

Appendix 1 Extract from the Land Transport Management Act 2003

(as amended by the Land Transport Management Amendment Act 2008)

The complete Land Transport Management Act 2003 can be viewed at:

www.legislation.govt.nz

Part 1 Preliminary provisions

3 Purpose

- (1) The purpose of this Act is to contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system.
- (2) To contribute to that purpose, this Act—
 - (a) provides an integrated approach to land transport funding and management; and
 - (b) improves social and environmental responsibility in land transport funding, planning, and management; and
 - (c) provides the Agency with a broad land transport focus; and
 - (d) improves long-term planning and investment in land transport, including planning and investment in coastal shipping and rail; and
 - (e) ensures that land transport funding is allocated in an efficient and effective manner; and
 - (f) improves the flexibility of land transport funding by providing for alternative funding mechanisms.

4 Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to land transport decision-making processes, sections 18, 18A, 18G, 18H, 49, 59, 65H, 65I, 78, and 100(1)(f) and clause 6 of schedule 7 provide principles and requirements that are intended to facilitate participation by Māori in land transport decision-making processes.

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—
 - activity** means a land transport output or capital project, or both
 - activity class** means a grouping of similar activities
 - administration** means the activities or components of activities that in the opinion of the Agency are, or reasonably ought to be, provided in administering the delivery of land transport related activities

Appendix 1 Extract from the Land Transport Management Act 2003, continued

affected community, in relation to a proposed activity, means a group of people who are affected by the proposed activity because of living, studying, or working in close geographical proximity to the proposed activity

Agency means the New Zealand Transport Agency established under section 93

approved activity means an activity approved under section 20

approved organisation means—

- (b) a regional council:
- (c) a territorial authority:
- (d) an approved public organisation

approved public organisation means a public organisation approved under section 23

Auckland local authority has the same meaning as in section 4(1) of the Local Government (Auckland) Amendment Act 2004

Auckland Region has the same meaning as in section 4(1) of the Local Government (Auckland) Amendment Act 2004

Auckland Regional Council means the Auckland Regional Council referred to in Part 1 of Schedule 2 of the Local Government Act 2002

Auckland territorial authority has the same meaning as in section 4(1) of the Local Government (Auckland) Amendment Act 2004

ARTA means the Auckland Regional Transport Authority established by section 7 of the Local Government (Auckland) Amendment Act 2004

capital project—

- (a) means an individual land transport-related activity of a capital nature; and
- (b) includes—
 - (i) planning, design, and supervision related to the particular capital project; and
 - (ii) construction and reconstruction; and
 - (iii) any activity of a capital nature the purpose of which is to improve public safety in relation to land transport; and
 - (iv) administration related to the particular capital project

coastal shipping means the carriage of coastal cargo by means of any ship (as defined in section 2(1) of the Maritime Transport Act 1994), being carriage that is authorised by or under section 198 of that Act

Appendix 1 Extract from the Land Transport Management Act 2003, continued

combination of activities means two or more activities from—

- (a) the same activity class:
- (b) two or more activity classes

Commissioner means the Commissioner of Police

concession agreement means an agreement or a suite of agreements approved under section 56 between a public road controlling authority and 1 or more other persons, being an agreement or agreements in respect of an activity that involves the leasing of land for roading purposes under Part 2 (whether or not the public road controlling authority is the lessor)

concession road means a formed or unformed road to which a concession agreement applies

concessionaire means a person who has a concession agreement with a public road controlling authority

council-controlled organisation has the same meaning as in section 6 of the Local Government Act 2002

council-controlled trading organisation has the same meaning as in section 6 of the Local Government Act 2002

Crown Bank Account has the same meaning as in the Public Finance Act 1989

district means—

- (a) the district of a territorial authority:
- (b) in relation to land in respect of which a Minister of the Crown is the council, that land

enforcement authority, in relation to a toll road, means the public road controlling authority named in the relevant Order in Council made under section 46

enforcement officer has the same meaning as in section 2(1) of the Land Transport Act 1998

excise duty means any excise duty payable on motor spirits, compressed natural gas, or liquefied petroleum gas under the Customs and Excise Act 1996

excise-equivalent duty means any excise-equivalent duty payable on motor spirits, compressed natural gas, or liquefied petroleum gas under the Customs and Excise Act 1996

Appendix 1 Extract from the Land Transport Management Act 2003, continued

fees and charges, when used in Part 2, —

- (a) means the fees and charges prescribed for the purposes of the Road User Charges Act 1977 and the fees and charges prescribed for the purposes of Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; but
- (b) does not include any infringement fee (whether recovered by an enforcement authority or under the Summary Proceedings Act 1957) or any other fine or penalty

financial year means a period of 12 months beginning on 1 July and ending on 30 June

GPS means a government policy statement issued under section 86

impact means the contribution made to an objective or outcome, including by a specified activity class or activity classes

land transport—

- (a) means—
 - (i) transport on land by any means:
 - (ii) the infrastructure, goods, and services facilitating that transport; and
- (b) includes—
 - (i) coastal shipping (including transport by means of harbour ferries, or ferries or barges on rivers or lakes) and associated infrastructure:
 - (ii) the infrastructure, goods, and services (including education and enforcement), the primary purpose of which is to improve public safety in relation to the kinds of transport described in paragraph (a)(i)

land transport disbursement account means an account kept under section 24

land transport options and alternatives includes land transport demand management options and alternatives

land transport revenue has the meaning given to it by section 6

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

local road means a road (other than a State highway) in the district, and under the control, of a territorial authority

Māori land has the same meaning as in section 4 of Te Ture Whenua Māori Act 1993

Appendix 1 Extract from the Land Transport Management Act 2003, continued

Māori roadway means a roadway laid out or to be laid out by order of the Māori Land Court under sections 315 to 326 of Te Ture Whenua Māori Act 1993 or laid out under any former Act relating to Māori land

Minister or **responsible Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act or the relevant Part or provision of this Act

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

minor and ancillary works—

- (a) means works associated with a local road that are determined by the Agency to be minor and ancillary roading works; but
- (b) does not include in-house professional services or works associated with a State highway

motor spirits does not include aviation spirits of a kind specified in Schedule 3 of the Customs and Excise Act 1996 as aviation fuel

motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

national energy efficiency and conservation strategy means a strategy issued under the Energy Efficiency and Conservation Act 2000

national land transport fund or **fund** means the fund established under section 10

national land transport programme means a national land transport programme adopted under section 19, as from time to time amended or varied

national land transport strategy means a national land transport strategy prepared under Part 3

new road includes a lane that is added to an existing road

outcome has the same meaning as in section 2 of the Public Finance Act 1989

outputs means goods or services

personal information has the same meaning as in section 2(1) of the Privacy Act 1993

police means the police of New Zealand within the meaning of the Police Act 1958

procurement procedure means a procurement procedure approved under section 25

Appendix 1 Extract from the Land Transport Management Act 2003, continued

public organisation means—

- (a) a Minister of the Crown:
- (b) a department of State:
- (c) a Crown entity (as defined in section 7 of the Crown Entities Act 2004):
- (ca) an organisation named or described in Schedule 4 of the Public Finance Act 1989:
- (d) a State enterprise (as defined in section 2 of the State Owned Enterprises Act 1986):
- (e) a local authority:
- (f) a council-controlled organization:

public road controlling authority, in relation to a concession road or a toll road, means the Agency or a territorial authority, regardless of whether any other person is also a controlling authority for the road

public transport service means the carriage of passengers for hire or reward by means of—

- (a) vehicles as defined in section 2(1) of the Land Transport Act 1998; or
- (b) coastal ships; or
- (c) rail vehicles as defined in section 4(1) of the Railways Act 2005.

regional council—

- (a) means a regional council within the meaning of the Local Government Act 2002; and
- (b) when used in—
 - (i) Part 2 or 3, includes a unitary authority; and
 - (ii) Part 2, excludes—
 - (A) the Auckland Regional Council; and
 - (B) the Waikato Regional Council in relation to that part of its region within the district of the Franklin District Council

regional land transport strategy means a regional land transport strategy prepared under Part 3

regional land transport programme means a regional land transport programme prepared under Part 2, as from time to time amended or varied

regional transport committee means a regional transport committee established under section 105 or clause 11 of schedule 7

Appendix 1 Extract from the Land Transport Management Act 2003, continued

registered owner, in relation to a motor vehicle, means the person registered under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 as the owner of the vehicle

registered service has the same meaning as in section 47 of the Transport Services Licensing Act 1989

road—

- (a) means a road as defined in section 2(1) of the Government Rooding Powers Act 1989; and
- (b) despite the terms of that definition, in subpart 2 of Part 2, includes a motorway as defined in that section; and
- (c) includes toll booths and other toll-related infrastructure on a road

road includes a motorway

road controlling authority, in relation to a road, means the Minister, Department of State, Crown entity, State enterprise, or territorial authority that controls the road

road tolling scheme means a road tolling scheme established by Order in Council under section 46

Secretary means the chief executive of the Ministry

State highway means a road, whether or not constructed or vested in the Crown, that is declared to be a State highway under section 11 of the National Roads Act 1953, section 60 of the Government Rooding Powers Act 1989 (formally known as the Transit New Zealand Act 1989), or under section 103; and includes—

- (a) all land along or contiguous with its route that is the road; and
- (b) any part of an intersection that is within the route of the State highway; and
- (c) for the purposes of regional land transport programmes, the national land transport programme, and any expenditures approved under section 20 by the Agency, a proposed State highway

statutorily independent function means,—

- (a) in the case of the Agency, a function specified in section 95(2)
- (b) a matter in respect of which this Act provides must be carried out independently.

territorial authority has the same meaning as in section 5(1) of the Local Government Act 2002

toll means a toll that is payable under Part 2, and includes different levels of tolls if more than 1 level is set in respect of the same road

Appendix 1 Extract from the Land Transport Management Act 2003, continued

toll operator, in relation to a toll road, means the public road controlling authority or concessionaire who operates the toll road under a road tolling scheme

toll road means a road or part of a road that is subject to tolling under a road tolling scheme

Unitary authority has the same meaning as in section 5(1) of the Local Government Act 2002.

- (2) Every reference in this Act to a road or a State highway, unless the context otherwise requires, includes the land on which the road or State highway exists, and also includes all bridges, culverts, ferries, fords, signs, signals, barriers, or other structures forming or intended by the territorial authority or the Agency to form part of the road, State highway, or land.
- (3) For the purposes of performing any function or exercising any power or carrying out any duty in relation to construction, maintenance, financial assistance, or control under this Act, the Agency may from time to time determine, either generally or in relation to any specified road or to any portion or side of any specified road, what part of a road is a carriageway, footway, water table, drain, dividing strip, traffic island, safety zone, plantation, verge, shoulder, parking space, curb, channel, or other thing, and every such determination of the Agency is final but may at any time be amended or revoked by the Agency.
- (4) A determination by the Agency for the purposes of subsection (3) in relation to any road or portion of a road may be made by express resolution of the Agency or by way of approval by the Agency of a plan that delineates the several parts of the road or portion of the road.
- (5) All references to a main highway in any other Act, or in any regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, declaration, or other document are, unless inconsistent with the context or with the provisions of this Act or the Government Roading Powers Act 1989, to be read as references to a State highway.

6 Meaning of land transport revenue In this Act, unless the context otherwise requires, **land transport revenue** means—

- (a) all road user charges (excluding applicable refunds and goods and services tax payable under the Goods and Services Tax Act 1985) calculated in accordance with Schedule 3 of the Road User Charges Act 1977, any additional charges under section 21A of that Act, and any assessments under section 18C or 18D of that Act:
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (b) all excise duty and excise-equivalent duty on motor spirits, compressed natural gas, or liquefied petroleum gas under the Customs and Excise Act 1996 (excluding applicable refunds or drawbacks of duties, and goods and services tax payable under the Goods and Services Tax Act 1985):
- (c) all fees and charges (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985) identified, in regulations made for the purposes of Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986, as land transport revenue for the purposes of this Act:
- (d) the amount of interest, calculated according to a formula determined by the Minister and the Minister of Finance, earned from the investment of cash held by the Crown from the revenues referred to in paragraphs (a) to (c):
- (e) all other public money that is required by any enactment to be treated as land transport revenue for the purposes of this Act.

7 Act binds the Crown

This Act binds the Crown.

7A Application of Act to Chatham Islands

- (1) Except as expressly provided in this Act, this Act applies to the Chatham Islands as if the Chatham Islands Council were a unitary authority.
 - (2) Sections 12 to 18H (which relate to regional land transport programmes) apply with the necessary modifications to the Chatham Islands Council as if that Council were a unitary authority to which paragraph (b) of the definition of regional council applies, except that—
 - (a) the Chatham Islands Council, rather than a regional transport committee, prepares and consults on a regional land transport programme for the Chatham Islands; and
 - (b) in preparing its regional land transport programme, the Chatham Islands council does not have a regional land transport strategy to take into account.
 - (3) Nothing in sections 73 to 83 (which relate to regional land transport strategies) applies to the Chatham Islands Council.
 - (4) Nothing in sections 105 to 107 (which relate to regional transport committees) applies to the Chatham Islands Council.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

Part 2

Planning and funding of land transport system

Subpart 1—Planning and funding system

National land transport fund

8 [Repealed]

9 The Crown's authority to incur certain land transport expenses and capital expenditure

- (1) In accordance with any regulations made under section 109(b)(i), the Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in a financial year up to an amount agreed by the responsible Minister and the Minister of Finance that is not more than the excise duty and excise-equivalent duty estimated to have been paid by users of pleasure craft (within the meaning of section 2(1) of the Maritime Transport Act 1994) in that financial year, for the following activities and services:
 - (a) search and rescue activities, whether in relation to pleasure craft or otherwise; and
 - (b) recreational boating safety and safety awareness; and
 - (c) maritime safety services that benefit the users of pleasure craft; and
 - (d) administration by the Secretary in relation to the activities and services described in paragraphs (a) to (c).
 - (2) The Crown may utilise land transport revenue to fund police activities or combinations of police activities up to the amount approved by the responsible Minister under section 18L.
 - (3) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure up to an amount equal to the land transport revenue for that financial year less the amounts for the year that are referred to in subsections (1) and (2) for—
 - (a) activities and combinations of activities approved under section 20; and
 - (b) expenses resulting from, and repayment of, any borrowing in accordance with section 10(1)(b).
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (4) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in any financial year up to any positive amount calculated under subsection (5) for—
- (a) activities and combinations of activities approved under section 20; and
- (b) expenses resulting from, and repayment of, any borrowing in accordance with section 10(1)(b).
- (5) The amount referred to in subsection (4) is to be calculated in accordance with the following formula:

$$a - b = c$$

where—

- a is land transport revenue from any previous financial years; and
- b is the expenses and capital expenditure incurred under subsections (1), (2), (3), and (4) for those previous financial years; and
- c is the calculated amount.

