critical Agricultural Operations at www.ruralcontractors.org.nz/

restrictive. The Rural Contractors requested that operators of agricultural vehicles be exempted from the work time requirements. The Rural Contractors also requested that operators of support vehicles such as trucks be exempted during critical work periods, such as at harvest time.

The option of an alternative fatigue management scheme is largely regarded as unworkable in its present form, as it is so complex to administer. In addition operators have expressed concern that conditions around operation are so complicated that an operator may breach them without realising it and be at risk of prosecution. However more importantly the benefits offered by this option in terms of increased flexibility are not sufficient to justify compliance costs and risks.

The Review Team considered the following options.

1. No change.
2. Simplify the alternative fatigue management scheme and amend the Work Time Rule so that the content of the existing Work Time Variation for Critical Agricultural Operations would apply to the agriculture sector.
3. Extend vehicles that can be driven on a Class 1 driver licence by increasing the speed that Class 1 drivers can operate at, and introducing an agricultural endorsement.
4. Exempt all agricultural vehicles from the work time regime.
5. Exempt trucks accompanying agricultural vehicles during critical periods.
6. Consider explicitly removing the requirement to hold a Transport Service Licence when moving produce from where it is harvested to the nearest place of storage.

Proposal

The Review Team proposes a combination of options 2, 3 and 6. This would involve the following.

- Exempting a wider range of drivers of agricultural vehicles from the work time rule by moving to a 40 km/h threshold for vehicles that can be driven on a Class 1 driver licence and introducing an agricultural endorsement.
- Simplifying and improving the alternative fatigue management scheme to make it a practical option.
- Amending the Work Time Rule to incorporate the content of the existing Work Time Variation for Critical Agricultural Operations to apply to the agriculture sector.
- Removing the requirement to hold a Transport Service Licence when moving produce from where it is harvested to the nearest place of storage.

The changes would be monitored to determine whether there is any impact on safety.

The Ministry will work with the Department of Labour and Police to ensure that people in the agriculture sector are aware of their responsibilities under the Health and Safety in Employment Act and non-compliance is detected and enforced.

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Reasoning

The proposed approach creates a simpler work time regime and aligns New Zealand more closely with the approaches taken in other jurisdictions. It also provides industry with a greater level of flexibility about how best to meet their obligations under the Health and Safety in Employment Act. The requirements of this legislation mean that even if the Work Time Rule did not apply in a particular situation, agricultural vehicle operators would not be able to work unlimited hours for extended periods of time.

Options 4 and 5 were not preferred as the Review Team considered the safety trade-off for workers and other road users to be unacceptable. Option 4 would introduce complexity to the work time system, by exempting Class 2 drivers when operating agricultural vehicles but not when operating other vehicles. Option 5 was not preferred as heavy vehicles pose a significant risk to other road users in the event of a crash. In addition, exempting trucks that operate on a road when accompanying agricultural vehicles (but not in other circumstances) would add undue complexity to the work time system.

7.3 VEHICLE PILOTING

Issues

The Land Transport Rule: Vehicle Dimensions and Mass 2002 (the VDAM Rule) requires certain over dimension vehicles to be accompanied by a Class 1 pilot or a Class 2 pilot. Class 1 pilots are responsible for checking the vehicle and/or load comply with over-dimension requirements and ensuring that oncoming vehicles receive due warning of the following load. In addition to the responsibilities of a Class 1 pilot, Class 2 pilots are responsible for managing the road, including the behaviour of other road users. For example, on a highway bridge oncoming vehicles may be required to stop by the pilot, while a heavy load makes its way (slowly) down the centre of the bridge.

The Class 2 pilot certificate is not part of the general driver licensing system and is not recorded on the driver licensing register, even though it is commonly referred to as a "licence".

The New Zealand Heavy Haulage Association expressed concern that the examination for becoming a Class 2 pilot is open book and unsupervised. Class 1 pilots are not subject to any examinations.

The Review Team considered the following options to address the issue.

1. No change.
2. Review the requirements for issuing a Class 2 pilot certificate.

Proposal

The Review Team proposes option 1: No change.

NOT GOVERNMENT POLICY

Reasoning

Any change in the examination could result in the test no longer being open book and unsupervised. From an agricultural perspective, any change would generate additional compliance costs for applicants such as additional time to attend a supervised examination and fees charged by testing providers, for a potentially small increase in safety.

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8 REQUIREMENTS FOR OVER-DIMENSION VEHICLES

8.1 RELEVANT LAW

The VDAM Rule regulates vehicles that exceed legal dimension requirements. The following provisions of this Rule are relevant to over-dimension agricultural vehicles.

1. Vehicles up to 2.5 metres wide may use the road without hazard panelling or a pilot.
2. Vehicles between 2.5 and 3.7 metres wide are a Category 1 over-dimension vehicle. Category 1 vehicles must delineate excess projections with hazard flags or panelling and comply with the travel time restrictions set out in clause 6.12 of the VDAM Rule.
3. Vehicles exceeding 3.1 metres width must be accompanied by a Class 2 pilot if they are:
 - travelling faster than 40 km/h during the day; or
 - travelling at night
4. Vehicles over 3.7 metres wide are a Category 2 over-dimension vehicle and subject to the requirements for that category.

8.2 PILOT VEHICLE REQUIREMENTS

Issues

An effective pilot vehicle improves the safety of vehicles approaching from the front and rear by warning them that over-dimension vehicles are ahead.

Industry representatives commented that the requirement to have a pilot vehicle for an over-dimension agricultural vehicle adds significant compliance costs for agricultural operations and asked whether there is scope for the pilot vehicle requirement to be removed or relaxed.

The Review Team considered the following options to address the issue.

1. No change.
2. Increase the over-dimension thresholds for when a pilot is required.
3. Remove the piloting requirement for the agriculture sector.
4. Enable the NZTA to exempt vehicles that exceed 3.1 metres from the pilot vehicle requirement.

