



SUBMISSION

**To the New Zealand Transport Agency
on the yellow (public consultation) draft of the
Land Transport Rule: Vehicle Dimensions and Mass Amendment [(No 2) 2009]
(Rule 41001/5).**

Introduction

This submission is from the Rail and Maritime Transport Union (RMTU)

The RMTU wishes to make an oral submission, if the opportunity exists. The RMTU can be contacted through:

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The RMTU represents **3178** members who work in the railway industry in New Zealand. This number is over 87% of all railway staff who are eligible to be members of the union. The RMTU is the only land based Railway Union.

General Summary

The RMTU opposes the increase in vehicle weights and dimensions because of the negative effects that the proposal will have on the NZ transport industry, in particular on rail and coastal shipping.



Overview

According to the Overview document, the changes are being proposed for the following reasons:

1. the freight task is projected to double over the next 20 years
2. There are restrictions on the issuing of overweight permits for divisible loads
3. There would be significant productivity benefits from allowing overweight vehicles to operate more freely
4. Improving the productivity of the heavy vehicle fleet under the right conditions will enable a given amount of freight to be carried on fewer trucks, reducing road congestion, transport operating costs and vehicle emissions and improving road safety.

The RMTU submits that this reasoning is based on evidence that is incomplete and assumptions that are flawed.

The main flawed assumption is contained in point 4 above, that the amount of road freight is given and will be unaffected by these proposals. Road is not the only option for the carrying of freight, particularly for heavier loads. One of the main competitive factors is price, of which the cost of providing the service is a significant determinant. This proposal is intended to reduce road transport operating costs, which will result in either a reduction in road freight rates or an increase in road transport operators' profitability, or a combination of the two. Either of these effects will improve the competitive position of the road transport industry relative to its competitors, largely rail and sea, and there will inevitably be a transfer of freight from those modes to road. The anticipated positive consequential effects, which assume reduced vehicle numbers, are therefore unlikely to be achieved to the full extent envisaged by the proposal, if at all. However, it is difficult to assess this because of the lack of quantification in the proposal.



There is little analysis of these benefits in the proposal, but the RMTU expects that any remaining benefits will at best be slim, particularly taking into account the increased damage caused to roads by heavier trucks. The damage caused by a particular load is roughly related to the load by a power of four for reasonably strong pavement surfaces (<http://pavementinteractive.org/index.php?title=ESAL>), meaning that an increase in mass from 32 t to 36 t, as proposed in subclause 4.3(6), would increase the damage caused by 60%. This will increase roading costs, but is unquantified in the report despite the assertion that the economic benefits are “compelling” (Overview, p12).

The result is that much of any economic benefit that will accrue to the road transport industry will be as a consequence of additional costs imposed on road controlling authorities. These costs will ultimately be borne by other road users or the NZ Taxpayer.

The inevitable increase in road freight will also reduce or eliminate any anticipated benefits to the community through reduced congestion and emissions and improved road safety. While the negative effects per truck may be no worse than at present, that does not apply to the negative effects of the truck fleet.

The contention that truck braking performance will be no worse for heavier vehicles appears to be based on tests undertaken with one particular truck on one particular day. Even if this were demonstrated to be widely applicable, the results of the impacts that would still occur would be significantly worse. Kinetic energy is proportional to mass, so an impact with a heavier truck will have that much greater consequences for the truck, and particularly for the other party. The increases in mass of over 15% that this proposal includes (eg for trucks 13.5 m to 14.5 m long in proposed Schedule 1 Part A Table 6) will mean that consequences of any crash will be that much worse.

As the Ministry of Transport notes, because of their large mass trucks tend to be over-represented in serious crashes (<http://www.transport.govt.nz/research/TruckCrashFacts>). Any increase in mass will therefore increase this over-representation. The overall trend in fatal road injuries has been a decrease in recent years, but the trend in deaths related to



truck crashes, 83% of which are not truck occupants, is level at best, if not slightly increasing. Given this, the RMTU submits that to encourage freight to move to road would be irresponsible.

Proposal 1: Increase the maximum mass and certain dimension limits for vehicles operating up to 44 tonnes without the need for a permit.

Comments:

The RMTU opposes this proposal because it would tend to transfer freight from rail and coastal shipping to road, and the benefits are unquantified and depend on untested assumptions. Before any such decision is made there should be a full analysis of all the costs and benefits and of all safety-related issues, as would be required of any such far-reaching proposal in other fields.

Proposal 2: Allow road controlling authorities to issue permits (ie, ‘high-productivity motor vehicle’ permits) for standard size vehicles to operate above 44 tonnes and up to 53 tonnes on specified routes that have been assessed by the road controlling authorities, with conditions of operation specified in the permits.

Comments:

The RMTU opposes this proposal for the same reasons as for Proposal 1, and submits that the introduction of subjective terminology like “high productivity” in a legal rule is inappropriate. Apart from being subjective the term is not necessarily accurate, since the size of the vehicle is just one element in productivity. The increase in the number of vehicles that these proposals will generate will tend to lower productivity, and the implication that smaller vehicles are not “high productivity” shows a lack of appreciation of the reasons that operators choose vehicles of different sizes, and the consequences of their use. Using the proposed rule’s terminology, true high productivity means of



transport are on rails or at sea, and a full cross-mode economic and safety analysis would give a true indication of how overall transport productivity can actually be improved.