10 National land transport fund

- (1) The national land transport fund is the cumulative balance of—
- (a) the inflows specified in subsection (2), less any expenses and capital expenditure and repayment items of the type outline in subsection (3) that have been accrued at any point in time; and
- (b) the proceeds of any borrowing undertaken for the purpose of managing cashflow for the national land transport programme by—
- (i) the Agency, in accordance with section 162 of the Crown Entities Act 2004; or
- (ii) the Crown, in accordance with subpart 1 of Part 6 of the Public Finance Act 1989.
- (2) The inflows of the national land transport fund are—
- (a) land transport revenue, less any expenses or capital expenditure incurred under section 9(1):
- (b) any revenue received by the Agency for the management of Crown land, including leases and licences:
- (c) any proceeds from the sale of land held or acquired for the purposes of a State highway or any proposed State highway:
- (d) any interest earned by the Agency from the investment of cash from the moneys referred to in paragraphs (a) to (c):
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (e) any other public money provided to meet expenses or capital expenditure, incurred or to be incurred in accordance with an appropriation or other authority by or under an Act in respect of approved activities or combinations of activities of a type described in subsection (3).
- (3) The national land transport fund must be used to pay for—
 - (a) police activities or combinations of police activities approved under section 18L:
 - (b) activities or combinations of activities (including those relating to State highways) approved under section 20 for which the Agency is responsible for delivery or managing delivery:
 - (c) regional councils' activities or combinations of activities approved under section 20:
 - (d) territorial authorities' activities or combinations of activities approved under section 20 (other than public transport services activities):
 - (e) regional and territorial authorities' activities or combinations of activities approved under section 20 that have been authorised by a transfer of responsibility under section 17 of the Local Government Act 2002:
 - (f) approved public organisations' activities or combinations of activities approved under section 20:
 - (g) expenses resulting from, and repayment of, any borrowing in accordance with subsection (1)(b).
 - (4) A local authority whose activities or combinations of activities are included in a regional land transport programme approved by ARTA is not entitled to receive funds directly from the Agency.
 - (5) ARTA must, as soon as practicable and at no cost to the local authority, pay to an Auckland local authority the funds received by ARTA from the Agency for approved activities or combinations of activities to be carried out by the local authority.
 - (6) Despite subsection (4), the Auckland Regional Council may receive funds directly from the Agency in respect of activities or combinations of activities approved under section 20 in respect of the preparation (including consultation) and approval of a regional land transport strategy for the Auckland region.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

11 Annual report on national land transport fund

- (1) After the end of each financial year, the Agency must prepare an annual report on the national land transport fund.
- (2) The annual report required under subsection (1) must be prepared in accordance with generally accepted accounting practice, and must include—
 - (a) a statement of inflows and expenses and capital expenditure of the national land transport fund for the financial year to which the report relates and the previous two financial years:
 - (b) a statement of cash flows in respect of the national land transport fund for the financial year to which the report relates:
 - (c) a statement of the financial position of the national land transport fund (including its closing balance):
 - (d) a statement of commitments:
 - (e) a statement of performance for each activity class funded by the national land transport fund for the financial year to which the report relates, unless the Minister has approved the inclusion of the information in the Agency's annual report under section 150 of the Crown Entities Act 2004:
 - (f) an explanation of how the funding of activities or combinations of activities under the national land transport programme has contributed to the achievement of any outcomes, objectives or impacts set out in any national land transport strategy or the relevant GPS:
 - (g) an explanation of how the national land transport fund has been managed with respect to the closing balance.
- (3) The provisions of the Crown Entities Act 2004 in respect of the preparation, audit, presentation, and publication of a Crown entity's annual report (including its financial statements) apply, with all necessary modifications, to the annual report required under subsection (1).
- (4) The Agency must make a copy of the annual report publicly available in accordance with section 108.

Regional land transport programmes

12 Overview of regional land transport programmes

- (1) A regional land transport programme allows approved organisations and the Agency to recommend funding for land transport activities or combinations of activities from the national land transport fund that will contribute to—
 - (a) a region's outcomes that are identified in the relevant regional land transport strategy; and

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) any outcomes, objectives and impacts identified by the Crown in any national land transport strategy or the relevant GPS.
 - (2) Regional land transport programmes, which are prepared by regional transport committees (or, in the case of the Auckland region, ARTA), include-
 - (a) proposed activities and combinations of activities for 3 financial years; and
 - (b) an indication of significant activities for the following 3 financial years; and
 - (c) a 10-year financial forecast.
 - (3) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

13 Responsibility for preparing and approving regional land transport programmes

- (1) Every 3 financial years, each regional council, in the case of every region except the Auckland region, must—
 - (a) ensure that the relevant regional transport committee prepares, on the regional council's behalf, a regional land transport programme; and
 - (b) approve the regional land transport programme by a date appointed by the Agency
 - (2) Every 3 financial years, ARTA (in the case of the Auckland region) must—
 - (a) prepare an Auckland regional land transport programme; and
 - (b) approve the Auckland regional land transport programme by a date appointed by the Agency.
 - (3) Before ARTA prepares an Auckland regional land transport programme, ARTA must consult with the Auckland regional transport committee about—
 - (a) ARTA's proposed areas of focus for the programme; and
 - (b) the process ARTA intends to use in preparing the programme.
 - (4) A regional council or regional transport committee may-
 - (a) prepare and approve a regional land transport programme at the same time as it prepares and approves a regional land transport strategy; and
 - (b) use a single consultation process that complies with sections 18, 18A, and 78 when preparing its programme and strategy.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (5) A regional council may publish a regional land transport programme and a regional land transport strategy as a single document.

14 Core requirements of regional land transport programmes prepared by regional transport committees

When a regional transport committee prepares a regional land transport programme on behalf of the relevant regional council, the regional transport committee must—

- (a) be satisfied that the regional land transport programme—
- (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (ii) contributes to each of the following:
 - (A) assisting economic development;
 - (B) assisting safety and personal security;
 - (C) improving access and mobility;
 - (D) protecting and promoting public health;
 - (E) ensuring environmental sustainability; and
 - (iii) is consistent with—
 - (A) the relevant GPS; and
 - (B) any relevant regional land transport strategy; and
- (b) take into account any—
- (i) national land transport strategy; and
 - (ii) national energy efficiency and conservation strategy; and
 - (iii) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991; and
 - (iv) likely funding from any source.

15 Core requirements of regional land transport programmes prepared by ARTA

ARTA must, in preparing an Auckland regional land transport programme,—

- (a) be satisfied that the Auckland regional land transport programme—
- (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (ii) contributes to each of the following:
 - (A) assisting economic development;
 - (B) assisting safety and personal security;
 - (C) improving access and mobility;
 - (D) protecting and promoting public health;
 - (E) ensuring environmental sustainability; and
- (iii) is consistent with the relevant GPS; and
- (b) give effect to the matters in the Auckland regional land transport strategy required, unless it is required to do otherwise by operational considerations that affect the sequencing and timing of activities, the funding available to it, or its statutory functions, duties or powers; and
- (c) take into account any—
 - (i) national land transport strategy; and
 - (ii) national energy efficiency and conservation strategy; and
 - (iii) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991; and
 - (iv) likely funding from any source.

16 Form and content of regional land transport programmes (for regions other than Auckland region)

- (1) For the purpose of seeking payment from the national land transport fund, a regional land transport programme (for regions other than the Auckland region) must contain, for the 3 financial years to which the programme relates,—
 - (a) activities or combinations of activities, identified by approved organisations in the region, relating to local road maintenance, local road renewals and local road minor capital works, and existing public transport services; and
 - (b) the following activities or combinations of activities that the regional transport committee decides to include in the regional land transport programme:
 - (i) activities or combinations of activities proposed by approved organisations in the region, other than those identified under paragraph (a); and
 - (ii) activities or combinations of activities relating to State highways in the region that are proposed by the Agency; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (iii) activities or combinations of activities, other than those relating to State highways, that the Agency may propose for the region and that the Agency wishes to see included in the regional land transport programme; and
 - (c) the order of priority, as determined by the regional transport committee, of the activities or combinations of activities that the committee decides to include in the committee's regional land transport programme under paragraph (b); and
 - (d) an assessment of each activity or combination of activities, prepared in accordance with subsection (5) by the organisation that identified or proposed the activity or combination of activities under paragraph (a) or (b), to include—
 - (i) the objective or objectives to be achieved; and
 - (ii) an estimate of the total cost and the cost for each year; and
 - (iii) the expected duration; and
 - (iv) any proposed sources of funding other than the national land transport fund (including, but not limited to, tolls, regional fuel taxes, funding from approved organisations, and contributions from other parties); and
 - (v) any other relevant information.
 - (2) A regional land transport programme must contain assessments by the regional transport committee of—
 - (a) how the programme complies with section 14; and
 - (b) the relationship of police activities or combinations of police activities to the regional land transport programme.
 - (3) A regional land transport programme must also include—
 - (a) a statement of transport priorities for the region for the 6 financial years from the start of the programme, for which funding will be sought from the national land transport fund; and
 - (b) all significant expenditure on land transport activities to be funded from sources other than the national land transport fund; and
 - (c) a list of each activity or combination of activities that have been approved under section 20 but are not yet completed; and
 - (d) an identification of those activities or combinations of activities (if any) that have inter-regional significance; and
 - (e) an explanation of the proposed action if it is proposed that an activity or combination of activities be varied, suspended, or abandoned; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (f) an indication of any nationally or regionally significant activities that are likely to be recommended for inclusion in the national land transport programme over the 3 financial years following the regional land transport programme; and
 - (g) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of the regional land transport programme; and
 - (h) a description of how monitoring will be undertaken to assess implementation of the regional land transport programme; and
 - (i) a summary of the consultation carried out in the preparation of the regional land transport programme; and
 - (j) a summary of the policy relating to significance adopted by the regional transport committee under section 106; and
 - (k) any other relevant matters.
- (4) For the purpose of the inclusion of activities or combinations of activities in a national land transport programme, a regional land transport programme must be in the form and contain the detail that the Agency may prescribe in writing to regional transport committees.
- (5) The assessment under subsection (1)(d) must be in a form and contain the detail required by the regional transport committee, taking account of any prescription made by the Agency under subsection (4).
- (6) For the purposes of this section, **existing public transport services** means the level of public transport services in place in the financial year before the commencement of the regional land transport programme, and any minor changes to those services.

17 Form and content of ARTA's regional land transport programmes

- (1) For the purpose of seeking payment from the national land transport fund, ARTA's regional land transport programme must contain, for the 3 financial years to which the programme relates,—
- (a) the following activities and combinations of activities that ARTA decides to include in ARTA's regional land transport programme:
 - (i) activities or combinations of activities proposed by approved organisations in the region; and
 - (ii) activities or combinations of activities relating to State highways in the region that are proposed by the Agency; and
 - (iii) activities or combinations of activities, other than those relating to State highways, that the Agency may propose for the region and the Agency wishes to see included in ARTA's regional land transport programme; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) the order of priority, as determined by ARTA, of the activities or combinations of activities that ARTA decides to include in ARTA's regional land transport programme under paragraph (a); and
 - (c) an assessment of each activity or combination of activities, prepared in accordance with subsection (5) by the organisation that proposed the activity or combination of activities under paragraph (a), to include—
 - (i) the objective or objectives to be achieved; and
 - (ii) an estimate of the total cost and the cost for each year; and
 - (iii) the expected duration; and
 - (iv) any proposed sources of funding other than the national land transport fund (including, but not limited to, tolls, regional fuel taxes, funding from approved organisations, and contributions from other parties); and
 - (v) any other relevant information.
 - (2) ARTA's regional land transport programme must contain assessments by ARTA of—
 - (a) how the programme complies with section 15; and
 - (b) the relationship of police activities or combinations of police activities to ARTA's regional land transport programme.
 - (3) ARTA's regional land transport programme must also include—
 - (a) a statement of transport priorities for the region for the 6 financial years from the start of the programme, for which funding will be sought from the national land transport fund; and
 - (b) all significant expenditure on land transport activities to be funded from sources other than the national land transport fund; and
 - (c) a list of each activity or combination of activities that have been approved under section 20 but are not yet completed; and
 - (d) an identification of those activities or combinations of activities (if any) that have inter-regional significance; and
 - (e) an explanation of the proposed action if it is proposed that an activity or combination of activities be varied, suspended, or abandoned; and
 - (f) an indication of any nationally or regionally significant activities that are likely to be recommended for inclusion in the national land transport programme over the 3 financial years following ARTA's regional land transport programme; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (g) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of ARTA's regional land transport programme; and
 - (h) a description of how monitoring will be undertaken to assess implementation of ARTA's regional land transport programme; and
 - (i) a summary of the consultation carried out in the preparation of ARTA's regional land transport programme; and
 - (j) a summary of the policy relating to significance adopted by ARTA under section 106; and
 - (k) any other relevant matters.
- (4) For the purpose of the inclusion of activities or combinations of activities in a national land transport programme, ARTA's regional land transport programme must be in the form and contain the detail that the Agency may prescribe in writing to ARTA.
- (5) The assessment under subsection (1)(c) must be in a form and contain the detail required by ARTA, taking account of any prescription made by the Agency under subsection (4).

18 Consultation requirements

When preparing a regional land transport programme, a regional transport committee or ARTA (as the case may require) must consult—

- (a) every affected regional council; and
 - (b) every affected territorial authority; and
 - (c) every affected approved public organisation; and
 - (d) the Agency; and
 - (e) the Commissioner; and
 - (f) affected district health boards; and
 - (g) the Accident Compensation Corporation; and
 - (h) the New Zealand Historic Places Trust; and
 - (i) the New Zealand Railways Corporation; and
 - (j) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
 - (k) affected communities; and
 - (l) Māori of the region; and
 - (m) the public in the region.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

18A Consultation principles

- (1) In carrying out the consultation required under section 18, a regional transport committee or ARTA (as the case may require) must—
 - (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
 - (b) use the special consultative procedure under sections 83, 87(2)(a) and 89 of the Local Government Act 2002.
- (2) A regional transport committee or ARTA complies with subsection (1) if the required consultation on the regional land transport programme is carried out in conjunction with the relevant regional council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.
- (3) When consulting under section 18 and this section with respect to its regional land transport programme, ARTA need not consult any organisation or person referred to in section 18 about any activity or combination of activities in its regional land transport programme if an Auckland local authority has already consulted that organisation or person about the activity or combination of activities in the course of preparing that local authority's current long-term council community plan or annual plan in accordance with the Local Government Act 2002.

18B Process for approving regional land transport programmes prepared by regional transport committees

- (1) A regional transport committee that has prepared a regional land transport programme on behalf of a regional council must, after it has consulted under sections 18 and 18A, lodge the regional land transport programme with the regional council.
 - (2) If a regional transport committee decides not to include in its regional land transport programme an activity or combination of activities proposed by an approved organisation or the Agency, the regional transport committee must, at the same time as it lodges the programme with the regional council under subsection (1), give the approved organisation or the Agency (as the case may require) written advice of the decision and the reasons for the decision.
 - (3) The relevant regional council may, after considering a regional land transport programme that has been lodged with it under subsection (1), decide—
 - (a) to approve the regional land transport programme, without modification; or
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) to refer the regional land transport programme back to the regional transport committee with a request that the regional transport committee reconsider 1 or more aspects of the regional land transport programme.
 - (4) If a regional council refers a regional land transport programme back to its regional transport committee, the regional transport committee may, after reconsidering the aspects referred back to it by the regional council in its request, forward to the regional council either or both of the following:
 - (a) an amended regional land transport programme that has been consulted on in accordance with sections 18 and 18A:
 - (b) any additional information that has been requested by the regional council or that the regional transport committee considers will help the regional council with its decision.
 - (5) Despite subsection (4)(a), a regional transport committee may forward an amended regional land transport programme to the regional council without consulting in accordance with sections 18 and 18A if the amendment or amendments to the regional land transport programme are not significant.
 - (6) If a regional council receives an amended regional land transport programme, or a regional land transport programme with additional information, under subsection (4), it must—
 - (a) approve the programme or amended programme and forward it to the Agency; or
 - (b) forward the programme or amended programme to the Agency stating that it is not approved along with a statement of its reasons.
 - (7) If the Agency receives an amended regional land transport programme, or a regional land transport programme with additional information, under subsection (6)(b), the Agency must when developing the national land transport programme,—
 - (a) treat the regional land transport programme or amended regional land transport programme as approved; and
 - (b) consider the regional council's statement of reasons.
 - (8) Section 18F applies, with the necessary modifications, to any programme or amended programme and statement of reasons forwarded under subsection (6).
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

18C ARTA must give Agency reasons for not including in its regional land transport programme activities or combinations of activities proposed by Agency

When forwarding its regional land transport programme to the Agency, ARTA must give the Agency written reasons for any decision not to include in its regional land transport programme an activity or combination of activities proposed by the Agency for inclusion in the programme.