NOT GOVERNMENT POLICY

Proposal

The Review Team proposes option 4: Enable the NZTA to exempt vehicles that exceed 3.1 metres width from the pilot vehicle requirement.

The NZTA would be able to impose conditions on any exemption.

Reasoning

The current requirement to have a pilot vehicle if a vehicle exceeds 3.1 metres width and travels faster than 40 km/h during the day or at night, is seen as essential to maintain the safety of road users and operators, particularly in areas with narrow and winding roads where there is limited forward visibility.

However, there may be scope for exempting vehicles from the requirements for routes that have wide roads and good visibility. In these instances, the requirement of a pilot vehicle could be replaced with requirements to use lighting such as amber beacons at the front and rear of the vehicle.

Questions

- 1) In what circumstances should vehicles be exempted from the pilot requirements?
- 2) What conditions should be imposed on vehicles that are exempt from the pilot requirements?

8.3 TRAVEL TIME RESTRICTIONS

Issues

The heavy haulage industry commented that the current travel time restrictions in the VDAM Rule may not be appropriate given differing road use and travel patterns in different regions.

Restrictions that are designed to minimise conflict between over-dimension vehicles and commuters in the early morning and later afternoon may not be appropriate in regions where tourism features more prominently than commuter traffic. In these regions, there could be scope to consider relaxing the restrictions, provided there is no risk to the operation of school buses.

Another issue raised was confusion about whether the meaning of “operation or management of a farm” in 6.6 (11) (b) of the VDAM Rule includes viticulture.

The Review Team considered the following options to address the issue.

1. No change.
2. Repeal the restrictions.
3. Enable road controlling authorities to issue permits for vehicles to travel during restricted travel times and clarify the meaning of 6.6 (11) (b) of the VDAM Rule.
4. Review the travel time restrictions in consultation with local government and industry.

Proposal

The Review Team proposes option 3: Enable road controlling authorities (RCA's) to issue permits for vehicles to travel during restricted travel times. RCA's would have discretion as to:

- the circumstances that would be appropriate for a permit to be issued
- any conditions that would be imposed on the permit
- the duration of the permit

The Review Team also proposes a clarification to the meaning of "operation or management of a farm" in 6.6 (11) (b) of the VDAM Rule with reference to the proposed definition of agricultural vehicles.

Reasoning

Option 3 would give permitted operators the flexibility to travel during restricted times provided that the risk of conflict with other road users is minimal, or can be minimised with additional precautions. This approach recognises that a one-size-fits-all approach may be inappropriate.

The proposal to clarify the VDAM Rule addresses a concern raised by the winegrowing industry that they may not be exempt from the restrictions.

Option 4 was not preferred given that the current system has been in place for over 8 years and is simple, effective and well understood across the transport sector. Option 2 was not preferred without a more detailed review of the underlying safety and network efficiency reasons for travel time restrictions.

8.4 OVER-DIMENSION HAZARD SIGNAGE

Issues

Industry representatives raised two issues with the current over-dimension hazard signage requirements. These are:

- New Zealand requirements do not align with overseas hazard panels
- hazard signage requirements need to be more flexible to accommodate the challenging practicalities of fitting signage to different machines

Industry has commented that it can be impractical to fit panels according to the current requirements and there are situations (such as a wide trailer towed behind a tractor) where the existing required orientation means that very little of the warning panel is visible to oncoming motorists.

The Review Team considered the following options to address the issue.

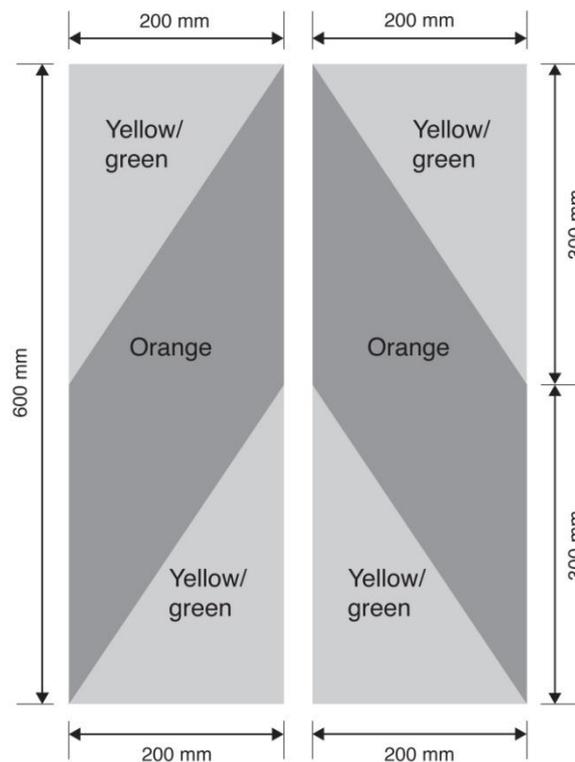
1. No change.
2. Increase advertising.
3. Align New Zealand requirements with overseas hazard panels.
4. Introduce an alternative hazard panel option and develop an advertising strategy to improve road user awareness of slow moving and over-dimension agricultural vehicles.

Proposal

The Review Team proposes option 4: Introduce an alternative hazard panel option and develop an advertising strategy to improve road user awareness of slow moving and over-dimension agricultural vehicles.

The hazard signage requirements in the VDAM Rule would be revised to provide for an alternative hazard panel configuration that would feature a vertical configuration where panels were 600mm high by 200mm wide.

Proposed alternative configuration:



The proposed alternative hazard panel configuration would be available if either:

- the current hazard panel fitting the standard panel was not practical
- or
- better warning could be achieved by the vertical configuration

All vehicles (ie not just agricultural vehicles) would be able to use this. The Review Team also invites other suggestions for improving hazard signage.

The advertising strategy to improve road user awareness of slow moving and over-dimension agricultural vehicles would be developed jointly with agricultural industry representative organisations. The heavy haulage and road transport industry representative organisations would also be invited to participate.

