

10. CREATION OF AN URBAN TRAFFIC AREA AND VALIDATION OF EXISTING SPEED LIMITS

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PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council designate an urban traffic area and validate saved speed limits for those roads under its jurisdiction in accordance with the requirements of the transitional provisions of the Land Transport Rule Setting of Speed Limits 2003 Rule 54001.

EXECUTIVE SUMMARY

2. On 5 April 2004 the Land Transport Rule Setting of Speed Limits 2003 Rule 54001 ("the Rule") came into force. This formally passed the responsibility for the setting of speed limits on roads to road controlling authorities (RCAs). The Council is the road controlling authority for all of the roads which are within its district and which are under its control.
3. Section 10 of the Rule requires every RCA to formally preserve all speed limits, other than 100km/h speed limits in rural areas, which were lawfully imposed on their roads as at 1 April 2004. They are required to do this in two ways. Firstly they are required by section 10.1(1) of the Rule to designate an urban traffic area. This is a defined area in which roads are generally subject to a speed limit of 50km/h. Secondly they are required by section 10.1(2) of the Rule to validate all speed limits other than those 50km/h speed limits on roads within an urban traffic area and those 100km/h speed limits on roads within a rural area.
4. Section 10.1(3) of the Rule requires RCAs to designate an urban traffic area and to validate speed limits by means of a bylaw. This is one of the reasons that the Council made the Christchurch City Speed Limits Bylaw 2005 ("the Bylaw"). Clause 9(1) of the Bylaw empowers the Council, by way of resolution, to designate an urban traffic area for the purposes of section 10.1(1) of the Rule. Clause 9(2) of the Bylaw empowers the Council, by way of resolution, to validate all speed limits as required by section 10.1(2) of the Rule. These provisions of the Bylaw came into force on 15 April 2005.
5. Section 10.1(7) of the Rule provides that a RCA must designate an urban traffic area under section 10.1(1) of the Rule and validate speed limits in 10.1(2) of the Rule before 1 July 2005. On that date all speed limits which have not been preserved will revert to 100km/h.

FINANCIAL AND LEGAL CONSIDERATIONS

6. Section 10 of the Rule contains transitional provisions for designating urban traffic areas and validating saved speed limits. In effect these provisions are designed to preserve the existing lawfully imposed speed limits. Once preserved those speed limits are deemed to have been set under the Rule. They must then be formally recorded in the register of speed limits which the Council is required to maintain. This register is to be open for public inspection.
7. Section 10.1(1) of the Rule provides:

"A road controlling authority must designate an area in which roads are subject to a 50-km/h speed limit, saved under section 4 of the Transport Amendment Act 1997, as an urban traffic area."

Section 10.1(2) of the Rule provides:

"A road controlling authority must validate all speed limited saved under section 4 of the Transport Amendment Act 1997 other than:

- (a) *50-km/h speed limits on roads within a designated urban traffic area in 10.1(1); and*
- (b) *100-km/h speed limits on roads within a rural area."*