18D Variation of regional land transport programmes

- (1) If good reason exists to do so, a regional transport committee or ARTA may prepare a variation to its regional land transport programme during the 3 years to which it applies.
 - (2) A variation may be prepared by a regional transport committee—
 - (a) at the request of an approved organisation or the Agency, or
 - (b) on the regional transport committee's own motion.
 - (3) A variation may be prepared by ARTA—
 - (a) at the request of the Agency; or
 - (b) on ARTA's own motion.
 - (4) The regional transport committee or ARTA must consider any variation request promptly.
 - (5) The provisions of this Act that apply to the preparation of a regional land transport programme apply with the necessary modifications to a variation of a regional land transport programme; however, consultation is not required for any variation that—
 - (a) is not significant; or
 - (b) arises from the declaration or revocation of a State highway.
 - (6) Section 18B applies, with the necessary modifications, to the approval by a regional council or ARTA of a variation of a regional land transport programme.
 - (7) The Agency must consider promptly whether to vary the national land transport programme after receiving a varied regional land transport programme forwarded to it by a regional council or ARTA.
 - (8) A variation of a regional land transport programme does not create an obligation on the Agency to vary the national land transport programme, but the Agency must give written reasons for any decision not to do so.
 - (9) This section does not apply if section 18E applies.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

18E Changes to certain activities or combinations of activities

- (1) This section applies to any activities or combinations of activities that have been identified by an approved organisation under section 16(1)(a) and included in a regional land transport programme.
- (2) If an approved organisation has good reason to change any activities or combinations of activities to which this section applies, it may request the Agency to vary the national land transport programme to take account of that change, and must inform the regional transport committee that it has made that request.
- (3) A request must be made in a form and with the detail prescribed by the Agency in writing to approved organisations.
- (4) The Agency must consider promptly any request made under this section to vary the national land transport programme.
- (5) A request made under this section does not create an obligation to vary the national land transport programme but the Agency must give written reasons for any decision not to do so.
- (6) If the Agency approves a variation under subsection (4), the relevant regional land transport programme is to be read as if the approved variation had been included in the approved programme.
- (7) This section does not apply to approved organisations in the Auckland region.

18F Availability of regional land transport programmes

A regional council or ARTA (as the case may require) must, by a date or dates appointed by the Agency,—

- (a) forward copies of its approved regional land transport programme to—
 - (i) the Secretary; and
 - (ii) the Agency; and
 - (iii) the Commissioner; and
 - (iv) approved organisations in the region; and
- (b) make the approved regional land transport programme publicly available in accordance with section 108.

18G Separate consultation with Māori on particular activities

- (1) An approved organisation or the Agency (as the case may require) must do everything reasonably practicable to separately consult Māori affected by any activity proposed by the approved organisation or the Agency that affects or is likely to affect—
 - (a) Māori land; or
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) land subject to any Māori claims settlement Act; or
 - (c) Māori historical, cultural, or spiritual interests.
- (2) The relevant approved organisation or the Agency (as the case may be) must consult the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995) about any proposed activity that affects or is likely to affect land registered in the name of Pootatau Te Wherowhero under section 19 of that Act.

18H Māori contribution to decision making

- (1) The Agency and approved public organisations must, with respect to funding from the national land transport fund,—
- (a) establish and maintain processes to provide opportunities for Māori to contribute to the organisation’s land transport decision-making processes; and
 - (b) consider ways in which the organisation may foster the development of Māori capacity to contribute to the organisation’s land transport decision-making processes; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) Subsection (1) does not limit the ability of the Agency or an approved public organisation to take similar action in respect of any other population group.

Police activities or combinations of police activities

18I Recommendations for police activities or combinations of police activities

Every 3 financial years the Agency must, by a date appointed by the Minister, prepare its recommendations for any police activities or combinations of police activities that are to be funded under section 10(3)(a) for the following 3 financial years.

18J Requirements before recommending police activities or combinations of police activities

- (1) Before recommending any police activities or combinations of police activities that are to be funded under section 10(3)(a), the Agency must consult the Commissioner and the Secretary.
- (2) The Agency must, in recommending any police activities or combinations of police activities for funding under section 10(3)(a),—
- (a) be satisfied that those police activities or combinations of police activities—
 - (i) contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (ii) contribute to each of the following:
 - (A) assisting economic development;
 - (B) assisting safety and personal security;
 - (C) improving access and mobility;
 - (D) protecting and promoting public health;
 - (E) ensuring environmental sustainability; and
- (b) give effect to the relevant GPS; and
- (c) take into account any—
 - (i) national land transport strategy; and
 - (ii) regional land transport strategies; and
 - (iii) national energy efficiency and conservation strategy; and
 - (iv) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991.

18K Content of recommendations under section 18I

The Agency must ensure that its recommendations under section 18I include—

- (a) the recommended funding contribution under section 10(3)(a) for the proposed police activities or combinations of police activities; and
- (b) a list of the police activities or combinations of police activities that are proposed to be funded under section 10(3)(a); and
- (c) the performance measures associated with the delivery of those proposed police activities or combinations of police activities; and
- (d) the revenue to be received by the Commissioner from sources (other than the national land transport fund) applicable to the police activities or combinations of police activities for which funding is sought from the national land transport fund; and
- (e) a long-term financial forecast that contains a forecast of anticipated revenue and expenditure on any police activities or combinations of police activities for the following 10 financial years.

18L Approval of recommendations

- (1) After considering the Agency's recommendations under section 18I, the responsible Minister, in consultation with the Minister of Police, must approve or decline those recommendations for payment under section 10(3)(a).
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (2) The responsible Minister must notify the Agency and the Commissioner of the responsible Minister's decision to approve or decline the Agency's recommendations.

18M Variation of approval

- (1) The Agency may recommend a variation of an approval under section 18L(1).
- (2) After considering the Agency's recommendation, the responsible Minister, in consultation with the Minister of Police, must approve or decline the variation, and, if approved, the variation forms part of the approval it varies.
- (3) The responsible Minister must notify the Agency and the Commissioner of the responsible Minister's decision to approve or decline the Agency's recommendation for variation.

National land transport programme

19 Overview of national land transport programme

- (1) The Agency may include activities and combinations of activities from regional land transport programmes, and research, education, training and other activities that the Agency is responsible for delivering, in the national land transport programme, so that the national land transport programme contributes to—
- (a) the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (b) the outcomes, objectives and impacts identified by the Crown in any national land transport strategy or the relevant GPS.
- (2) The national land transport programme also lists police activities and combinations of police activities that have been approved for funding by the Minister.
- (3) The national land transport programme includes approved activities or combinations of activities and those proposed for funding over the following 3 financial years, an assessment of regionally and nationally significant activities for the following 3 financial years, and a financial forecast.
- (4) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

19A Responsibility for preparing and adopting national land transport programme

- (1) Every 3 financial years, the Agency must prepare and adopt a national land transport programme for the following 3 financial years.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (2) The Agency must adopt a national land transport programme before the start of the first financial year to which it applies.
 - (3) Despite subsection (2), the Agency may, with the written agreement of the Minister, adopt a national land transport programme before 1 September of the first financial year to which it applies.
 - (4) A national land transport programme adopted under subsection (3) is to be treated as if it were adopted before the start of the financial year to which it applies.
 - (5) Following the adoption of a national land transport programme under this section, the Agency must consider whether to amend its statement of intent, under section 148 of the Crown Entities Act 2004, to take into account any relevant particulars of the national land transport programme.

19B Core requirements for national land transport programme

The Agency must, in preparing a national land transport programme,—

- (a) ensure that the national land transport programme—
 - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (ii) contributes to each of the following:
 - (A) assisting economic development;
 - (B) assisting safety and personal security;
 - (C) improving access and mobility;
 - (D) protecting and promoting public health;
 - (E) ensuring environmental sustainability; and
 - (iii) gives effect to the relevant GPS; and
- (b) take into account any—
 - (i) national land transport strategy; and
 - (ii) regional land transport strategies; and
 - (iii) regional land transport programmes; and
 - (iv) national energy efficiency and conservation strategy; and
 - (v) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991.

19C Content of national land transport programme

A national land transport programme must include the following matters:

- (a) an indication of any significant forthcoming national land transport issues known to the Agency; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) an assessment as to how the programme complies with section 19B; and
 - (c) a list of the activity classes identified in the relevant GPS to be funded from the national land transport fund, and their proposed level of funding; and
 - (d) approved activities and combinations of activities; and
 - (e) any police activities or combinations of police activities approved under section 18L to be delivered by the Commissioner; and
 - (f) activities and combinations of activities that the Agency anticipates being funded from the national land transport fund if they are-
 - (i) included in a regional land transport programme; or
 - (ii) activities or combinations of activities (other than those relating to State highways) for which the Agency is responsible for delivery or managing delivery; and
 - (g) an indication of any nationally or regionally significant activities that are likely to be considered for funding in the 3 financial years that follow the 3 financial years covered by the national land transport programme; and
 - (h) a statement of the Agency's anticipated revenue and expenditure in respect of the national land transport programme for 10 financial years from the start of the programme; and
 - (i) relevant directions under Part 3 of the Crown Entities Act 2004 or any other Act.

19D Notification about decision not to include activities in national land transport programme

- (1) This section applies to the following decisions by the Agency in relation to an activity or combination of activities:
 - (a) a decision not to include an activity or a combination of activities in the national land transport programme;
 - (b) a decision to include an activity or a combination of activities in the national land transport programme, but at a different level of priority to that accorded to the activity or combination of activities in the relevant regional land transport programme.
 - (2) If this section applies, the Agency must give the relevant regional transport committee or ARTA (as the case may require) written advice of the Agency's decision and its reasons for making that decision.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

19E Variation of national land transport programme

- (1) The Agency may vary the national land transport programme during the 3 financial years to which it applies.
- (2) The provisions of this Act that apply to the preparation of the national land transport programme apply with the necessary modifications to a variation of the national land transport programme.
- (3) If a current GPS is amended under section 90(1), the Agency must vary the national land transport programme as soon as practicable to give effect to that amendment.
- (4) Despite subsection (2), the Agency need not make a varied national land transport programme publicly available under section 108 if it is satisfied that the variation is not significant.

19F Availability of national land transport programme

The Agency must make a copy of the national land transport programme publicly available in accordance with section 108.

Approval of activities and combinations of activities

20 Approval of activities and combinations of activities

- (1) The Agency may approve an activity or combination of activities as qualifying for payments from the national land transport fund.
- (2) In approving a proposed activity or combination of activities, the Agency must be satisfied that—
 - (a) the activity or combination of activities is included in the national land transport programme or qualifies under subsection (4); and
 - (b) the national land transport programme continues to meet the requirements of section 19B; and
 - (c) the following objectives have been taken into account in respect of the activity or combination of activities:
 - (i) assisting economic development; and
 - (ii) assisting safety and personal security; and
 - (iii) improving access and mobility; and
 - (iv) protecting and promoting public health; and
 - (v) ensuring environmental sustainability; and
 - (d) the activity or combination of activities contributes to the Agency's objective, including its social and environmental responsibility, in an efficient and effective manner; and
 - (e) the activity or combination of activities has, to the extent practicable, been assessed against other land transport options and alternatives; and

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (f) the relevant consultation requirements of this Act have been complied with.
 - (3) In approving a proposed activity or combination of activities, the Agency must take into account—
 - (a) the relevant GPS; and
 - (b) any national land transport strategy; and
 - (c) any relevant regional land transport strategy; and
 - (d) any national energy efficiency and conservation strategy; and
 - (e) any relevant national policy statement and any relevant regional policy statements that are for the time being in force under the Resource Management Act 1991.
 - (4) Despite subsections (2) and (3), the Agency may approve for payment under subsection (1) any activity or combination of activities that, in the opinion of the Agency,—
 - (a) are in the urgent interests of public safety; or
 - (b) are necessary to effect immediate or temporary repair of damage caused by a sudden and unexpected event.
 - (5) When approving an activity or combination of activities as qualifying for payments from the national land transport fund, the Agency must be satisfied that the expenditure on the national land transport programme and any expenses associated with any borrowing undertaken in accordance with section 10(1)(b) in the relevant financial year will not exceed the lesser of—
 - (a) the maximum level of expenditure for the national land transport programme outlined in the relevant GPS for that financial year and the actual or anticipated amount of the closing balance of the national land transport fund at the end of the previous financial year; or
 - (b) the sum of—
 - (i) the anticipated inflows to the national land transport fund in that financial year; and
 - (ii) the actual or anticipated amount of the closing balance of the national land transport fund at the end of the previous financial year; and
 - (iii) the allowable variation for that financial year specified in the relevant GPS.

20A Methods of assessment

The Agency may apply different methods of assessment for the purpose of approving different activities or combinations of activities.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

20B Agency may impose terms and conditions

The Agency may approve activities or combinations of activities subject to any terms and conditions, which must be relevant and reasonable, that the Agency thinks fit.

20C Agency must set rate of funding assistance

The Agency must set the rate of funding assistance from the national land transport fund for activities or combinations of activities in accordance with any criteria set by the Minister.

20D Funding decisions to be made available

- (1) If the Agency decides to approve or decline funding for an activity or combination of activities under section 20, the Agency must—
 - (a) ensure that every decision that it makes under that section and its reasons for making that decision are made available to any affected approved organisation; and
 - (b) give any organisation or any person responsible for that activity or combination of activities written advice of its decision and reasons for its decision.
- (2) After approving or declining funding for activities or combinations of activities, the Agency must place a copy of the decision, and the reasons for the decision, on its Internet site.
- (3) In complying with subsection (2), the Agency may decide to withhold information if the disclosure of that information would be contrary to the interests specified in section 6 or 9(2)(a), (b), (ba), (h), (i), or (j) of the Official Information Act 1982.
- (4) If the Agency decides to withhold information under subsection (3), it must provide its reasons for doing so on its Internet site.
- (5) Information withheld under subsection (3) may be requested under the Official Information Act 1982.

21 [Repealed]

22 Funding for Māori roadways

- (1) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to the Agency from the national land transport fund as if the roadway were a State highway.
 - (2) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to a territorial authority from the national land transport fund as if the roadway were a local road.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) The Agency and territorial authorities may receive funding for a Māori roadway if the activity is included in a regional land transport programme.

Public organisations

23 Approval of public organisations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- (a) approve any public organisation for the purpose of section 10(3)(f):
 - (b) revoke any approval given under this subsection.
- (2) Before making a recommendation under subsection (1), the Minister must—
- (a) consult the persons or organisations considered by the Minister to be representative of those classes of persons having an interest in the approval or revocation; and
 - (b) in the case of an approval, be satisfied that granting the approval would be consistent with the purpose of this Act.
- (3) Without limiting subsection (1), an order made under that subsection may—
- (a) grant an approval in relation to particular land transport purposes:
 - (b) grant an approval subject to conditions specified in the order.
- (4) The Department of Conservation and the Waitangi National Trust Board and ARTA are deemed to be approved public organisations under this section.