NOT GOVERNMENT POLICY

Reasoning

Option 4 would improve the effectiveness of hazard signage and provide additional flexibility for the sector to accommodate different fitting needs. This option would also provide an opportunity to improve the awareness of operators and other road users about safe conduct when encountering over-dimension vehicles.

Option 3 is not supported. There are no uniform international hazard signage standards. The United States and European countries, where most tractors imported into New Zealand are sourced, have differing requirements, making alignment impossible. In addition, the colour scheme of New Zealand hazard panels contrasts more effectively with red and green vehicles (the predominant colours of many agricultural vehicles).

Option 4 is superior to option 1 and 2. It recognises that in some configurations, such as a wide trailer that is largely obscured by the towing vehicle, a vertical panel provides a better signal to oncoming vehicles.

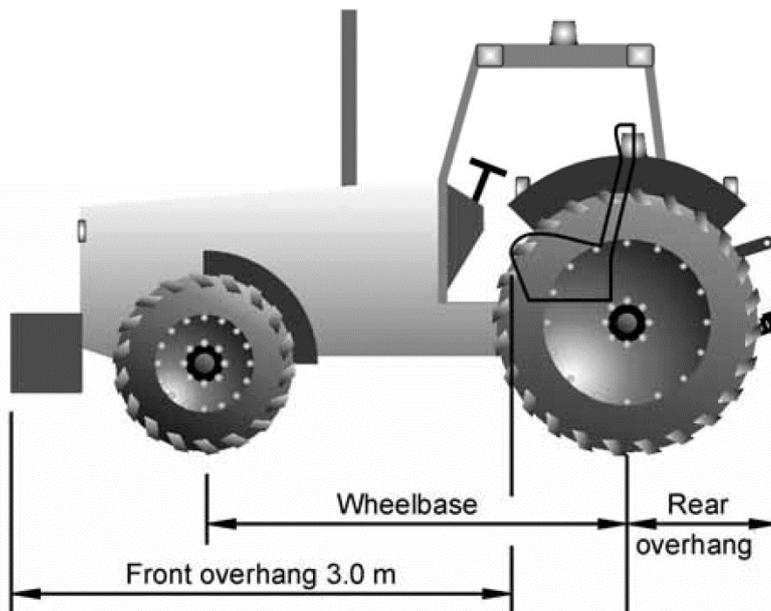
Question

- 1) What other improvements could be made to improve over-dimension hazard signage requirements?
- 2) What suggestions do you have for the advertising strategy?

8.5 FRONT OVER-DIMENSION THRESHOLDS

Issues

The VDAM Rule provides that if the distance measured from the foremost point of the vehicle to the front edge of the driver seat exceeds 3 metres, the vehicle is a Category 1 vehicle and must meet the requirements for Category 1 set out in the VDAM Rule.



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This current requirement seeks to address the following safety risks.

- The inability of operators of Category 1 vehicles to see traffic approaching from the side at intersections without the vehicle projecting out on the road.
- The inability of oncoming traffic approaching from the side to see projecting agricultural vehicles.

The Review Team considered the following options to manage these risks.

- Do nothing given that all agricultural vehicles will be fitted with an amber beacon (discussed in the forward visibility section below).
- Mandate an amber beacon on the front of tractors. The back of the light will need to be blocked out to prevent distraction to the driver.
- Mandate the fitting of hazard panels on the front of the tractor.

Industry has commented that the front-overhang threshold of 3 metres in Table 4.1 of the VDAM Rule is not enough. The majority of the tractor fleet exceeds 3 metres, and nearly all new tractors exceed this threshold.

The Review Team considered the following options to address the issue.

1. No change.
2. Amend the VDAM Rule to provide for agricultural vehicles to exceed 3 metres, up to a maximum of 4 metres, and consult with industry about what should be done to agricultural vehicles exceeding 3 metres to manage the safety risk.

Proposal

The Review Team proposes option 2: Amend the VDAM Rule to provide for agricultural vehicles to exceed 3 metres, up to a maximum of 4 metres and consult with industry about what should be done to agricultural vehicles exceeding 3 metres to manage the safety risk.

Reasoning

The Review Team is open to increasing the front overhang threshold given that the majority of tractors in New Zealand cannot meet the current threshold. The Tractor and Machinery Association called for an increase to 4 metres.

The Review Team is concerned about the potential safety risks of such a move and invites comment on preferred approaches to managing the safety risk.

Questions

- 1) Which approach to managing the safety risk do you prefer and why?
 - i. Do nothing given the all agricultural vehicles will be fitted with an amber beacon.
 - ii. Mandate an amber beacon on the front of tractor.
 - iii. Mandate the fitting of hazard panels on the front of the tractor.
- 2) What alternative approaches could be done to address the safety risk?

8.6 REQUIREMENT TO REMOVE FORKS/BUCKET

Issues

The VDAM Rule provides that a standard motor vehicle may transport an over dimension load that exceeds the specified dimension limits provided that the load:

- (a) is indivisible; and
- (b) is loaded in a way that minimises its width, unless the height or instability of the load, or both, make it necessary to transport the load widthways

Indivisible load means a load that cannot reasonably (without disproportionate effort, expense or risk of damage to the load) have its size reduced or be divided into two or more sections for road transport.

The Land Transport Rule: External Projections 2001 provides that a motor vehicle other than a passenger car or ute (which may be required to comply with an approved vehicle standard), may be fitted with a protruding ornamental or functional object or fitting. However, the protruding ornamental object or fitting must:

- not be likely to injure a person
- be installed so that the risk of the object or fitting causing injury to a person is minimised
- must not adversely affect driver vision or driver control

The Agricultural Vehicles Guide 2009 provides detailed guidance on best practice for meeting these requirements.

Industry commented that there is uncertainty as to whether operators are required to remove the forks or other equipment fitted to the front arms of agricultural vehicles, particularly if they intend to travel longer distances. Industry commented that even if operators are required to remove them, they tend not to comply as removing, transporting separately and then installing forks or a bucket at either end of a job is inconvenient and takes time.