If this Proposal is implemented, the RMTU submits that specified routes should not include those where a reasonable alternative is available by rail or sea, and that vehicles operating under these permits must be readily identifiable for enforcement purposes.

Proposal 3: Allow the NZ Transport Agency (NZTA) to issue high-productivity motor vehicle permits for increased overall vehicle length and associated dimensions for vehicles to operate above or below 53 tonnes gross mass on specified routes assessed by the NZTA, with conditions of operation specified in the permits.

Comments:

The RMTU opposes this for the same reasons as for Proposal 2. In addition, this will tend to erode the current advantages that rail and sea have in their ability to carry heavier loads.

If this Proposal is implemented, the RMTU submits that specified routes should not include those where a reasonable alternative is available by rail or sea, and that vehicles operating under these permits must be readily identifiable for enforcement purposes.

Issues considered in proposing changes to the Rule

Benefits and costs of proposed changes

Comments:

Neither benefits nor costs are quantified in any detail, and they are based on the untested and unjustified assumption that the proposals will not in themselves affect the amount of freight carried by road. There will be an increase in road freight, with a consequent reduction in benefits and increase in costs compared with those that the draft rule



anticipates. No firm evidence is provided that the proposals will overall contribute to the Government's efficiency and productivity objectives.

Impact of increased weight and size of heavy vehicles

Comments:

The Overview document misrepresents the nature of the proposals with respect to weight. It describes in mass of in some cases over 15% as "slightly increased", and says that in a collision with a car this increased mass will make a "negligible difference", which appears to indicate a lack of understanding of the laws of physics. It asserts that there will be additional safety features needed for the greater mass, including better brakes, but gives no details – there are no such specifications in the proposed rule, except one for logging trucks. The assessment of braking appears to be the result of a small number of tests on one specific vehicle on one specific day, hardly a valid sample. It relies on the unsupported assumption that the number of trucks will be reduced to draw conclusions about safety, and it does not appear to consider the consequences of a potential increase in road damage of up to 60% per vehicle.

The Overview makes little mention of the proposal to increase lengths, and the Ministry of Transport website categorically states that vehicles will be no larger, despite these proposals

[\(http://www.transport.govt.nz/ourwork/Land/HeavyVehicleProductivityProject-QuestionsandAnswers/](http://www.transport.govt.nz/ourwork/Land/HeavyVehicleProductivityProject-QuestionsandAnswers/) - "Does this mean that there will be bigger trucks on the roads? No. There will not be any bigger trucks on the roads.").

The increase in length of some trailers by 10%, described by the Q&A document as "small", will make them significantly more difficult to pass, with consequent effects on other road users. Logging trucks in particular will now be able to be both longer and heavier, which is a matter of concern given the poor safety record of that sector of the industry in recent years.



Given the above, it is hard to see how the proposal can be seen dispassionately in a positive light.

Vehicle emissions

Comments:

The asserted positive effects again rely on the assumption that vehicle numbers will reduce.

Infrastructure impacts

Comments:

There is no detail here, a significant omission given the increased road damage that will result from heavier vehicles. In particular, there is no assessment of the impact on bridges.

Suggestion for comment

Establishment of single permit authority

Comments:

No comment

Other comments on overview

Comments:

No further comments

Comments on draft amendment Rule

(Please quote the relevant amendment Rule provision number(s))



Comments:

No further comments

General comments

Comments:

Safety: It would have been good to have a specific section to comment on safety, because that is a fundamental issue. Apart from the matters discussed above, there is no discussion on the effect of any changes. Taking a wider view, the proposal will encourage transfer of freight from rail and sea, modes where safety is tightly controlled, to trucks, the least safe area of the comparatively more dangerous road mode. The result will be a decrease in overall transport safety, hardly a desirable outcome.

The issue of Static Rollover Threshold is barely mentioned, except that the Q&A document says that there may be some adjustments to driving techniques required. Changing vehicle weights and dimensions must have an impact on vehicle stability, and it is alarming that an important safety issue like truck rollovers seems to be being addressed solely by a possible change in driving techniques, with no indication of how this would be monitored. In other industries and other transport modes proposed changes that decreased the level of safety would require extensive analysis and implementation of mandatory offsetting improvements.

Enforcement

The system of permits will require enforcement, which will not be easy to achieve since the appearance of overweight will be largely indistinguishable from other vehicles. The RMTU submits that vehicles operating under the proposed permits should be required to display that permit, in the same way that vehicles display evidence of RUC payment. Further that any truck operating under the proposed limits be made clearly



distinguishable from all other trucks for enforcement purposes and for the warning to other road users.

Assisting achievement of strategic objectives

The analysis depends entirely on the assumption that the implementation of this rule will have no effect on the size of the road freight task. The comment on environmental sustainability paragraph that the proposal will improve the sustainability of road transport is key, because it will tend to do so at the expense of more sustainable modes, making overall sustainability worse – and that is the picture that the government and its agencies should be looking at.

This concludes the submission of the Railway and Maritime Transport Union.