Land transport disbursement accounts

24 Land transport disbursement accounts

- (1) Every approved organisation must operate a land transport disbursement account into which must be paid all money received from the Agency pursuant to an approval under section 20.
- (2) The Agency need not have a land transport disbursement account, but must—
- (a) comply with section 96; and
 - (b) ensure that all payments are made in accordance with a procurement procedure unless exempt by or under section 26.
- (3) All expenditure from a land transport disbursement account must be accounted for in a manner prescribed by the Agency after consultation with the Auditor-General.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (4) Payments may be made out of a land transport disbursement account only for approved activities or combinations of activities, and only—
 - (a) within the limits and terms and conditions of the approval granted under sections 20 and 20B; and
 - (b) in accordance with a procurement procedure unless exempt by or under section 26.
 - (5) An approved organisation may—
 - (a) carry forward to any later financial year any amount of the credit balance in its land transport disbursement account at the close of any financial year; and
 - (b) use that money at any time for payments in accordance with this section.

Procurement procedures

25 Procurement procedures

- (1) For the purposes of this Part, the Agency must approve 1 or more procurement procedures that are designed to obtain the best value for money spent by the Agency and approved organisations, having regard to the purpose of this Act.
 - (2) In approving a procurement procedure, the Agency must also have regard to the desirability of—
 - (a) enabling persons to compete fairly for the right to supply outputs required for approved activities, if 2 or more persons are willing and able to provide those outputs; and
 - (b) encouraging competitive and efficient markets for the supply of outputs required for approved activities.
 - (3) Every approved procurement procedure must specify how procurement is to be carried out (which may differ for different kinds of procurement).
 - (4) It is a condition of every procurement procedure that the Agency or an approved organisation must procure outputs from a provider other than the Agency or that organisation (as the case may require), or its employees.
 - (5) However, nothing in subsection (4) prevents an approved organisation from procuring from the organisation's own business units the provision of minor and ancillary works on terms approved by the Agency.
 - (6) Nothing in this section compels an organisation or person to accept the lowest tender received by it for the provision of any outputs.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

26 Payments exempt from procurement procedure

Section 25 does not apply in relation to any payment—

- (a) approved by the Agency on the ground that the costs of the procurement process would be disproportionate to the value of the proposed activity or combination of activities; or
- (b) made in respect of any approved administration activity that is approved by the Agency for the purpose of this section; or
- (c) made in respect of in-house professional services that are—
 - (i) approved by the Agency; and
 - (ii) undertaken by the Agency or an approved organisation using the Agency's or approved organisation's own staff and assets; or
- (d) made under the land transport disbursement account of an approved organisation if the payment is made to the land transport disbursement account of another approved organisation to enable that other organisation to exercise delegated functions and powers under this Act of that first-mentioned approved organisation; or
- (da) made from ARTA's land transport disbursement account if the payment is made to the land transport disbursement account of another approved organisation; or
- (e) made in respect of any registered service of any public transport operator in relation to any 6-month period that follows—
 - (i) the withdrawal or proposed withdrawal of that operator from the provision of the service; or
 - (ii) the withdrawal of any other operator from the provision of the same or a similar service; or
- (f) made in respect of any expenditure that is necessary in the urgent interests of public safety; or
- (g) made in respect of any expenditure that is necessary for the immediate or temporary repair of damage caused by a sudden and unexpected event.

26A Notice of exemption or approval of certain procurement procedures

If the Agency grants itself an exemption under section 26(a) or approves a procurement procedure under section 25(1) to meet its own procurement requirements, it must publish the details of its exemption or approval (as the case may be) and its reasons on its Internet site.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

Local authority interests in public transport services

27 Manner in which certain local authority interests in public transport service must be held

- (1) Any interest that a local authority has in a public transport service to which this section applies must be held in a council controlled trading organisation, whether or not in conjunction with another local authority.
- (2) This section applies to a public transport service held by a local authority if, and only if, the public transport service indirectly receives funding for the purpose from the national land transport fund.
- (3) A regional council may, subject to subsection (1), hold an interest in, or acquire the ownership of, a public transport service or any public transport infrastructure.

28 [Repealed]

29 [Repealed]

30 [Repealed]

31 [Repealed]

32 [Repealed]

33 [Repealed]

34 [Repealed]

General provisions

35 Needs of transport disadvantaged must be considered

In preparing any programme under this Part, the Agency, the Commissioner, the Secretary, every local authority, ARTA and every approved public organisation must consider the needs of persons who are transport disadvantaged.

36 Agency may reduce, refuse, or withhold payments in certain cases

- (1) This section applies if the Agency considers that, in relation to an approved activity, an approved organisation or person—
 - (a) is in breach of a procurement procedure; or
 - (b) has been or is or will be likely to be in breach of any other provision of this Act relating to payments from a land transport disbursement account; or
 - (c) has constructed or undertaken the activity, or is proposing to construct or undertake the activity, to standards that are excessively high or unsatisfactory.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (2) If this section applies, the Agency may, to the extent that it considers appropriate,—
 - (a) reduce any payment for any approved activity; or
 - (b) refuse the whole or part of any payment for any approved activity; or
 - (c) withhold the whole or part of any payment for any approved activity.
 - (3) The Agency may, under subsection (2),—
 - (a) reduce, refuse, or withhold any amount that it is presently considering paying for any approved activity; or
 - (b) reduce, refuse, or withhold any amount that it proposes to pay for any approved activity in the future.
 - (4) If the Agency makes any payment for an approved activity that is based on information that is subsequently found to be erroneous or inaccurate, the payment is recoverable in any court of competent jurisdiction as a debt due to the Agency.

37 Disputes

- (1) This section applies to any dispute or difference between an organisation and the Agency about 1 or more of the following:
 - (a) whether the organisation has complied with a procurement procedure in a particular case:
 - (b) the terms on which the Agency has granted an approval under section 25(5) for the provision of minor and ancillary works:
 - (c) the application of section 26 in a particular case:
 - (d) whether a payment should be reduced, refused, or withheld under section 36.
 - (2) The dispute or difference must be determined by a single arbitrator appointed by the Minister.
 - (3) No member or employee of the organisation or of the Agency is qualified to be an arbitrator under this section.
 - (4) The organisation and the Agency are the parties to the arbitration.
 - (5) Articles 35 and 36 of Schedule 1 of the Arbitration Act 1996 (which relate to recognition and enforcement of an arbitral award) and clause 6 of Schedule 2 of that Act (which relates to costs and expenses of an arbitration) apply in relation to an arbitration under this section as if this section were an arbitration agreement within the meaning of that Act, but no other provisions of that Act apply in relation to an arbitration under this section.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

38 Provision of information

- (1) The Agency may require an approved organisation to provide any information that the Agency considers it needs to perform its functions under this Act.
- (2) An approved organisation may require any other approved organisation to provide any information that it considers it needs to perform its functions under this Act.
- (3) A requirement under this section must be made in writing, and the information required must be provided as soon as practicable after the requirement is received and be in a readily understandable form.
- (4) It is the duty of the Secretary, the Agency, and approved organisations to give reasonable assistance to each other to enable them to perform their respective functions and duties, and exercise their respective powers under this Act.

38A Good reasons for refusing to supply requested information

- (1) The Agency may refuse a request for information under section 78(4) or 83(2) or clause 10(2) of schedule 7 only if the information may, in the Agency's opinion, be withheld under section 6 or section 9(2)(a), (b), (ba), (h), (i), or (j) of the Official Information Act 1982.
- (2) Subsection (1) applies only if the Agency is satisfied that the reason for the refusal is not outweighed by the regional transport committee's or ARTA's need to have the information in order to discharge its functions.

39 [Repealed]

Diversion of excise duty and excise-equivalent duty to national land transport fund

40 Apportionment of excise duty and excise-equivalent duty

Of the excise duty and excise-equivalent duty paid into the Crown Bank Account, after deducting any relevant refunds or drawbacks of duties under the [Customs and Excise Act 1996](#), there must be paid to the national land transport fund the amounts prescribed for the purpose by regulations made under section 45.

41 Refund of excise duty, excise-equivalent duty, and GST

- (1) Persons using any motor spirits, compressed natural gas, or liquefied petroleum gas are entitled to a refund in respect of excise duty, excise-equivalent duty, and goods and services tax charged on the consideration for the supply of motor spirits, compressed natural gas, or liquefied petroleum gas, to the extent that the amount of the duty that is refunded forms part of the consideration for that supply and to the extent specified in regulations made under section 45.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (2) Nothing in this section applies to any motor spirits, compressed natural gas, or liquefied petroleum gas used for any purpose declared by regulations made under section 45 to be exempt from the provisions of this section.
 - (3) [Repealed]
 - (4) No such refund of excise duty, excise-equivalent duty, or goods and services tax may be allowed unless application is made for that refund in accordance with section 42.
 - (5) If the amount of any refund of excise duty, excise-equivalent duty, and goods and services tax provided for in regulations made under section 45 is increased, reduced, or varied by any Act or by any regulations, refunds of duty or tax paid, whether before or after the coming into force of that increase, reduction, or variation, in satisfaction of a liability for that duty or tax incurred before that date may be applied for and made as if the increase, reduction, or variation were not in force.

42 Procedure for obtaining refund

- (1) Every application for a refund under section 41 must be made to the Secretary on a form to be provided by the Secretary, and must be supported by any documentary evidence and any other information that the Secretary may require or as may be prescribed.
 - (2) Applications for refunds must be made in respect of periods ending with the date or dates approved by the Secretary.
 - (3) No refund may be allowed unless application for the refund is made within 2 years following the close of the period in respect of which the application is made.
 - (4) If the application for a refund is made after the expiration of 3 months from the close of the relevant period but within 2 years after the close of that period, the amount of the refund otherwise payable must be reduced by 10% unless a full refund is allowed under subsection (5).
 - (5) If application for a refund is made after the expiration of 3 months from the close of the relevant period, whether or not it is made within 2 years after the close of that period, the Secretary may, at his or her discretion, allow a full refund.
 - (6) The Secretary may, at his or her discretion, allow a refund in any special case before the close of any period in respect of motor spirits, compressed natural gas, or liquefied petroleum gas used within that period.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

43 Offence and penalty

- (1) A person commits an offence who, for the purposes of obtaining a refund under section 41, makes any application or furnishes any information that he or she knows to be false in any material particular.
- (2) A person who commits an offence against subsection (1) is liable on summary conviction to a fine not exceeding \$2,000.
- (3) Despite anything in the [Summary Proceedings Act 1957](#), any information for an offence against subsection (1) may be laid at any time within 3 years after the date of the offence.

44 Consequential repeal

Part 5 of the Transit New Zealand Act 1989 is consequentially repealed.

45 Regulations relating to sections 41 and 42

The Governor-General may, from time to time, by Order in Council, make regulations providing for any matters contemplated by sections 41 and 42, necessary for the administration of those sections, or necessary for giving those sections full effect.

Subpart 2—Road tolling schemes and concession agreements
(s 46 to s 65)

Subpart 3—Regional fuel tax
(s 65A to s 65ZE)

Part 3

Land transport strategic documents

National land transport strategy

(s 66 to s 72)

Regional land transport strategies

73 Overview of regional land transport strategy

- (1) A regional land transport strategy, which (for regions other than Auckland) is prepared by the relevant regional transport committee for each region on behalf of the relevant regional council every 6 financial years and covers a period of at least 30 financial years, enables each regional council to provide guidance on the land transport outcomes sought by the region.
- (2) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

74 Responsibility for preparing and approving regional land transport strategies

- (1) At least once in every 6 financial years, each regional council must—
 - (a) ensure that the relevant regional transport committee prepares, on the regional council's behalf, a regional land transport strategy that covers a period of at least 30 financial years; and
 - (b) approve the regional land transport strategy.
- (2) For the purposes of this section and of sections 75 to 83, that part of the district of the Franklin District Council that is within the region of the Waikato Regional Council is to be treated—
 - (a) as not being part of the region of the Waikato Regional Council; but
 - (b) as being part of the region of the Auckland Regional Council.
- (3) Nothing in this section or in sections 75 to 83 applies to the Auckland Regional Council or to Auckland's regional land transport strategy.
- (4) Despite subsection (3), Schedule 7 applies to the Auckland Regional Council and to Auckland's regional land transport strategy.

75 Core requirements for regional land transport strategies

A regional transport committee must, when preparing a regional land transport strategy on behalf of a regional council,—

- (a) ensure that the regional land transport strategy—
 - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (ii) contributes to each of the following:
 - (A) assisting economic development:
 - (B) assisting safety and personal security:
 - (C) improving access and mobility:
 - (D) protecting and promoting public health:
 - (E) ensuring environmental sustainability; and
 - (iii) is consistent with any—
 - (A) national land transport strategy; and
 - (B) relevant national policy statement or any relevant regional policy statement or regional plan that is for the time being in force under the Resource Management Act 1991; and
 - (iv) avoids, to the extent reasonable in the circumstances, adverse effects on the environment; and

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) take into account—
 - (i) the relevant GPS; and
 - (ii) any national energy efficiency and conservation strategy; and
 - (iii) any relevant district plans.

76 Other matters that must be taken into account

When preparing a regional land transport strategy on behalf of a regional council, a regional transport committee must also take into account—

- (a) any guidelines issued by the Minister for regional land transport strategies; and
- (b) the land transport funding likely to be available within the region for implementing the strategy during the period covered by the strategy; and
- (c) the views of affected communities; and
- (d) the views of land transport network providers in the region; and
- (e) the need to give early and full consideration to land transport options and alternatives in a way that contributes to the matters referred to in section 75(a)(iv), and paragraph (c); and
- (f) the need to provide early and full opportunities for persons and organisations listed in section 78(1) to contribute to the development of those regional land transport strategies; and
- (g) the need to take account of the relevant regional council's function under section 30(1)(gb) of the Resource Management Act 1991 to consider the strategic integration of transport infrastructure with land use through objectives, policies, and methods.

77 Contents of regional land transport strategies

A regional land transport strategy must contain the following matters:

- (a) inter-regional and intra-regional transport outcomes relevant to the region; and
 - (b) the strategic options for achieving those outcomes; and
 - (c) an assessment as to how the regional land transport strategy complies with sections 75 and 76; and
 - (d) a statement of any relevant regional economic or land-use considerations, and the likely funding of any land transport infrastructure associated with those considerations; and
 - (e) a demand management strategy; and
 - (f) an assessment of the appropriate role for each land transport mode in the region; and
 - (g) an assessment of the role of education and enforcement in contributing to the land transport outcomes; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (h) any regional passenger transport plan (within the meaning of section 47 of the Transport Services Licensing Act 1989); and
 - (i) a statement that identifies any strategic option for which co-operation is required with other regions; and
 - (j) a statement that identifies persons or organisations who should be involved in the further development of strategic options; and
 - (k) measurable targets to be achieved to meet the outcomes of the regional land transport strategy; and
 - (l) a statement provided by an independent auditor of how the process followed by the regional transport committee complied with the requirements of this Act; and
 - (m) a summary of the policy relating to significance adopted by the regional transport committee under section 106.

78 Consultation requirements

- (1) When preparing a proposed regional land transport strategy on behalf of a regional council, a regional transport committee must consult—
 - (a) the adjoining regional councils and territorial authorities; and
 - (b) the approved organisations in the region; and
 - (c) the Secretary; and
 - (d) the Agency; and
 - (e) the Commissioner; and
 - (f) the New Zealand Historic Places Trust; and
 - (g) the New Zealand Railways Corporation; and
 - (h) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
 - (i) the Ministry of Health; and
 - (j) the Accident Compensation Corporation; and
 - (k) the district health boards in the region; and
 - (l) affected communities; and
 - (m) Māori of the region; and
 - (n) the public in the region.
 - (2) In carrying out the consultation required by subsection (1), a regional transport committee must—
 - (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
 - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) A regional transport committee complies with subsection (2) if the required consultation on the regional land transport strategy is carried out in conjunction with the relevant regional council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.
 - (4) An approved organisation and the Agency must assist a regional transport committee that is preparing a regional land transport strategy by giving the regional transport committee any reasonably requested information that the regional transport committee needs in order to prepare the regional land transport strategy.