NOT GOVERNMENT POLICY

The Review Team considered the following options to address the issue.

1. No change
2. Amend the VDAM Rule to clarify that operators are not required to remove the forks or a bucket on their agricultural vehicles.

Proposal

The Review Team proposes option 2: Amend the VDAM Rule to clarify that operators are not required to remove the forks or other equipment fitted to the front arms of agricultural vehicles

Reasoning

Option 2 is preferred as it clarifies the existing law to reflect existing practice by industry. Agricultural vehicles with forks or other equipment fitted to the front arms are already subject to the requirements of the Land Transport Rule: External Projections 2001. This change would clarify the existing rule.

Police enforcement activity would focus on whether operators are complying with the detailed guidance on best practice in the Agricultural Vehicles Guide 2009.

9 REQUIREMENTS FOR OVERWEIGHT VEHICLES

9.1 THRESHOLD AT WHICH AN OVERWEIGHT PERMIT IS REQUIRED

Issues

The purpose of the overweight permit regime is to enable complying vehicles that are in excess of the legal mass limits to travel on the road provided they meet certain criteria. Industry representatives have commented that the weight threshold for when heavy vehicles require a permit is too low. They have expressed concern that the low threshold causes unnecessary compliance costs and have also queried whether the special nature of agricultural tyres should justify a different weight threshold.

The amount of mass that can be carried on a vehicle is determined by the manufacturer's specified maximum limits for axles and vehicles, and by the Vehicle Axle Index.

The Vehicle Axle Index measures the impact of the vehicle on roads and bridges based on individual axle masses and the amount of tyre surface in contact with the road. The greater the amount of tyre surface in contact with the road, the higher the mass can be.

Options

The Review Team considered the following options to address the issue.

1. No change.
2. Review the overweight threshold.

Proposal

The Review Team proposes option 1: No change.

The NZTA has obtained data across all agricultural tyre sizes that shows that the amount of tyre surface in contact with the road is less than the NZTA previously thought.

The impact on the pavement (pavement loads) from agricultural vehicles with cleated tyres is higher than previously estimated. This finding was further confirmed by a Report prepared by OPUS International Consulting Ltd for the Agricultural Transport Forum.⁵

Current overweight thresholds may, therefore, be too generous. In light of this, no change to the threshold is proposed as part of this review.

⁵ A rural sector group including Rural Contractors NZ, Federated Farmers, Horticulture NZ and the Tractor and Machinery Association (TAMA).

9.2 PERMIT PROCESSING SYSTEMS AND DECISIONS

Issues

Two issues were raised about the current overweight permit processing systems and decisions. These are that:

- road controlling authorities are taking inconsistent approaches to processing and assessing permit applications
- road controlling authorities are issuing permits with inconsistent expiry dates and conditions

One issue that determines whether an overweight permit can be issued is the accuracy and completeness of vehicle data recorded on the Motor Vehicle Register. A permit cannot be granted where it would exceed the safe working load (either on one axle or overall) for that vehicle. Specialist agricultural vehicles are first registered without a formal inspection, and this can cause problems where:

- information is incomplete or inaccurate (eg gross vehicle mass is set well below the manufacturer's recommended limit)
- a few vehicles are falsely registered (eg left-hand drive US vehicles) as agricultural machinery to get past entry standards

A key issue for road controlling authorities when processing and assessing overweight permits is that vehicle owners have provided inaccurate or insufficient information to the motor vehicle register. This can mean permit applicants provide further incorrect information which can cause road controlling authorities to make incorrect assessments. Incorrect assessments could result in rural infrastructure, such as bridges, being damaged. In addition, providing false or misleading information is an offence.

The NZTA is carrying out an Integrated Permitting Project considering opportunities to improve permitting for overweight vehicles at a national and regional level. This could include the possibility of a single permit covering several road controlling authorities giving users a “one stop shop”.

The Review Team considered the following options to address the issue.

1. No change.
2. Review the NZTA's processes for registering specialised agricultural vehicles and provide comment to the NZTA Integrated Permitting Project.
3. Start a separate project looking into permitting issues for agricultural vehicles.

Proposal

The Review Team proposes option 2: Review the NZTA's processes for registering specialised agricultural vehicles and provide comment to the NZTA Integrated Permitting Project.

The NZTA will work with importers and sellers of agricultural vehicles to discuss a more structured way of avoiding these problems. This might include requiring owners to provide information prior to first registration.

The Review Team has provided comment to the Integrated Permitting Project on the special nature of agricultural vehicles.

An option available to operators experiencing difficulties in obtaining permits is to work with their local road controlling authorities to understand the reasons causing the issues and work with them to address these difficulties. The New Zealand Heavy Haulage Association and individual industry members have made significant progress with this approach.

10 REGISTRATION, LICENSING AND INSPECTION REQUIREMENTS

10.1 REGISTRATION

Issues

With the exception of agricultural trailers and trailers being towed by exempt Licence Class EB vehicles, all agricultural vehicles must be registered and display registration plates if they are to be used on a road. The registration application process is standardised, simple, and utilises a self-declaration form (MR2A/B) which can be lodged with numerous NZTA agents who are spread across the country.

An extensive review of road crashes involving agricultural vehicles from 1997 to 2010 showed about 88 percent of the agricultural vehicle fleet is registered.

The main reasons for agricultural vehicles not being registered are either the (mistaken) assumption that low road use does not require registration or the low probability of detection given relatively low levels of rural roadside enforcement.

Registration plates on agricultural vehicles enable them to be uniquely identified. This is essential for enforcement and necessary to facilitate other transport processes such as the issuing of overweight permits and road user charges. Registration causes only small compliance costs (time and money).

The Review Team noted that the majority of comparable overseas jurisdictions require agricultural vehicles to be registered. They considered the following options to address the issue.