8. Section 4 of the Transport Amendment Act 1997 inserted a new section 52A into the Transport Act 1962. Section 52A provides that all speed limits fixed by any Act, regulation, bylaw or notice in the Gazette before 1 April 2004, (that being the date upon which section 4 of the Transport Amendment Act 1997 came into force), continue to have effect until superseded by a speed limit fixed on or after that date by:
 - (a) A road controlling authority in accordance with any ordinary rule or emergency rule made under Part 2 of the Land Transport Act 1993; or
 - (b) The Director of Land Transport; or
 - (c) A Minister of the Crown by bylaw made under section 72(1)(j) of that Act.
9. All of the 50km/h speed limits which are now sought to be preserved by the designation of an urban traffic area under Section 10.1(1) of the Rule and all of the speed limits which are now sought to be validated under section 10.1(2) of the Rule are speed limits that have been saved by section 52A of the Transport Amendment Act 1997. The instruments which created those speed limits are referred to in the documentation which is to be tabled at the meeting. It is not proposed that there be any change to any of those speed limits.
10. As noted above, section 10.1(3) of the Rule provides that the Council must designate an urban traffic area in section 10.1(1) of the Rule and validate a saved speed limit in section 10.1(2) by making a bylaw. The Council may do this by passing resolutions under clauses 9(1) and 9(2), respectively, of the Christchurch City Speed Limits Bylaw 2005. Those clauses provide:
 - “(1) The Council shall, by resolution, designate an urban traffic area as required by Section 10.1(1) of the Rule.*
 - “(2) The Council shall, by resolution, validate all speed limits as required by Section 10.1(2) of the Rule.”*
11. Once the Council has passed the appropriate resolutions, it is required, by section 10.1(7) of the Rule, to record in a register of speed limits, urban traffic areas in section 10.1(1) and saved speed limits in section 10.1(2) that have been designated or validated in accordance with section 10.1(3). That register is required to be open for public inspection.
12. The Council may, in future, change the urban traffic area or change any of the speed limits validated pursuant to Rules 10.1(1) or 10.1(2), as the case may be, by following the procedures (which include public consultation) specified in Section 7 of the Rule.
13. The area which it is recommended that the Council now designate, under Clause 9(1) of the Bylaw, as an urban traffic area for the purposes of section 10.1(1) of the Rule, is delineated on the maps numbered TG005604/1 to TG005604/4 inclusive which are tabled at this meeting. In essence this comprises most of the Council's district. All of the roads in an urban traffic area have speed limits of 50km/h except those roads for which a different speed limit has been specifically set. The speed limits for these latter roads must be validated by the Council under Clause 9(2) of the Bylaw.
14. The speed limits which are recommended that the Council now validate, under Clause 9(2) of the Bylaw, for the purposes of section 10.1(2) of the Rule are detailed in the document headed "Saved Speed Limits" and in the maps numbered SL01 to SL33 inclusive which are tabled at this meeting.
15. There are several roads which form the boundary between the Council's district and the districts of the Selwyn District Council and the Banks Peninsular District Council. In each case the boundary is the centre line of the road. Examples are Chatterton and Dawsons Road which form part of the boundary between Christchurch City and Selwyn District. These roads are clearly identified in the documentation tabled. In respect of each such road each of the RCAs must take appropriate action under the Rule to ensure that the speed limit is consistent for each side of the road. This is the case for each of the roads in question.

16. It is considered that no further action need be taken by Council in respect of the decision making requirements of section 77 and 78 of the Local Government Act 2002. In terms of section 77 this is not matter where the Council has other options to consider. The Council is required by the Rule to designate an urban traffic area and to validate saved speed limits. In terms of section 78 this is not a matter which requires the Council to ascertain the views of its community. The Council is required to make these decisions by the Rule. Furthermore the decisions will not alter any existing speed limit on any road for which the Council is the RCA.
17. The financial implications regarding the Council becoming responsible for the setting of speed limits for all roads for which it is the RCA were considered by Council at its meeting on 17 February 2005 in the report concerning the proposal to make the Bylaw.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Resolve pursuant to Clause 9(1) of the Christchurch City Speed Limits Bylaw 2005 that all of the area delineated on the maps numbered TG005604/1, TG005604/2, TG005604/3, and TG005604/4 (each of which are tabled at this meeting) be designated as an urban traffic area for the purposes of Section 10.1(1) of the Land Transport Rule Setting of Speed Limits 2003 Rule 54001.
- (b) Resolve pursuant to Clause 9(2) of the Christchurch City Speed Limits Bylaw 2005 that all of the speed limits specified for the roads referred to in the document headed "Saved Speed Limits" and in the accompanying maps numbered SL01 to SL33 (inclusive) (all of which are tabled at this meeting) be validated for the purposes of Section 10.1(2) of the Land Transport Rule Setting of Speed Limits 2003