79 Process for approving regional land transport strategies

- (1) A regional transport committee that has prepared a regional land transport strategy on behalf of a regional council must, after it has consulted under section 78, lodge the regional land transport strategy with the regional council.
- (2) The relevant regional council may, after considering a regional land transport strategy that has been lodged with it under subsection (1) or (3), decide—
 - (a) to approve the regional land transport strategy without modification; or
 - (b) to refer the regional land transport strategy back to the regional transport committee with a request that the regional transport committee reconsider 1 or more of the aspects of the regional land transport strategy.
- (3) If a regional council refers a regional land transport strategy back to its regional transport committee, the regional transport committee may, after reconsidering the aspects referred back to it by the regional council in its request, forward to the regional council either or both of the following:
 - (a) an amended regional land transport strategy that has been consulted on in accordance with section 78:
 - (b) any additional information that has been requested by the regional council or that the regional transport committee considers will help the regional council with its decision.

80 Availability of regional land transport strategy

As soon as practicable after it has approved a regional land transport strategy, a regional council must—

- (a) forward copies of it to—
 - (i) the Secretary; and
 - (ii) the Agency; and

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (iii) the Commissioner; and
 - (iv) the approved organisations in the region; and
 - (b) make a copy of the approved regional land transport strategy publicly available in accordance with section 108.

81 Variation of regional land transport strategy

- (1) Subject to subsection (2), a regional council may vary its regional land transport strategy at any time.
- (2) The provisions of this Act that apply to the preparation and approval of a regional land transport strategy apply, with the necessary modifications, to a variation of a regional land transport strategy.
- (3) A variation forms part of the regional land transport strategy it varies.
- (4) Subsection (2) does not apply to any variations that are not significant.
- (5) A regional council must—
 - (a) monitor its regional land transport strategy; and
 - (b) promptly vary its regional land transport strategy if necessary to ensure that it is consistent with the national land transport strategy.

82 Effect of regional land transport strategies

- (1) The Secretary must ensure that the actions of the Ministry take into account any relevant regional land transport strategies.
- (2) In exercising its powers or performing its functions and duties, the Agency must ensure that it takes into account any relevant regional land transport strategies.
- (3) The Commissioner must, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that in exercising or performing his or her functions, duties, and powers he or she takes into account any relevant regional land transport strategies.

83 Progress reports on regional land transport strategy

- (1) Every 3 financial years a regional transport committee must prepare a progress report on the implementation of any regional land transport strategy in place during the previous 3 financial years.
 - (2) The Secretary, the Agency, the Commissioner, and the approved organisations in the relevant region must supply to the regional transport committee such information within its or his or her possession or control as may be reasonably requested by the regional transport committee for the purposes of preparing its progress report.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) Within 3 months after the close of the third financial year to which its progress report relates, the regional transport committee, on behalf of the relevant regional council, must—
- (a) forward copies of the report to—
 - (i) the Secretary; and
 - (ii) the Agency; and
 - (iii) the Commissioner; and
 - (iv) the territorial authorities in the region; and
 - (b) make a copy of the progress report publicly available in accordance with section 108.

GPS

84 Overview of GPS

- (1) A GPS, which is issued by the Minister every 3 financial years, enables the Minister to—
- (a) guide the Agency and land transport sector on the outcomes and objectives, and the short- to medium-term impacts, that the Crown wishes to achieve—
 - (i) through the national land transport programme; and
 - (ii) from the allocation of the national land transport fund; and
 - (b) link the amount of revenue raised from road users with the planned levels of expenditure from the national land transport fund.
- (2) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

85 Status of GPS

To avoid doubt, a GPS is not—

- (a) a direction for the purposes of Part 3 of the Crown Entities Act 2004; and
 - (b) a regulation for the purposes of the Acts and Regulations Publication Act 1989; and
 - (c) a regulation for the purposes of the Regulations (Disallowance) Act 1989.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

86 Minister must issue GPS before national land transport programme

- (1) The Minister must issue a new GPS in advance of the expiry of the current national land transport programme.
- (2) A GPS must be in effect at all times over the same period as the current national land transport programme.

87 Preparation of GPS

- (1) The Minister must, in preparing the GPS,—
 - (a) be satisfied that the GPS—
 - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (ii) contributes to each of the following:
 - (A) assisting economic development:
 - (B) assisting safety and personal security:
 - (C) improving access and mobility:
 - (D) protecting and promoting public health:
 - (E) ensuring environmental sustainability; and
 - (iii) is consistent with any—
 - (A) national land transport strategy:
 - (B) national energy efficiency and conservation strategy; and
 - (b) take into account any relevant national policy statement that is in force under the Resource Management Act 1991; and
 - (c) have regard to the views of Local Government New Zealand and representative groups of land transport users and providers (including representative groups of coastal shipping users and providers).
- (2) Before issuing a GPS, the Minister must consult with the Agency about the proposed GPS.

88 Content of GPS

- (1) The GPS sets out how land transport funding is intended to improve the land transport sector in the context of land transport policy.
- (2) The GPS must include the following:
 - (a) the short- to medium-term impacts that the Crown wishes to achieve through the allocation of funding from the national land transport fund:
 - (b) the activity classes to be funded from the national land transport fund:

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (c) likely changes to the duties, fees, and charges paid into the national land transport fund for the first 3 years of the period covered by the GPS:
 - (d) an expenditure target for the national land transport programme for each of the first 3 years and any subsequent years that the Minister considers relevant:
 - (e) a maximum and minimum level of expenditure for the national land transport programme for each of the first 3 years and any subsequent years that the Minister considers relevant (subject to the ability to carry forward funds from the closing balance of the national land transport fund for a financial year to a future financial year):
 - (f) an allowable variation between expenses and capital expenditure incurred under the national land transport programme and the inflows received in the national land transport fund:
 - (g) funding ranges for each activity class for a period of 6 financial years:
 - (h) forecast funding ranges for each activity class for the period of 4 financial years following the first 6 financial years:
 - (i) overall investment likely to be made in the land transport sector over a period of 10 financial years and the likely or proposed funding sources:
 - (j) allowable reasons for varying the expenditure target identified in paragraph (d) when making funding allocation decisions:
 - (k) a statement of the Minister's expectations of how the Agency gives effect to the GPS.
- (3) The GPS may include the following:
- (a) background, including any relevant transport outcomes and objectives and any relevant land transport policies:
 - (b) any relevant funding policy:
 - (c) subject to the Public Finance Act 1989, any additional expected funding for land transport activities, including (but not limited to) any money that Parliament may appropriate for the purpose:
 - (d) any other relevant matters.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

89 Agency to give effect to GPS in respect of funding of land transport system

- (1) The Agency must give effect to the GPS when performing its functions under subpart 1 of Part 2 in respect of land transport planning and funding.
- (2) To avoid doubt, the GPS may not impose an obligation on the Agency to approve or decline funding for a particular activity or any combinations of activities under section 20.

90 Amending current GPS

- (1) The Minister may amend the current GPS at any time.
- (2) The provisions of this Act regarding the preparation and availability of a GPS—
 - (a) apply with the necessary modifications to an amendment to the current GPS; but
 - (b) do not apply if the amendment to the current GPS is not significant.
- (3) An amendment forms part of the GPS it amends.
- (4) For the purposes of this section, **current GPS** means the GPS that is in effect over the same period as the current national land transport programme.

91 Availability of GPS

As soon as practicable after issuing a GPS, the Minister must—

- (a) present a copy of the GPS to the House of Representatives; and
 - (b) arrange for a copy of the GPS to be given to each of the following:
 - (i) the Secretary:
 - (ii) the Agency:
 - (iii) the Commissioner:
 - (iv) every approved organisation; and
 - (c) make a copy of the GPS publicly available in accordance with section 108.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

Part 4

New Zealand Transport Agency, regional transport committees, and miscellaneous provisions

Subpart 1—New Zealand Transport Agency

92 Overview

- (1) This subpart establishes the New Zealand Transport Agency and sets out the objective and functions of the Agency, its operating principles, and related provisions.
 - (2) This Act contains a range of accountability provisions relevant to the Agency's functions, duties, and powers under this Act, including the following:
 - (a) section 11, which concerns the annual report on the national land transport fund; and
 - (b) Sections 16 and 17, which concern the form and content of regional land transport programmes, and include procedures for the Agency to propose activities or combinations of activities for inclusion in a programme; and
 - (c) section 19D, which concerns notification by the Agency about decisions not to include activities or combinations of activities in a national land transport programme; and
 - (d) section 20D, which concerns the giving of reasons by the Agency for any decision to approve or decline funding for an activity or combination of activities under section 20; and
 - (e) section 89, which concerns the requirement for the Agency to give effect to the GPS when exercising its functions under subpart 1 of Part 2; and
 - (f) section 96, which concerns the Agency's operating principles, systems, and procedures; and
 - (g) section 100, which concerns the Agency's statement of intent; and
 - (h) section 101, which concerns monitoring and review of specified activities and procedures of the Agency by the Secretary; and
 - (i) section 109, which concerns the making of regulations requiring the Agency to disclose specified information or report in specified ways.
 - (3) This section is by way of explanation only, and if a provision of this or any other Act is inconsistent with this section, the other provision prevails.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

93 Establishment of New Zealand Transport Agency

- (1) This section establishes the New Zealand Transport Agency.
- (2) The Agency is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The [Crown Entities Act 2004](#) applies to the Agency except to the extent that this Act expressly provides otherwise.

94 Objective of Agency

- (1) The objective of the Agency is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system.

95 Functions of Agency

- (1) The Agency has the following functions:
 - (a) to promote an affordable, integrated, safe, responsive, and sustainable land transport system:
 - (b) to investigate and review accidents and incidents involving transport on land in its capacity as the responsible safety authority, subject to any limitations set out in the [Transport Accident Investigation Commission Act 1990](#):
 - (c) to manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Roadway Powers Act 1989:
 - (d) to deliver or manage the delivery of its other activities and combinations of activities, including (but not limited to) those relating to research, education, training, and coastal shipping:
 - (e) to manage funding of the land transport system, including (but not limited to)—
 - (i) administration of land transport revenue and regional fuel taxes; and
 - (ii) auditing the performance of approved organisations in relation to activities approved by the Agency and the operation of the land transport disbursement accounts of approved organisations:
 - (f) to manage regulatory requirements for transport on land, including (but not limited to) maintaining and preserving records and documents concerning activities within the land transport system, and maintaining registers:
 - (g) to assist, advise, and co-operate with approved organisations:
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (h) to co-operate with, or to provide advice and assistance to, any government agency or local government agency when requested to do so by the Minister, but only if the Minister and the Agency are satisfied that the performance of the Agency's functions and duties will not be compromised:
 - (i) to provide the Minister with any advice relating to the Agency's functions that the Minister may request:
 - (j) to carry out any other functions relating to land transport that the Minister directs in accordance with section 112 of the Crown Entities Act 2004:
 - (k) to carry out those functions conferred on the Agency by other provisions in this Act or under any other Act.
- (2) The Agency's statutorily independent functions are to—
- (a) issue, endorse, alter, replace, renew, suspend, or revoke any land transport document or other authorisation under any enactment; and
 - (b) grant exemptions under any enactment; and
 - (c) enforce the provisions of any enactment conferring functions or duties on the Agency; and
 - (d) determine whether particular activities should be included in a national land transport programme; and
 - (e) approve activities or combinations of activities under section 20; and
 - (f) approve procurement procedures.
- (3) In this section, **land transport document** includes—
- (a) a land transport document as defined in section 2(1) of the Land Transport Act 1998; and
 - (b) a rail document as defined in section 4(1) of the Railways Act 2005.

96 Operating principles

- (1) In meeting its objective and undertaking its functions, the Agency must—
- (a) exhibit a sense of social and environmental responsibility, which includes—
 - (i) avoiding, to the extent reasonable in the circumstances, adverse effects on the environment; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (ii) ensuring, in relation to its functions under section 95, and to the extent practicable, that persons or organisations preparing regional land transport programmes—
 - (A) take into account the views of affected communities; and
 - (B) give land transport options and alternatives an early and full consideration in a manner that contributes to the matters in subparagraph (i) and subsubparagraph (A); and
 - (C) provide early and full opportunities to the persons and organisations who are required to be consulted in order to contribute to the development of regional land transport programmes; and
 - (iii) meeting the requirements of section 18H (Māori contribution to decision making); and
 - (b) use its revenue in a manner that seeks value for money, and,—
 - (i) if the revenue is part of the national land transport fund, in accordance with section 10(3); and
 - (ii) in all other cases, for the purpose for which it is collected; and
 - (c) ensure that its revenue and expenditure are accounted for in a transparent manner; and
 - (d) ensure that—
 - (i) it acts in a transparent manner in its decision making under this Act; and
 - (ii) it gives, when making decisions in respect of land transport planning and funding under subpart 1 of Part 2, the same level of scrutiny to its own proposed activities and combinations of activities as it would give to those proposed by approved organisations.
- (2) The Agency must have systems and procedures to enable it to give effect to the principle set out in subsection (1)(d)(ii), and must—
- (a) make information about those systems and procedures available on its Internet site; and
 - (b) include in its annual report under section 150 of the Crown Entities Act 2004 a report on its implementation of those systems and procedures.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) The Auditor-General must, when carrying out the annual audit of the Agency under section 15 of the Public Audit Act 2001, report on the Agency's implementation of the systems and procedures referred to in subsection (2).

97 Agency must consider delegating or contracting out functions and powers

In the course of performing its functions and exercising its powers, the Agency must consider whether it could most efficiently and effectively perform those functions and exercise those powers by means of its own operations, or by delegating or contracting out those operations to appropriate persons.

98 Agency's board

- (1) The Agency's board must have at least 6, but no more than 8, board members appointed in accordance with section 28(1)(a) of the Crown Entities Act 2004.
- (2) The responsible Minister must not appoint a board member unless he or she has consulted with the persons, representative groups within the land transport sector or elsewhere, government departments, and Crown entities that he or she considers appropriate.
- (3) The Agency's board must not delegate any functions or powers delegated to the board by the Minister without the written consent of the Minister.

99 Use of certain words

- (1) No person other than the Agency may, either alone or with another person, be incorporated or registered under another enactment, trade or carry on business, or perform the functions for which it was formed—
- (a) under a name that contains the words New Zealand Transport Agency; or
 - (b) under a name that so resembles the words New Zealand Transport Agency as to be likely to mislead.
- (2) On or from the commencement of this Act until 31 December 2011, no person other than the Agency may, either alone or with another person, be incorporated or registered under another enactment, trade or carry on business, or perform the functions for which it was formed—
- (a) under a name that contains the words Land Transport New Zealand or the words Transit New Zealand; or
 - (b) under a name that so resembles the words Land Transport New Zealand or the words Transit New Zealand as to be likely to mislead.
- (3) Nothing in subsection (1) or (2) applies to the Agency or to any person who is appropriately authorised by the Agency.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

100 Statement of intent

- (1) The Agency must, if so required by the Minister, include 1 or more of the following matters in its statement of intent under section 139 of the Crown Entities Act 2004:
- (a) the basis on which the Agency will prepare the national land transport programme and how that programme will give effect to the GPS;
 - (b) any requirement to review or revise the national land transport programme and the basis on which that review or revision is to be carried out;
 - (c) the basis on which the Agency will approve procurement procedures under section 25;
 - (d) any directions under section 95(1)(j) or under Part 3 of the Crown Entities Act 2004;
 - (e) a statement as to how the Agency will implement the principles, systems, and procedures in section 96;
 - (f) any steps that the Agency intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the Agency's land transport decision-making processes, over the period covered by the statement of intent;
 - (g) include any other matters that the Agency and the Minister agree or the Minister requires.
- (2) The Minister may direct the Agency to amend any provision that is included in its statement of intent under this section, and section 147 of the Crown Entities Act 2004 applies accordingly.