1. Require agricultural vehicles to be registered (no change).
2. Do not require agricultural vehicles to be registered.

Proposal

The Review Team proposes option 1: Require agricultural vehicles to be registered. In addition, education and information should be provided to the sector to further lift levels of compliance.

Reasoning

This option is preferred because the current registration system is simple, easily and widely accessible and carries a low compliance cost (time and money) and there is already a high level of compliance.

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10.2 SLOW MOVING VEHICLE HAZARD IDENTIFICATION

Issues

Poorly illuminated agricultural vehicles moving at slow speeds face an increased risk of being involved in crashes with other vehicles. Crash reports for the period 1997 to 2010 show that 85 percent of crashes involving agricultural vehicles occur in 100km/h speed zones and 54 percent of crashes occur in bright conditions. Winding and narrow rural roads, big differences in operating speed, and a lack of forward warning to other vehicles about the presence of a slow moving agricultural vehicle are key factors behind this result.

The Road User Rule 2004 permits the use of an amber beacon when a vehicle is stationary or being driven slowly and the operation of the beacon is necessary to warn other road users of a hazard due to the presence of the vehicle.

Federated Farmers of New Zealand, Rural Contractors New Zealand and the New Zealand Tractor and Machinery Association have suggested that an amber beacon be made mandatory on all agricultural vehicles to improve road safety.

The Review Team considered the following options to address the issue.

1. No change.
2. Require all agricultural vehicles to display slow moving vehicle triangle on the front and rear.
3. Mandate the fitting and operation of an amber beacon and require all agricultural vehicles to display a slow moving vehicle triangle on the front and rear.
4. Mandate the fitting and operation of an amber beacon and encourage the display of a slow moving vehicle triangle on the front and rear.

Proposal

The Review Team proposes option 4: Mandate fitting of an amber beacon and encourage the display of the slow moving vehicle triangle on the front and rear.

Use of amber beacons that use Light-emitting Diode (LED) lights would be permitted under this proposal.

Two beacons would be required if a single beacon was not visible from the front and rear.

In towing situations it is likely that a second beacon has to be fitted to the rear of the towed vehicle to provide warning to vehicles behind it.

Owners of agricultural vehicles would need to comply with the proposed requirement 6 months after the provision takes effect. This gives sufficient time for beacons to be purchased and fitted.

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Reasoning

Mandating amber beacons on agricultural vehicles and increased use of slow moving vehicle triangles should significantly improve the warning provided to other road users. These initiatives, in combination with an effective advertising strategy, should reduce the number of road crashes involving slow moving agricultural vehicles by about 10 percent.

10.3 SPEED THRESHOLD

Issues

There are four speed restrictions currently applying to agricultural vehicles. In summary these are: a Class 1 driver licence restriction of 30 km/h, an un-sprung axle speed restriction of 45 km/h, a speed range of 30 to 50 km/h where a Warrant of Fitness (WoF) is required and speeds of more than 50 km/h where a Certificate of Fitness (CoF) is required

While this three tiered approach has aimed to minimise safety risk and align with machine speed capability to date, there is evidence to suggest that the multiple speed restrictions are too complex, cause confusion and give rise to poor rates of compliance. In addition, industry and other road user groups have commented that the 30 km/h restriction actually creates a specific safety risk to other road users because of the up to 70km/h difference in traffic speed. A review of agricultural vehicle crash data from 1997 to 2010 suggests that there would be an overall safety improvement if the on-road operating speed limit for agricultural vehicles were raised to reduce the speed differential with the main traffic flow (in the same lane).

The Review Team considered the following two main options in setting a speed threshold which could be used as a basis for other requirements for users of agricultural vehicles.

1. The status quo current three tier system (up to 30 km/h, over 30 to 50 km/h, over 50 km/h).
2. A two tier system based on a 40 km/h demarcation (up to and including 40 km/h and over 40 km/h).

Proposal

The review proposes option 2: A two tier system based on a 40 km/h demarcation.

Under the proposed two tier system agricultural vehicle owners would opt to licence their vehicle to operate *either* up to and including 40 km/h *or* over 40 km/h. Vehicles licensed to operate up to 40 km/h would be exempt from certain requirements and fees

The exemptions are discussed further in the sections below.

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Reasoning

There is a natural divide in the design speed of tractors at approximately 40 km/h. The majority of older tractors were designed to travel at speeds of up to 40 km/h, while more modern tractors have been designed to travel well in excess of 40 km/h. Several manufacturers are now offering models capable of up to 70 km/h or more. Modern tractors are dynamically a lot safer than their predecessors, and some can safely operate over 45 km/h with an un-sprung axle.

Setting a speed threshold of 40 km/h and grouping most other legislative requirements either side of this limit in two options is practical, simple, and will improve sector compliance and make the law easier to enforce.

A 40 km/h operating speed threshold is a good reflection of the current “farmer/contractor” demarcation as farmers would, for the most part, align to the up to 40 km/h regime and contractors the over 40 km/h regime. Some overseas jurisdictions use a 40 km/h limit as a maximum on-road operating speed limit for all agricultural vehicles regardless of speed capability.

In addition, a 40 km/h towing speed limit could address concerns of road transport operators that they would face unfair competition from the agricultural sector who might compete on longer farm-to-plant journeys with high-speed tractors which are exempt from certain requirements and fees. A 40 km/h limit would also recognise the higher safety risk posed by agricultural vehicle towing connections and agricultural trailer/implement braking systems. It also takes account of the propensity for tractor instability at higher speeds, especially when towing.

10.4 AGRICULTURAL VEHICLE LICENSING

Issues

Currently, owners of agricultural vehicles can register their vehicles under licence Class EB or G based on a number of pre-conditions⁶. Licence Class G is more expensive, because of the ACC, road user charges and fuel excise charges that are attached to it. Most farmers register their vehicles under Class EB, and contractors under Class G. The legal boundaries between farmers and contractors are unclear.

The Ministry of Transport, the NZTA and Police are also aware that many vehicles are inappropriately licensed as Class EB (they should be Class G). A simpler and clearer way of licensing agricultural vehicles is needed for all concerned.

The Review Team considered the following options to address the issue.

1. No change.
2. Require all agricultural vehicles to be licence Class G.
3. Require all agricultural vehicles to be licence Class EX⁷.
4. Require no licence.
5. Split Class EX and G based on operating speed threshold of 40 km/h.

⁶ See page 8 of the Agricultural Vehicles Guide 2009 for more detail: www.nzta.govt.nz/resources/agri-vehicles-guide/docs/agricultural-vehicles-guide.pdf.

⁷ Vehicle licence class EX does not require evidence of vehicle inspection, where as vehicle licence class EB does.



Proposal

The Review Team proposes option 5: Split Class EX and G based on operating speed threshold of 40 km/h. This would permit all agricultural vehicles operated up to 40 km/h on the road to be registered under licence Class EX and require all agricultural vehicles operated above 40 km/h on the road to be licensed Class G.

Licence Class EX agricultural vehicles would be required to display a 40 km/h sign.

A new definition of ‘agricultural vehicle’ would be developed (see section 2) and provide for the NZTA to make agricultural vehicle determinations on an ongoing basis.

Reasoning

Defining licensing type (EX or G) based on an on-road operating speed would be easier to comply with and easy to enforce. It provides a reasonable and simple approach to user pays and cost recovery systems. The critical aspect to this approach is creating a robust definition of ‘agriculture vehicle’.

Shifting all agricultural vehicles to Class G was not preferred as it would increase compliance costs for the sector, and would not recognise that many agricultural vehicles make limited use of the road. Requiring all agricultural vehicles to be licence Class EX is not preferred as it would not recognise higher contractor mileage on-road. Having no licence is not preferred as it would not recover the cost of overseeing and administering the transport system.

10.5 AGRICULTURAL VEHICLE INSPECTION REGIME

Issues

Currently, agricultural vehicles that travel no more than 30 km/h are not required to undergo safety checks. These vehicles are, however, required under the Road User Rule 2004 to be maintained to a roadworthy standard when used on a road. The relevant transport roadworthiness standard is the Warrant of Fitness (WoF) standard. Agricultural vehicles operating on or off road are also subject to a general duty under the Health and Safety in Employment Act 1992 to ensure that any machinery used by employees is safe and well-maintained, whether on road or off road.

Agricultural vehicles that travel over 30 km/h but no more than 50 km/h are required to have a WoF. It is now increasingly accepted that current WoF requirements are not well aligned to agricultural vehicles in terms of safety risk. Meeting some of the requirements may unnecessarily impose compliance costs on industry. The running and time costs associated with travelling to local testing stations every six months, going through the testing process, and returning for retesting if defects are found can be significant.

Agricultural vehicles that travel over 50 km/h are required to have a certificate of fitness (CoF), and are essentially treated the same as trucks. Current CoF requirements are generally higher than WoF requirements but are equally not well aligned to agricultural

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vehicles in terms of safety risk. Meeting some of the requirements may unnecessarily impose compliance costs on industry. There are far fewer service sites around the country able to issue CoFs than WoFs.

An analysis of crash reports has shown that crashes involving agricultural vehicles accounted for only 0.3 percent of all road crashes for the period 1997-2010. Non-compliance with mechanical standards was a contributing factor in just 0.03 percent of these road crashes.

For both WoF and CoF, the requirement to travel significant distances to fixed inspection service sites imposes significant compliance costs and can result in low levels of WoF/CoF compliance in remote areas. A more flexible and customer-focused inspection service would be desirable and would lift compliance levels.

The Review Team considered the following options to address the issue.

1. No change.
2. No periodic inspection for agricultural vehicles that only travel up to 40 km/h, a revised and simplified annual WoF for agricultural vehicles operating above 40 km/h and an expanded mobile service network to enable WoF inspections to be carried out on-farm.

Proposal

The Review Team proposes option 2. Option 2 would involve the following changes.

- No periodic inspection (WoF/CoF) for agricultural vehicles licensed to operate up to 40 km/h. Operators will still be subject to a duty to keep their vehicles in a road worthy condition when operating on road, including meeting required standards set out in rules.
- A revised and simplified WoF for agricultural vehicles licensed to operate above 40 km/h.
- Annual inspections rather than six monthly.
- Provision for an expanded mobile service network to facilitate increased uptake of on-site inspection services.

Reasoning

The relatively low involvement of agricultural vehicles in road crashes (0.3 percent of all crashes for the period 1997-2010) justifies a relaxation of the six monthly inspection frequency to an annual inspection. This would acknowledge the relatively low mileage, risk exposure and engineering quality typical of agricultural vehicles.

The option of no inspection for agricultural vehicles travelling up to 40 km/h and a more tailored WoF for agricultural vehicles that travel over 40 km/h greatly reduces the number of vehicles needing inspection and concentrates the inspection to where it is needed most.

10.6 AGRICULTURAL TRAILERS AND TOWED IMPLEMENTS

Issues

Agricultural trailers and towed implements do not currently require in-service inspection unless they meet the definition of a goods trailer.

Agricultural trailers and towed implements do not raise safety concerns if they are pulled at speeds consistent with the speed ratings of the tyre and equipment manufacturers, are well maintained and have appropriate lighting and over dimension signage if required.

The vast majority of agricultural trailers and towed implements have a manufacturer's speed rating under 40 km/h.

The Review Team was advised by Police and industry that agricultural trailers and towed implements are being operated above the speed rating of the manufacturer without necessary mechanical and tyre upgrades. This practice creates a safety risk to other road users.

The Review Team considered the following options to address the issue.

1. No change (all agricultural trailers and towed implements are exempt).
2. Exempt agricultural trailers and towed implements that operate up to 40 km/h from inspection, registration and licensing.

Proposal

The Review Team proposes option 2: Exempt trailers and towed implements that operate up to 40 km/h from inspection, registration and licensing. These trailers would still need to meet the proposed definition of an agricultural trailer.