101 Secretary must monitor and review specified activities and procedures

- (1) The Secretary, for the purpose of evaluating the performance of the land transport funding and planning system, must monitor and review—
- (a) samples of activities or combinations of activities approved under section 20; and
 - (b) the Agency's evaluation procedures under sections 18J, 19A, 19B, and 20; and
 - (c) the Agency's process for determining and applying design standards to roads; and
 - (d) the Agency's application of procurement procedures under sections 25 and 26.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (2) The Secretary may, in writing, request the Agency to provide any information that is reasonably required and relevant to enable the Secretary to carry out the monitoring specified in subsection (1).
 - (3) The Agency must provide the Secretary with the information that the Secretary requests under subsection (2).
 - (4) Despite subsection (3), the Agency may refuse a request for information from the Secretary if—
 - (a) the withholding of the information is not contrary to the Official Information Act 1982; and
 - (b) the withholding of the information is necessary to protect the privacy of a person (whether or not a natural person or a deceased person).
 - (5) To avoid doubt, this section does not—
 - (a) limit sections 132 to 134 of the Crown Entities Act 2004; or
 - (b) affect the responsible Minister's functions, duties, or powers under the Crown Entities Act 2004.

102 Monitoring and reporting on delivery of approved police activities or combinations of police activities

- (1) The Secretary, or the Agency if designated for the purpose by the Secretary, must monitor the delivery of police Activities or combinations of police activities that the responsible Minister has approved under section 18L.
 - (2) With respect to the matters approved under section 18L, the Commissioner must, as agreed in writing by the responsible Minister and the Minister of Police, provide information relevant to those matters to any or all of the following:
 - (a) the responsible Minister:
 - (b) the Minister of Police:
 - (c) the Secretary:
 - (d) the Agency.
 - (3) The Secretary must provide the Minister and the Agency with a report on the performance of the police in relation to the matters that the responsible Minister has approved under section 18L.
 - (4) If the Agency carries out the monitoring required under subsection (1), the Agency must assist the Secretary with the production of the report required under subsection (3).
 - (5) The Secretary must provide the Agency with a copy of the report referred to in subsection (3) before the Agency prepares its annual report on the national land transport fund under section 11.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (6) An agreement entered into by the responsible Minister and the Minister of police under subsection (2) must be published or made available to the public in the manner that those Ministers jointly consider appropriate.

103 Secretary may declare State highways

- (1) After considering the recommendations of the Agency, the Secretary—
- (a) may, by notice in the *Gazette*, declare a road to be a state highway; and
 - (b) must, by the same or subsequent notice, define the route of the State highway by town, road name, or route position.
- (2) A road declared to be a State highway may include land that was not previously constituted as part of the road.
- (3) In determining the route of a State highway, the Secretary—
- (a) is not constrained to accept the route of an existing road; and
 - (b) may, if the Secretary thinks fit, declare, either permanently or temporarily, more than 1 state highway between any 2 places.
- (4) The Secretary may vary or revoke a declaration made under subsection (1) in the manner that a declaration is made under subsection (1).
- (5) A revocation of a State highway constitutes the road as a local road for the purposes of this or any other Act.
- (6) A declaration, variation, or revocation that affects or is likely to affect Māori land, land registered in the name of Pootatau Te Wherowhero under section 19 of the Waikato Raupatu Claims Settlement Act 1995, land subject to any other Māori claims settlement Act, or Māori historical, cultural, or spiritual interests, may not be made or revoked unless the Agency—
- (a) has consulted,—
 - (i) in the case of land registered in the name of Pootatau Te Wherowhero or interests relating to that land, the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995):
 - (ii) if any other Māori claims settlement Act requires consultation about the declaration, variation, or revocation, in accordance with that Act:
 - (iii) in any other case, every iwi or hapū that in the opinion of the Agency will or may be affected by the declaration, variation, or revocation; and
 - (b) is satisfied that the declaration, variation, or revocation should be made.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (7) Subsection (6) does not limit the ability of the Agency to take similar action in respect of any other population group.
 - (8) Before making a recommendation under subsection (1), the Agency must consult with any regional council or territorial authority that may be affected by the proposed declaration or revocation.
 - (9) A declaration, variation, or revocation made under this section comes into force on a date to be specified in the relevant *Gazette* notice.
 - (10) A road declared to be a State highway under section 11 of the National Roads Act 1953 or section 60 of the Government Roading Powers Act 1989 (formally known as the Transit New Zealand Act 1989), and having that status under either Act immediately before the commencement of this section, is to be treated as having been declared to be a State highway under this section.

104 Government Superannuation Fund

[Text omitted]

Subpart 2—Regional transport committees

105 Regional transport committees

- (1) As soon as practicable after each triennial election, every regional council must establish a regional transport committee under this section for its region.
 - (2) Each regional council must appoint to its regional transport committee—
 - (a) 2 persons to represent the regional council; and
 - (b) 1 person from each territorial authority in the region to represent that territorial authority; and
 - (c) 1 person to represent the Agency; and
 - (d) 1 person to represent the objective of economic development; and
 - (e) 1 person to represent the objective of safety and personal security; and
 - (f) 1 person to represent the objective of public health; and
 - (g) 1 person to represent the objective of access and mobility; and
 - (h) 1 person to represent the objective of environmental sustainability; and
 - (i) 1 person to represent cultural interests.
 - (3) Each regional council that is a unitary authority, or a combination of unitary authorities (as the case may be), must appoint to its regional transport committee—
 - (a) 5 persons to represent the unitary authority; and
 - (b) 1 person to represent the Agency; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (c) 1 person to represent the objective of economic development; and
 - (d) 1 person to represent the objective of safety and personal security; and
 - (e) 1 person to represent the objective of public health; and
 - (f) 1 person to represent the objective of access and mobility; and
 - (g) 1 person to represent the objective of environmental sustainability; and
 - (h) 1 person to represent cultural interests.
- (4) A person specified in subsection (2)(a) to (c) and (3)(a) and (b) may only be appointed on the nomination of the relevant entity.
- (5) A person appointed under subsection (2)(d) to (i) or (3)(c) to (h)—
- (a) must be from the wider regional community; and
 - (b) must not be a member or employee of that regional council, any other territorial authority in that region, or the Agency.
- (6) Each regional council must appoint from its representatives the chair and deputy chair of the committee.
- (7) At any meeting of a regional transport committee, the chair, or any other person presiding at the meeting,—
- (a) has a deliberative vote; and
 - (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).
- (8) The Minister may issue guidelines to regional councils concerning the requisite knowledge and skills of those persons to be appointed under subsections (2)(d) to (i) and (3)(c) to (h).
- (9) Despite subsection (1), 2 or more adjoining regional councils may establish a single regional transport committee under this section, in which case, subsections (2) to (8) apply with all necessary modifications.
- (10) If a regional transport committee is established under subsection (9), any reference in Part 2 of this Act to a regional council is to be read as a reference to each of the regional councils that have established the committee.
- (11) If the area of a territorial authority (other than a territorial authority in the Auckland region) falls into the regions of more than 1 regional council, the territorial authority must decide (after consulting the relevant regional councils) which regional transport committee to join.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (12) If subsection (11) applies, and a territorial authority fails to decide to join a regional transport committee, the Minister must direct the territorial authority to be represented by a particular regional transport committee.
 - (13) If subsection (11) applies, the regional land transport programme and regional land transport strategy prepared by the regional transport committee that it joins applies to the entire area of the territorial authority.
 - (14) For the purposes of subsection (11), **region**—
 - (a) has the same meaning as in the Local Government Act 2002; but
 - (b) means, in relation to Auckland, the Auckland region as defined in the Local Government (Auckland) Amendment Act 2004.
 - (15) Nothing in this section or in sections 106 and 107 applies to the Auckland Regional Council or to Auckland's regional transport committee.

106 Functions of regional transport committee

- (1) The functions of each regional transport committee are to prepare for approval by the relevant regional council—
 - (a) a regional land transport strategy for its region, or any variations to the strategy, or any reports on the strategy prepared under subpart 1 of this Part; and
 - (b) a regional land transport programme for its region, or any variations to the programme prepared under subpart 1 of Part 2; and
 - (c) a regional fuel tax scheme for its region if the regional transport committee decides to recommend a scheme; and
 - (d) to provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities.
- (2) Each regional transport committee and ARTA must adopt a policy that determines significance in respect of variations made to regional land transport programmes and regional land transport strategies under sections 18D and 81 (as the case may require).

107 Procedure of committee

- (1) The persons appointed under section 105(2)(d) to (i) and (3)(c) to (h) have full speaking rights but are not entitled to vote on matters related to regional land transport programmes.
- (2) The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the regional transport committees.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) The Agency is not, as a result of being represented on a regional transport committee, bound to—
 - (a) include any matter in a national land transport programme under section 19C; or
 - (b) approve an activity or a combination of activities under section 20.

Subpart 3—Miscellaneous

108 Public availability of documents

- (1) Subsection (2) applies if the Minister or the Agency is required under this Act to make a document publicly available.
 - (2) If this subsection applies, the Minister or the Agency must give notice in—
 - (a) the *Gazette*; and
 - (b) 1 or more daily newspapers published in Whangarei, Auckland, Hamilton, Rotorua, Tauranga, Hawke's Bay, New Plymouth, Palmerston North, Wellington, Nelson, Christchurch, Dunedin, and Invercargill.
 - (3) Subsection (4) applies if a regional council, ARTA, or the Auckland regional transport committee is required under this Act to make a document publicly available.
 - (4) If this section applies, the relevant regional council, ARTA, or the Auckland regional transport committee (as the case may be) must give notice in the relevant local and regional newspapers.
 - (5) A notice given under subsection (2) or (4) must state—
 - (a) where the document may be inspected; and
 - (b) where the document may be purchased.
 - (6) A person who gives notice of a document under subsection (2) or (4) must make the document available—
 - (a) for inspection, free of charge; and
 - (b) for purchase at a reasonable price; and
 - (c) on the relevant person's Internet site in a format that is—
 - (i) readily accessible; and
 - (ii) if practicable, capable of being utilised by the visually impaired.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

109 Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

- (a) requiring the Agency to—
 - (i) disclose specified information to the Minister or the public;
 - (ii) report in specified ways;
- (b) specifying—
 - (i) how funding under section 9(1) is to be apportioned; and
 - (ii) the process by which that funding can be allocated.

Schedules 1, 2, and 4 to 6 of the LTMA are repealed.

Appendix 1 Extract from the Land Transport Management Act 2003, continued

Schedule 7

Auckland regional land transport strategy and regional transport committee

1 Overview of Auckland's regional land transport strategy

- (1) Auckland's regional land transport strategy, which is prepared by the Auckland regional transport committee on behalf of the Auckland Regional Council every 6 financial years and covers a period of at least 30 financial years, enables the Auckland Regional Council to provide guidance on the land transport outcomes sought by the Auckland region.
- (2) This clause is intended by way of explanation only, and if this clause is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

2 Responsibility for preparing and approving Auckland's regional land transport strategy

- (1) At least once in every 6 financial years, the Auckland Regional Council must—
 - (a) ensure that the Auckland regional transport committee, which is established under clause 11, prepares, on the regional council's behalf, a regional land transport strategy for the Auckland region that covers a period of at least 30 financial years; and
 - (b) after considering the strategy prepared by the regional transport committee, approve Auckland's regional land transport strategy.
- (2) For the purposes of this schedule, that part of the district of the Franklin District Council that is within the region of the Waikato Regional Council is to be treated—
 - (a) as not being part of the region of the Waikato Regional Council; but
 - (b) as being part of the region of the Auckland Regional Council.

3 Core requirements for Auckland's regional land transport strategy

The Auckland regional transport committee must, in preparing Auckland's regional land transport strategy on behalf of the Auckland Regional Council,—

- (a) be satisfied that Auckland's regional land transport strategy—
 - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
 - (ii) contributes to each of the following:
 - (A) assisting economic development:
 - (B) assisting safety and personal security:

Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (C) improving access and mobility;
- (D) protecting and promoting public health;
- (E) ensuring environmental sustainability; and
- (iii) is consistent with any—
 - (A) national land transport strategy; and
 - (B) relevant national policy statement or relevant regional policy statement or regional plan that is for the time being in force under the Resource Management Act 1991; and
- (iv) avoids, to the extent reasonable in the circumstances, adverse effects on the environment; and
- (b) take into account—
 - (i) the relevant GPS; and
 - (ii) any national energy efficiency and conservation strategy; and
 - (iii) any relevant district plans.

4 Other matters that must be taken into account

When preparing Auckland's regional land transport strategy on behalf of the Auckland Regional Council, the Auckland regional transport committee must also take into account—

- (a) any guidelines issued by the Minister for regional land transport strategies; and
- (b) the land transport funding likely to be available within the region during the period covered by the strategy; and
- (c) the views of affected communities; and
- (d) the views of land transport network providers; and
- (e) the need to give early and full consideration to land transport options and alternatives in a way that contributes to the matters referred to in clause 3(a)(iv) and paragraph (c); and
- (f) the need to provide early and full opportunities for persons and organisations listed in clause 6(1) to contribute to the development of its regional land transport strategy.

5 Contents of Auckland's regional land transport strategy

- (1) Subject to subclause (2), Auckland's land transport strategy must contain the following matters:
 - (a) inter-regional and intra-regional transport outcomes relevant to the region; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (b) the strategic options for achieving those outcomes; and
 - (c) an assessment as to how the regional land transport strategy complies with clauses 3 and 4; and
 - (d) a statement of any relevant regional economic or land-use considerations, and the likely funding of any land transport infrastructure associated with those considerations; and
 - (e) a demand management strategy; and
 - (f) an assessment of the appropriate role for each land transport mode in the region; and
 - (g) an assessment of the role of education and enforcement in contributing to land transport outcomes; and
 - (h) a statement that identifies any strategic option for which co-operation is required with other regions; and
 - (i) a statement that identifies persons or organisations who should be involved in the further development of strategic options; and
 - (j) measurable targets to be achieved to meet the outcomes of the regional land transport strategy; and
 - (k) a statement provided by an independent auditor of how the process followed by the regional transport committee complied with the requirements of this Act; and
 - (l) a summary of the policy relating to significance adopted by the regional transport committee in the Auckland region under clause 11(6).
- (2) Despite subclause (1), Auckland's regional land transport strategy must not—
- (a) include reference to activities or their prioritisation unless those activities have high regional significance; or
 - (b) include any matters other than those specified in subclause (1); and
 - (c) include any regional passenger transport plan.

6 Consultation requirements for preparation of Auckland's regional land transport strategy

- (1) When preparing a proposed regional land transport strategy on behalf of the Auckland Regional Council, the Auckland regional transport committee must consult—
- (a) the approved organisations in the region (which, for the avoidance of doubt, includes ARTA); and
 - (b) the adjoining regional councils and territorial authorities; and
 - (c) the Secretary; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

- (d) the Agency; and
 - (e) the Commissioner; and
 - (f) the New Zealand Historic Places Trust; and
 - (g) the New Zealand Railways Corporation; and
 - (h) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
 - (i) the Ministry of Health; and
 - (j) the Accident Compensation Corporation; and
 - (k) the district health boards in the region; and
 - (l) affected communities; and
 - (m) Māori of the region; and
 - (n) the public in the region; and
 - (o) every affected approved public organisation in the region.
- (2) In carrying out the consultation required by subsection (1), the Auckland regional transport committee must—
- (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
 - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
- (3) The Auckland regional transport committee complies with subclause (2) if the required consultation on the regional land transport strategy is carried out in conjunction with the Auckland Regional Council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.
- (4) When preparing a regional land transport strategy, the Auckland regional transport committee may require from any territorial authority within its region such information as the committee considers it requires in order to properly perform its functions under this Act in relation to that strategy, and the territorial authority must promptly comply with that requirement.