Agricultural trailers and towed implements that operate up to 40 km/h would be exempt from inspection, registration and licensing.

Trailers and towed implements that operate above 40 km/h would be subject to the usual inspection, registration and licensing regimes for the class of trailer.

Reasoning

Option 2 aligns with the proposed 40 km/h approach for agricultural vehicles, recognises that agricultural trailers make limited use of the roads, addresses the safety risk posed by agricultural trailers operating at speeds greater than 40 km/h and minimises concerns of the road transport industry that agricultural trailers will be used to compete with the road transport industry without being subject to the same safety inspection requirements and user fees.

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11 ROAD USER CHARGES AND OTHER ROAD TAXES

In December 2011, the Ministry of Transport consulted with stakeholders on proposed definitions of vehicles that would be exempt from road user charges. The definitions would be captured in regulations made under the Road User Charges Act 2012.

11.1 DEFINITIONS USED TO EXEMPT AGRICULTURAL VEHICLES FROM ROAD USER CHARGES, FUEL EXCISE AND MOTOR VEHICLE LICENCE FEES

Issue

The Ministry of Transport is concerned that the definitions and criteria used for exemptions for road user charges and fuel excise duty may be inconsistent with the proposed definition of agricultural vehicle, and the proposed 40 km/h operating speed.

Proposal

The Ministry proposes to review the definitions and criteria used for exemptions for road user charges and fuel excise duty.

11.2 INCREASE TO LICENCE FEE FOR SELF-PROPELLED AGRICULTURAL VEHICLE

Issues

The December 2011 Road User Charges Exemption Consultation Document⁸ proposed to remove tractors from Vehicle type 5 in Part 2 of Schedule 5 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 and include them in Vehicle type 8 at the higher charge of \$43.50. Tractors previously paid Road User Charges (RUC) through RUC time licences. The increase to the licence fee was proposed because the Road User Charges Act 2012 will abolish RUC time licences.

The December 2011 Road User Charges Exemption Consultation Document omitted to propose an increase the licence fee for self-propelled agricultural vehicles in Vehicle type 5 from \$24.50 to \$43.50.

Proposal

The Ministry proposes to increase the licence fee for self-propelled agricultural vehicles in Vehicle Type 5 from \$24.50 to \$43.50 to bring them into line with tractors.

⁸ See www.transport.govt.nz/ourwork/Land/Documents/RUC_Exemption_Consultation_Proposals.pdf.

12 OTHER VEHICLE TYPES USED FOR AGRICULTURAL WORK

Issues

During the process of the review, industry representatives raised questions about other types of vehicle commonly in use in the agriculture sector that did not fall within the scope of this review – particularly quad bikes and side-by-side utility vehicles.

Side-by-side utility vehicles (eg Yamaha Rhino, Kawasaki Mule, John Deere Gator, or Polaris Ranger) are becoming an increasingly popular alternative to the quad bike due to their inherent safety and utility features (ie load-carrying capacity, car-derived controls, ability to carry passengers, seatbelts, and roll-cage).

Both quad bikes and side-by-side utility vehicles driven by farmers are principally used off-road to perform essential functions. However, there are situations where limited on-road use is required, for example, moving between farms or parts of the farm. These same vehicles are also widely used for recreational purposes, such as taking fishing equipment onto a beach.

The current definition of *all-terrain vehicle* was written primarily to cover quad bikes. Industry has noted that gaining registration for side-by-side utility vehicles has been problematic in some instances.

The NZTA, in considering applications for registration, has considered that these vehicles do not meet the current definition of an all-terrain vehicle. These vehicles were not in widespread use when the *all-terrain vehicle* definition was instituted, and there is some ambiguity about what features mark out a “special purpose” vehicle (part of the current all-terrain vehicle definition). Most “side by side” vehicles are better described as light general purpose vehicles designed primarily for off-road use.

Proposal

The review team consider that, for the purposes of on-road use, quad bikes and side-by-side utility vehicles should be treated in the same way. An amendment should be made to the legislative definition of all-terrain vehicle to clarify that side-by-side utility vehicles are able to be registered for on-road use as necessary.

Note that any change in definition would only apply to vehicles of less than 1,000 kg on-road weight (aligning to the current limits for of all-terrain vehicles).

Reasoning

On-road use is a necessary part of operation for some agricultural businesses, and we want to ensure there are no barriers to adopting side-by-side utilities if they are safer and more fit-for-purpose.

Current legislation governing registration, licensing requirements and restrictions on use of all-terrain vehicles is complex and a source of confusion for many all-terrain vehicle users. However, because these vehicles are used for purposes other than agricultural work, any improvements will need to involve wider consultation and is therefore likely to occur at a later date.

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13 ENFORCEMENT

13.1 GENERAL OBLIGATIONS APPLYING TO ALL AGRICULTURAL VEHICLES

All agricultural vehicles, regardless of whether they are licensed to operate up to 40 km/h or above 40 km/h, will be subject to:

1. The obligation not to operate an unsafe vehicle on a road under the Land Transport Act 1998.
2. Particular obligations in land transport rules about vehicle standards (eg lighting, tyres and wheels, brakes).
3. Loading, and vehicle dimensions and mass requirements in the Act and the rules.
4. Driver licensing (and, for vehicles 18 tonnes or 25 tonnes in combination work time and logbooks).
5. Obligations to take all practicable steps to ensure a safe system of work under Health and Safety in Employment legislation.

Consequences for breaching these requirements include:

- Fines – typically in the region of \$1,000 – \$2,000 for land transport offences and up to \$250,000 for health and safety in employment offences.
- Ordering of a vehicle off the road (green or pink sticker).
- Infringement fees – typically \$150 for a breach of a vehicle standards rule, \$370 for dimensions and mass offences, \$100 to \$3,000 for health and safety in employment offences.
- Discretionary disqualification from holding a driver licence.