7 Availability of Auckland's regional land transport strategy

As soon as practicable after it has approved Auckland's regional land transport strategy, the Auckland Regional Council must—

- (a) forward copies of it to—
 - (i) the Secretary; and
 - (ii) the Agency; and
 - (iii) the Commissioner; and
 - (iv) the approved organisations in the region; and
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

(b) make it publicly available in accordance with section 108.

8 Variation of regional land transport strategy

- (1) The Auckland Regional Council may vary Auckland's regional land transport strategy at any time.
- (2) The provisions of this schedule that apply to the preparation and approval of Auckland's regional land transport strategy apply, with the necessary modifications, to a variation of Auckland's regional land transport strategy.
- (3) A variation forms part of the Auckland regional land transport strategy that it varies.
- (4) Subclause (2) does not apply to any variations that are not significant.
- (5) The Auckland Regional Council must—
 - (a) monitor its regional land transport strategy; and
 - (b) promptly vary its regional land transport strategy if necessary to ensure that it is consistent with the national land transport strategy.

9 Effect of Auckland's regional land transport strategy

- (1) The Secretary must ensure that the actions of the Ministry take into account Auckland's regional land transport strategy.
- (2) In exercising its powers or performing its functions and duties, the Agency must ensure that it takes into account Auckland's regional land transport strategy.
- (3) The Commissioner must, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that in exercising or performing his or her functions, duties, and powers he or she takes into account Auckland's regional land transport strategies.

10 Three-year reports on regional land transport strategy

- (1) Every 3 financial years, the Auckland regional transport committee must prepare a progress report on the implementation of the Auckland regional land transport strategy in place during the previous 3 financial years.
 - (2) The Secretary, the Agency, the Commissioner, and approved organisations in the region must supply to the regional transport committee such information within its or his or her possession or control as may be reasonably requested by the Auckland regional transport committee for the purposes of preparing its progress report.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (3) Within 3 months after the close of the third financial year to which its 3-year report relates, the Auckland regional transport committee on behalf of the Auckland Regional Council must—
- (a) forward copies of the report to—
 - (i) the Secretary; and
 - (ii) the Agency; and
 - (iii) the Commissioner; and
 - (iv) approved organisations in the region; and
 - (b) make a copy of the report publicly available in accordance with section 108.

11 Regional transport committee

- (1) The Auckland Regional Council must establish a regional transport committee under this clause for the Auckland region.
 - (2) The Auckland regional transport committee consists of suitable persons appointed by the Auckland Regional Council to represent—
 - (a) the objectives of economic development, safety and personal security, public health, access and mobility, and environmental sustainability; and
 - (b) cultural interests; and
 - (c) the Auckland Regional Council; and
 - (d) other territorial authorities in the region; and
 - (e) the Agency.
 - (3) The Auckland Regional Council must appoint a sufficient number of persons to enable all of the objectives specified in subclause (2)(a) to be adequately represented.
 - (4) A person appointed with respect to subclause (2)(a) or (b)—
 - (a) must be from the wider regional community; and
 - (b) must not be a representative of the Auckland Regional Council, any other territorial authority in the Auckland region, or the Agency.
 - (5) The functions of the regional transport committee in the Auckland region are to—
 - (a) prepare a regional land transport strategy for the Auckland region for approval by the Auckland Regional Council, and to prepare any variations to, and reports on, the strategy;
 - (b) carry out the responsibilities of the committee set out in section 65E(3) and (4) in respect of the regional fuel tax scheme for the Auckland region.
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Appendix 1 Extract from the Land Transport Management Act 2003, continued

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- (6) The regional transport committee in the Auckland region must adopt a policy that determines significance in respect of variations made to regional land transport strategies under clause 8.
 - (7) The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the Auckland regional transport committee.
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Appendix 2 GPS guidance on land transport planning and evaluation

Introduction

This appendix is an extract from the Government Policy Statement on Land Transport Funding (GPS) issued in May 2009.

Considerations for planning and evaluation

Guidance on land transport planning and evaluation is one of the key means through which the GPS contributes to achieving the short and medium-term impacts.

Developing a land transport system that will achieve the short to medium-term impacts set out in this GPS will require planning and evaluation processes that take account of the following factors:

- the government's priority to support national economic growth and productivity, which includes the national roading priorities set out in the list of Roads of National Significance
- considering networks from a national perspective
- achieving value for money
- encouraging integrated planning
- making best use of existing networks and infrastructure
- implementing and fostering a co-ordinated approach
- considering the impact of volatile fuel prices.

These factors need to apply to the planning undertaken by local government and the NZTA, as well as to the evaluation of strategies, programmes packages and activities by the NZTA. Many of these factors are already being applied in developing land transport strategies and packages of activities.

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Appendix 2 GPS guidance on land transport planning and evaluation, continued

Supporting national economic growth and productivity

To achieve national economic growth and productivity, Regional Transport Committees and the NZTA should give priority to transport initiatives that:

- improve the provision of infrastructure and services that enhance transport efficiency and lower the cost of transportation to New Zealanders through
 - improvements to journey time reliability
 - easing severe congestion
 - more efficient freight supply chains
- provide better access to markets, employment and areas that contribute to economic growth.

In preparing land transport programmes, Regional Transport Committees and the NZTA should ensure that investment in nationally important infrastructure and corridors is given priority because of its particular contribution to national economic growth and productivity. This should encompass networks that support national economic growth and productivity, as well as contributing to regional outcomes.

In particular, consideration should be given to how projects funded through the National Land Transport Programme can support the delivery of the Roads of National Significance and the National Infrastructure Plan, and how the National Land Transport Fund can contribute to these.

While focusing on economic growth and productivity, improvements to the transport system should also seek to minimise any external costs associated with transport such as traffic accidents, noise and environmental impacts.

Considering networks from a national perspective

As part of developing regional priorities, Regional Transport Committees should consider the national aspect of some networks. In preparing the National Land Transport Programme, the NZTA should ensure proposed activities will not compromise the functioning of the national State highway and national rail networks.

Proposed improvements on inter-regional links will be coordinated across regional boundaries, and activities elsewhere on the transport network will not compromise the functioning of the nationally important networks.

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Appendix 2 GPS guidance on land transport planning and evaluation, continued

Achieving value for money

Making best use of resources by achieving value for money in the land transport sector is a key objective. To achieve value for money, three main concepts will need to guide the NZTA, local government and the sector when planning, assessing, and implementing strategies and activities. The three main concepts are effectiveness, economic efficiency and economy.

Effectiveness means selecting activities which together make the greatest contribution to the government's medium / long-term priorities, as well as the more immediate impacts sought in this GPS. Economic efficiency is about maximising the value of what is produced with the resources available.

Economy means ensuring that quality inputs are purchased at the lowest price over the whole life of the asset or intervention.

There will be an increased focus on economic efficiency. The NZTA's evaluation processes will be adjusted to give projects with high benefit cost ratios (BCR) higher funding and programming priority and to give projects with low BCRs more scrutiny (high BCR is greater than four; low BCR is less than two). This change will place the onus on the organisations seeking funding from the NZTA to give priority to higher BCR projects unless there is good reason to do otherwise.

The use of BCR will need to be complemented by other evaluation factors. The government expects the NZTA to consider the broader benefits and costs of proposed investments that cannot easily be captured in a benefit cost analysis, especially as they relate to economic activity.

In addition, the government considers that value for money can also be achieved through simplifying the process for allocating the National Land Transport Fund. The current process for allocating funds is highly complex and demanding on resources. The Ministry of Transport and the NZTA will consider options for simplifying this process that will generate savings and make the process for allocating funds more transparent.

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Appendix 2 GPS guidance on land transport planning and evaluation, continued

Ensuring integrated planning

Integrated planning is important to ensure that decisions made in relation to land use, transport and urban design collectively contribute to the efficient use of public funds and achieve the government's objectives for transport and New Zealand. To achieve integration, transport strategies and packages of activities should be developed alongside, and be clearly connected to, land use strategies and implementation plans.

The government is particularly concerned to see that better integration of land use, transport planning and urban design activity contribute to national economic growth and productivity. In particular, land use and transport planning processes should ensure that:

- the transport needs of future growth are considered in planning and developing the transport system
- future transport corridors are safeguarded from other development
- the long term sustainability of land transport funding is secured through ensuring that urban growth meets the costs of the infrastructural impact that such growth generates for the wider transport network
- opportunities are created for better integration within and between transport modes.

Making best use of existing networks and infrastructure

Regional Transport Committees and the NZTA should ensure that cost-effective measures to improve the efficiency of existing networks are considered as well as investment in new infrastructure.

However, careful consideration should also be given to the sequencing of development so that small iterative investments in existing infrastructure do not take place when more significant investment in redeveloping the same infrastructure is shortly planned to commence.

Implementing and fostering a co-ordinated approach

Most transport problems require the involvement of many government agencies and private sector stakeholders to develop solutions. For instance, improvements in road safety can require coordination between road controlling authorities, regional councils, the Police, the Accident Compensation Corporation, the Ministry of Health, district health boards, community groups and transport funders. All transport entities are expected to participate in a collaborative way with other agencies to reach coordinated solutions.

Considering the impact of volatile fuel prices

Recent experience has emphasised the volatility of oil prices, and the effects this can have on transport users. In times of high oil prices, the availability of transport choice, such as public transport, helps to mitigate the effects on households, and public transport use tends to increase.

It is expected that the NZTA and local government will take these factors into account when developing strategies and evaluating proposed activities.

Appendix 3 NZTA's policy consultation and communication process

Background	<p>It is essential that the NZTA develops and reviews policies in this manual in response to new legislation, ministerial requirements, requests from stakeholders, and changes in technology, the economy and transport policies. To achieve this, the NZTA needs to involve those organisations that are affected – particularly approved organisations.</p>
Scope	<p>The NZTA will follow the process outlined in this appendix for the development of all substantive new or reviewed policy for this manual. This does not include changes specifically required by legislation or Ministerial direction, clarification of existing policy, or the issue of information by the NZTA.</p>
Process	<p>The process would normally comprise the following steps:</p> <ol style="list-style-type: none">1. Development of the consultation plan – this covers what types of consultative mechanisms will be used, who the affected parties are, what the consultation objectives are, relevant timeframes and the process for analysing feedback and reporting to decision makers.2. Communication and publicity – this discusses how all interested parties will be advised of progress and the outcomes of the consultation.3. Implementation of the policy – this outlines the tools the NZTA will use to promote awareness and understanding of the policy.4. Link with National Land Transport Programme (NLTP) agreements – this shows how any policy variations can be incorporated into the agreements between the NZTA and approved organisations.5. Review of the process – this sets out the review phase of the policy consultation and communication process.

Appendix 3 NZTA policy consultation and communication process, continued

Development of the consultation plan

The NZTA will seek feedback from approved organisations and any other affected stakeholders on the timing and process for the proposed consultation at least a month before the consultation phase is scheduled to be initiated.

The consultative process will comprise one or more of the following mechanisms:

- **Forum** – used to advise/educate/raise awareness/scope during the early stages of a major new policy (eg the consultation workshops held on Land Transport NZ's allocation process in November 2003).
 - **Established advisory groups** – used to debate issues, update on progress, seek views on significant issues (eg Passenger Transport Advisory Group chaired by Land Transport NZ, RCA Forums chaired by the NZTA and Local Government NZ, and council or regional transport committee meetings).
 - **Working group/industry group** – used where the technical input of approved organisations and/or NZTA divisional groups is necessary to develop policy, and/or a detailed policy is being developed where significant consultation/discussion is needed (eg project evaluation review).
 - **Distribution of a draft policy or policy issue(s) to a selected number of approved organisations** – used where technical input/scrutiny/peer review is needed to ensure that the policy is correct/workable and to identify unforeseen implications or impediments to implementation. This mechanism suits policy that does not have significant compliance cost/practical difficulties, policies that have been requested by a majority of approved organisations or policies where significant support has been previously identified (eg some *Programme and funding manual* amendments).
 - **Distribution of a draft policy or policy issue(s) to all approved organisations for comment** – used where a significant number of approved organisations have expressed an interest/commitment to providing comment within a certain timeframe (eg NLTP agreements with approved organisations). All approved organisations will be kept informed and given the opportunity to comment. If council consideration is required, average meeting cycles will be considered in the development of the timeframe.
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Appendix 3 NZTA policy consultation and communication process, continued

Development of the consultation plan, continued

A combination of any of the above – can be used if a policy falls within several of these categories. Other stakeholders, including Māori, may also be involved in the consultation process, such as through representation on working groups or direct meetings and correspondence.

Communication and publicity

The NZTA will include reference to the particular policy review, consultation process and timing in the next publication of the NZTA's newsletters. This information will also be available on the NZTA's website (www.nzta.govt.nz).

If a working/discussion group situation is used, members are responsible for ensuring that their own organisation and all other approved organisations (including mayors, chief executives, councils, as applicable) are kept informed (where Local Government NZ has nominated representatives, it will facilitate this communication). Members are to keep the NZTA informed as to what mechanisms are being used to keep other approved organisations informed and obtain any feedback on issues.

The NZTA will keep all approved organisations informed as to progress with the policy development via communications, such as letters and emails, to nominated NLTP agreement representatives or general newsletters, and will provide additional updates on request.

All approved organisations will receive direct feedback from the NZTA on any comments they make on a proposed policy. This will include a response as to how the comments will be addressed in the policy or an explanation as to why they cannot be incorporated.

The NZTA will distribute working group minutes to all approved organisations. Any questions/comments on the minutes should be sent to the approved organisation working group representatives.

Appendix 3 NZTA policy consultation and communication process, continued

Implementation of the policy

All approved organisations will be advised of the NZTA Board's decision on the policy. If a working group was involved in the policy development, its members will be advised as to the variations, if any, from its recommendations and the reasons for the variations.

Once approved by the NZTA Board, all policies will be placed in NZTA manuals.

Copies of the manuals or manual amendments will be available to all approved organisations sufficiently in advance of their implementation to enable adequate familiarisation.

The NZTA will provide training on the final policy as needed.

Link with NLTP agreements

Policy variations will, where appropriate, be finalised prior to the distribution of any new NLTP agreement.

If policy variations are to occur partway through an NLTP agreement term, the consultative process developed above will, after discussions with Local Government NZ, specify how any necessary variations to agreements are to be negotiated. In the case of local authorities, this is preferably through a nationally represented working party.

The NZTA will advise all approved organisations by letter if the agreements need to be varied.

Review of the process

This *policy consultation and communication process* will be kept under review to ensure it is functioning to the satisfaction of all parties.