13.2 AGRICULTURAL VEHICLES ILLEGALLY EXCEEDING THE 40 KM/H OPERATING SPEED

An operator or owner of an agricultural motor vehicle licensed to operate up to 40 km/h that is operated above 40 km/h may be liable for the following offences:

1. No WoF – maximum fine \$2,000 or an infringement fee of \$200.
2. No vehicle licence – maximum fine \$1,000 or an infringement fee of \$100; 15 demerit points.
3. If the vehicle requires a driver with a Class 2 licence and:
 - a Class 1 licence held – maximum fine \$1,000 or an infringement fee of \$400.
 - a logbook is not maintained – maximum fine of \$1,000, discretionary disqualification or 35 demerit points.
 - work time is exceeded – maximum fine of \$2,000 and mandatory disqualification from holding a driver licence.

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14 IMPLEMENTATION

14.1 AMENDMENTS TO PRIMARY AND SECONDARY LEGISLATION

The proposals outlined in the paper will require legislative changes if implemented. Amendments are likely to be required to following instruments of primary and secondary legislation:

- Land Transport Act 1998
- Land Transport (Road User) Rule 2004
- Land Transport (Driver Licensing) Rule 1999
- Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011
- Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004
- proposed Road User Charges (Exemptions) Regulations 2012 (once enacted)
- Road User Charges (Infringement Offences) Regulations 2012 (if enacted, otherwise creation of a new set of regulations)
- Land Transport (Offences and Penalties) regulations 1999

Consequential amendments to other legislation may also be necessary.

14.2 TIMING

The proposals in this paper, if agreed to by Government, are likely to be progressively implemented. The Ministry will assess implementation dates once the Government has considered any proposed changes.

The timing of the various initiatives will need to accommodate IT changes to the NZ Transport Agency's systems, sufficient time for suppliers, owners and operators of agricultural vehicles to comply with any new requirements.

The timing will also depend on the complexity of the amendment, the extent of administrative changes and whether the change requires an amendment to the Land Transport Act, Land Transport Rules or Regulations.

15 APPENDIX 1: TABLE OF VEHICLE CLASSIFICATIONS

| Group | Class | Description |
|-------|------------------------------|---|
| A | AA | (Pedal cycle) A vehicle designed to be propelled through a mechanism solely by human power. |
| | AB | (Power-assisted pedal cycle) A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 300 watts. |
| L | LA (Moped with two wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| | LB (Moped with three wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: (a) has three wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| | LB 1 | A Class LB motor vehicle that has one wheel at the front and two wheels at the rear. |
| | LB 2 | A Class LB motor vehicle that has two wheels at the front and one wheel at the rear. |
| | LC (Motor cycle) | A motor vehicle that: |

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|---|-------------------------------|---|
| | | <p>(a) has two wheels; and</p> <p>(b) either:</p> <p style="padding-left: 40px;">(i) has an engine cylinder capacity exceeding 50 ml; or</p> <p style="padding-left: 40px;">(ii) has a maximum speed exceeding 50 km/h.</p> |
| | LD (Motor cycle and side-car) | <p>A motor vehicle that:</p> <p>(a) has three wheels asymmetrically arranged in relation to the longitudinal median axis;</p> <p>and</p> <p>(b) either:</p> <p style="padding-left: 40px;">(i) has an engine cylinder capacity exceeding 50 ml; or</p> <p style="padding-left: 40px;">(ii) has a maximum speed exceeding 50 km/h.</p> |
| | Side-car | A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel. |
| | LE (Motor tri-cycle) | <p>A motor vehicle that:</p> <p>(a) has three wheels symmetrically arranged in relation to the longitudinal median axis;</p> <p>and</p> <p>(b) has a gross vehicle mass not exceeding one tonne; and</p> <p>(c) either.</p> <p style="padding-left: 40px;">(i) has an engine cylinder capacity exceeding 50 ml; or</p> <p style="padding-left: 40px;">(ii) has a maximum speed exceeding 50 km/h.</p> |
| | LE 1 | A Class LE motor vehicle that has one wheel at the front and two wheels at the rear. |
| | LE 2 | A Class LE motor vehicle that has two wheels at the front and one wheel at the rear. |
| M | Passenger vehicle | <p>A motor vehicle that:</p> <p>(a) is constructed primarily for the carriage of passengers; and</p> <p>(b) either</p> <p style="padding-left: 40px;">(i) has at least four wheels; or</p> <p style="padding-left: 40px;">(ii) has three wheels and a gross vehicle mass exceeding one tonne</p> |
| | MA (Passenger car) | A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position). |

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| | MB (Forward control passenger vehicle) | A passenger vehicle (other than a Class MC vehicle): (a) that has not more than nine seating positions (including the driver's seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length. |
| | MC (Off-road passenger vehicle) | A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that: (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200 mm; (v) a front axle clearance, rear axle clearance, or suspension clearance of not less than 175 mm. |
| | Omnibus | A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle. |
| | MD (Light omnibus) | An omnibus that has a gross vehicle mass not exceeding 5 tonnes. |
| | MD 1 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and not more than 12 seats. |
| | MD 2 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats. |
| | MD 3 | An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes. |
| | MD 4 | An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes. |
| | ME (Heavy omnibus) | An omnibus that has a gross vehicle mass exceeding 5 tonnes. |
| N | Goods Vehicle | A motor vehicle that: (a) is constructed primarily for the carriage of goods; and (b) either: (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. |

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| | | <p>For the purpose of this description:</p> <p>(a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50 percent of the difference between the gross vehicle mass and the unladen mass;</p> <p>(b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods;</p> <p>(c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.</p> |
| | NA (Light goods vehicle) | A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes. |
| | NB (Medium goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes. |
| | NC (Heavy goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 12 tonnes. |
| T | Trailer | A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle. |
| | TA (Very light trailer) | A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes. |
| | TB (Light trailer) | A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes. |
| | TC (Medium trailer) | A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes. |
| | TD (Heavy trailer) | A trailer that has a gross vehicle mass exceeding 10 tonnes |

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