Appendix 4 Definition of terms

The term ...	IS defined as ...	AND applies to the following activities ...
AADT	Annual average daily traffic.	Roading
AAR	Annual achievement report – see section E5.2 of this manual.	All
Abutment	An end support of a bridge or similar structure.	Roading
ACC	Accident Compensation Corporation.	
Activity	A land transport output or capital project, or both.	All
Activity class	A grouping of similar activities.	All
Activity management plan (AMP)	An activity management plan prepared in accordance with clause 2 of schedule 10 of the Local Government Act 2002, or a similar plan – see section F2.4 of this manual.	All
Administration	The activities or components of activities that in the opinion of the NZTA are, or reasonably ought to be, provided in administering the delivery of land transport-related activities – see Chapter F14 of this manual.	All
Affected community	In relation to a proposed activity, means a group of people who are affected by the proposed activity because of living, studying or working in close geographical proximity to the proposed activity.	All
Alignment	The horizontal or vertical geometric form of the centreline of the carriageway.	Roading
Allocation	See also funding allocation and block allocation .	All
Annual plan (AP)	An annual plan adopted under section 95 of the Local Government Act 2002.	All
Approved organisation (AO)	A regional council, a territorial authority, an approved public organisation.	All
Approved public organisation	A public organisation approved under section 23 of the LTMA. Currently the Auckland Regional Transport Authority (ARTA), the Department of Conservation and the Waitangi National Trust Board.	All
Area-wide traffic control	A linked system of traffic signals that allows regulation of traffic flow.	Roading
ATMS	Advanced traffic management system.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
ARTA	The Auckland Regional Transport Authority established by section 7 of the Local Government (Auckland) Amendment Act 2004.	All
ASR	Annual statistics report – see section E5.2 of this manual.	All
Assessment	Stage 2 of NZTA’s approach to planning, programming and funding – see section A1.4 of this manual.	All
Assessment profile	The three-part rating for an activity, eg H/M/M – see Chapter G1 of this manual.	Improvement projects
Auditor-General	The Controller and Auditor-General is a statutory office created by Parliament by the Public Audit Act 2001. In tune with the Public Audit Act and common usage, the title is normally abbreviated to Auditor-General.	All

Appendix 4 Definition of terms, *continued*

The term ...	IS defined as ...	AND applies to the following activities ...
Bailey bridge	A temporary bridge of lattice steel designed for rapid assembly from prefabricated standard parts.	Roading
Base programme	An agreed underlying level of road maintenance and renewal, which is relatively constant from year to year.	Roading
Basecourse	The layer of material constituting the uppermost structural element of a pavement, immediately beneath the wearing course; or the graded aggregate that can be used in such a layer.	Roading
Benefit cost ratio (BCR)	The ratio that compares the benefits accruing to land transport users and the wider community from implementing a project or providing a service, with that project's or service's costs.	All
Berm	The edge of a road reserve between the kerb or surface water channel and property boundary, exclusive of footpath.	Roading
Betterment	The increased value of land arising from improved access.	Roading
Block allocation	A funding allocation for a group, package or programme of activities.	
Block passenger transport allocation	The block allocation for an agreed passenger transport programme.	
Block road maintenance allocation	The block allocation for an agreed road operations, maintenance and renewal programme. This excludes the minor improvements allocation.	Roading
(the) Board	The NZTA Board.	All
Bridge	A structure designed to carry a road or path over an obstacle by spanning it. This includes culverts with a cross-sectional area greater than or equal to 3.4 square metres.	Roading
Business unit	A management unit within an approved organisation that marshals physical and human resources to provide services and undertake works – see section E3.4 of this manual.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
C funds	Special funding for specific regions – see section A2.4 of this manual.	All
Capital project	<p>An individual land transport-related activity of a capital nature, including:</p> <ul style="list-style-type: none"> • planning, design and supervision related to the particular capital project • construction and reconstruction • any activity of a capital nature the purpose of which is to improve public safety in relation to land transport • administration related to a particular capital project. 	All
Carriageway	That portion of the road devoted particularly to the use of travelling vehicles, including shoulders.	Roading
Carryover	The unexpended allocation for an approved project in any year that is required in the next year.	All
CAS	Crash Analysis System.	Roading
Category 1 (Cat 1)	The status applying to an activity that is ready for funding approval – see section C3.8 of this manual.	All
Category 2 (Cat 2)	The status applying to an activity that the NZTA can anticipate funding within the three years of the NLTP, but which does not currently meet category 1 requirements – see section C3.8 of this manual.	All
Cattle stop	A grid across the road to prevent stock movement.	Roading
Causeway	A raised road across water or a swamp.	Roading
CBD	Central business district.	All
CBT	Compulsory breath test.	Road policing
CCTV	Closed-circuit television.	All
Centre line	Pavement marking on a road, which delineates opposing traffic flows.	Roading
Centreline	The basic line, at or near the centre or axis of a road or other work, from which measurements for setting out or constructing the work can conveniently be made.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Channelisation	A system of islands or markings on a carriageway to direct traffic into predetermined paths usually at an intersection or junction.	Roading
Chevron board	A patterned reflective sight board with chevrons that indicates an abrupt change in road direction.	Roading
Chip seal	A wearing course consisting of a layer or layers of chips originally spread onto the pavement over a film of freshly sprayed binder and subsequently rolled into place.	Roading
Cluster	A group of territorial authorities that have come together for the purpose of planning and delivering community programmes and/or road policing activities across their combined area.	ALTP
CO₂	Carbon dioxide.	
Coastal shipping	The carriage of coastal cargo by means of any ship (as defined in section 2(1) of the Maritime Transport Act 1994), being carriage that is authorised by or under section 198 of that Act.	
Combination of activities	Two or more activities from the same activity class or two or more activity classes.	
Commercial service	A service that is open to the general public and required to be registered under the Transport Services Licensing Act. The service is fully subsidised by the passenger.	Passenger transport services
Commissioner	The Commissioner of Police.	All
Commitment	The balance of financial allocation required to complete an approved activity in future years.	All
Community programme	The development and delivery, at the community level, of activities addressing safe and sustainable use of the land transport system – see Chapter F3 of this manual.	Community programmes
Complex project	A project with a construction/implementation cost estimate greater than \$20 million and/or meeting other criteria – see section C9.4 of this manual.	All
Concession agreement	An agreement or a suite of agreements approved under section 56 of the LTMA.	Roading
Concession road	A formed or unformed road to which a concession agreement applies.	Roading
Concessionaire	A person who has a concession agreement with a public road controlling authority.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Concession fares	Payments to operators for reduced fares for targeted groups such as school children and beneficiaries and funding urban school bus services with dedicated school contracts. The concession fares work category (w/c 513) does not include multi-trip ticket discounts.	Passenger transport services
Contracted service	A specified service in respect of which a regional authority has contracted to pay for the supply of that service.	Passenger transport services
Corrugations	Closely spaced ripples running across the line of traffic, generally where braking and acceleration of vehicles occurs.	Roading
Council-controlled organisation	A council organisation as defined in section 6 of the Local Government Act 2002.	All
Council-controlled trading organisation	A council-controlled organisation that operates a trading undertaking for the purpose of making a profit.	All
Crash reduction studies	Studies of crash sites aimed at identifying low-cost engineering works, education and road policing that improve road safety – refer to work category 002: Studies and strategies, in section F2.3 of this manual.	Road studies
Crib wall	A retaining wall made of interlocking concrete or timber sections with earth or gravel fill between.	Roading
CS	The road controlling authority's contribution to the total construction cost of a stock access structure – see section F10.6 of this manual.	Roading
Culvert	One or more adjacent pipes or enclosed channels running across and below road formation level having a cross-sectional area less than 3.4 square metres.	Roading
CVIU	Commercial Vehicle Investigation Unit of the NZ Police.	Road policing
Cycle lane	That portion of the carriageway devoted to the use of cycles only and marked accordingly (but which may occasionally be crossed by motor vehicles, turning at intersections or driveways or manoeuvring into parking spaces).	Roading
Cycle path	A separately formed path designed specifically for the use of cycles, to which motor vehicles do not have access.	Walking and cycling facilities

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Demand management	Demand management is a generic classification of strategies that encourage more efficient and sustainable travel and transport behaviour. Demand management has the objective of encouraging motor vehicle users to use alternative means of transport when appropriate while also reducing total vehicle kilometres travelled. This includes freight transport as well as personal travel.	Demand management, rail freight and sea freight
Direction sign	A sign placed usually at an intersection to direct traffic along a route or toward a destination.	Roading
District	The district of a territorial authority. In relation to land in respect of which a Minister of the Crown is the Council, that land.	All
Divided highway	A road with physically separated carriageways for traffic travelling in opposite directions.	Roading
DLR	Driver licence register.	All
Economic evaluation manual (EEM)	The NZTA's <i>Economic evaluation manual</i> , volumes 1 and 2.	All
Edge break	A road fault where the edge of the seal has broken away.	Roading
Edge line	A line painted on a road to indicate the outer edge of the traffic lane.	Roading
Embankment	A construction work (usually of earth or stone) that raises the ground (or formation) level above the natural surface.	Roading
Emergency reinstatement	The work required to reinstate a road facility damaged by a sudden and unexpected event.	Roading
EOI	Expression of interest.	Research
ERR	Emergency reinstatement rate – see section F7.11 of this manual.	Roading
ETM	Electronic ticketing machine.	Passenger transport

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
FEC	Firm estimate of cost – see section C3.9 of this manual.	All
Financial year	The 12 months beginning on 1 July and ending on 30 June.	All
First coat seal	The initial seal placed on a prepared base course.	Roading
Flanking	The removal of excess material, between the shoulder and water channel, which is inhibiting drainage.	Roading
Footpath	That portion of the road reserve set aside for the use of pedestrians only.	Roading
Ford	A shallow place in a watercourse, stream or river where the bed may be crossed by traffic.	Roading
Funding allocation	The amount of funding approved by the NZTA for an activity or combination of activities.	All
Funding approval	Approval given by the NZTA under section 20 of the LTMA.	All
Funding assistance rate (FAR)	The percentage of the total cost of an approved activity that the NZTA pays.	All
Furniture	A general term to describe features placed on or near the road to improve safety and assist drivers. Furniture includes barriers, guard rails, lighting, parking meters, poles, posts, signs, lights, etc.	Roading

Appendix 4 Definition of terms, *continued*

The term ...	IS defined as ...	AND applies to the following activities ...
Gabion	A rectangular wire-mesh cage filled with boulders, used to retain embankments and riverbanks.	Roading
Generic project	A specifically identified common type of improvement project with a construction/implementation cost of \$4.5 million or less – see section C9.4 of this manual.	Improvement projects
Government policy statement on land transport funding (GPS)	A government policy statement issued under section 86 of the LTMA – see section B1.4 of this manual.	All
Granular material	Material with a particle size no smaller than sand.	Roading
Grit	A fine granular material passing a 4.75 mm sieve.	Roading
Ground water	Water flowing or lying under the natural surface of the ground.	Roading
Group (of projects)	A number of small and/or generic projects of the same type representing a logical block of work, or a number of community programme activities each costing less than \$250,000 per year.	Improvement projects
Guard rail	A rail erected to restrain vehicles from physically leaving the road, including wire-rope barriers.	Roading
HOL	High-occupancy lane.	Roading and passenger transport

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
IBR	Indicated territorial authority base rate – see section F7.13 of this manual.	Roading
Information sign	A sign for the purpose of giving information, not being a warning or regulatory sign.	Roading
Impact	The contribution made to an objective or outcome, including by a specified activity class or activity classes.	All
Integrated ticketing	The purchase of a single ticket that allows travel on one or more modes of transport provided by one or more operators – see section F5.11 of this manual.	Passenger transport
Judder bars	Rounded ridges on the road surface positioned to encourage drivers to restrain vehicle position or speed.	Roading
Kerb	A border of rigid material, usually raised, which is formed at the edge of a traffic lane or shoulder.	Roading
Kerb and channel	Combined kerb and drainage channel.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Land drains	Those drains whose main purpose is to drain adjacent land rather than road reserve.	Roading
Lane line	A line other than the centre line or edge line painted on the road, which divides adjacent traffic lanes.	Roading
Land transport	Transport on land by any means and the infrastructure, goods and services facilitating that transport, including: <ul style="list-style-type: none"> • coastal shipping (including transport by means of harbour ferries, or ferries or barges on rivers or lakes) and associated infrastructure • the infrastructure, goods and services (including education and enforcement), the primary purpose of which is to improve public safety in relation to that transport. 	All
Land transport disbursement account	An account kept under section 24 of the LTMA – see section A2.4 of this manual.	All
Land transport options and alternatives	Includes land transport demand management options and alternatives.	All
LATMS	Local area traffic management scheme.	Roading
Legalisation surveys	Surveys related to the formal acquisition and documentation of land for roads.	Roading
Local authority (LA)	Any territorial authority or regional council within the meaning of the Local Government Act 2002.	All
Local Government Act (LGA)	The Local Government Act 2002.	All
Local government region (LGR)	An area within the administrative jurisdiction of a regional council.	All
Local road	Any road, other than a state highway, in the district, and under the control, of a territorial authority.	Roading
Local share	The portion of the total cost of an activity provided by an approved organisation.	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Long-term council community plan (LTCCP)	Long-term council community plan in accordance with section 93 of the Local Government Act 2002.	All
(the) LTMA	The Land Transport Management Act 2003, as amended from time to time.	All
LTMAA	The Land Transport Management Amendment Act 2008.	All
LTP online	NZTA's web-based system for preparing and managing regional land transport programmes and the National Land Transport Programme – see Chapter C11.	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Māori land	Māori customary land and Māori freehold land as defined in section 4 of Te Ture Whenua Māori Act 1993.	All
Māori roadway	A roadway laid out or to be laid out by order of the Māori Land Court under sections 315 to 326 of Te Ture Whenua Māori Act 1993 or laid out under any former Act relating to Māori land.	Roading
Macroscope	The data required for the 'notice of requirement' under the Resource Management Act 1991; having arrived at a preferred option towards the end of the investigation phase of the development of an improvement project – see section C9-5.	Improvement projects
Marker post	A post placed at the edge of the road, equipped with a reflector to assist night driving.	Roading
MBT	Mobile breath test	Road policing
Median	A raised or flush divider separating traffic.	Roading
Median barrier	A device used on multi-lane roads to keep opposing traffic in prescribed carriageways.	Roading
Minor and ancillary works	Works associated with a local road that are determined by the NZTA to be minor and ancillary roading works; but does not include in-house professional services or works associated with a state highway.	All
MoH	Ministry of Health.	All
MoT	Ministry of Transport.	All
MVR	Motor vehicle register.	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
N funds	Nationally distributed funds – see section A2.4 of this manual.	All
National activities	Activities managed or delivered nationally by NZTA – see Chapter F12 of this manual.	Activities delivered or managed by the NZTA
National energy efficiency and conservation strategy	A strategy issued under section 10(2) of the Energy Efficiency and Conservation Act 2000. See also NZ Energy Efficiency and Conservation Strategy .	All
(the) National Land Transport Fund	The fund established under section 10 of the LTMA – see section A2.3 of this manual.	All
(the) National Land Transport Programme (NLTP)	A National Land Transport Programme adopted by the NZTA under section 19 of the LTMA, as from time to time amended or varied – see Chapter D3 of this manual.	All
National land transport strategy	A national land transport strategy prepared under Part 3 of the LTMA.	All
New road	Includes a lane that is added to an existing road.	Roading
New service	Passenger transport service to a geographical area not previously serviced.	Passenger transport
New Zealand Injury Prevention Strategy (NZIPS)	The New Zealand Injury Prevention Strategy issued by the ACC.	All
New Zealand Energy Efficiency and Conservation Strategy (NZECS)	The current national energy efficiency and conservation strategy.	All
New Zealand Transport Strategy (NZTS)	The New Zealand Transport Strategy published by the government – see section B1.3 of this manual.	All
NGO	Non-government organisation	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
NoR	Notice of requirement issued under the Resource Management Act 1991.	All
NSC	Network safety coordination (projects).	Roading
NZHPT	New Zealand Historic Places Trust	All
NZRC	New Zealand Railways Corporation (ONTRACK)	Roading
(the) NZTA	The New Zealand Transport Agency established under section 93 of the LTMA.	All
Outcome	A state or condition of society, the economy or the environment, and includes a change in that state or condition.	All
Output	Goods or services.	All
Overpass	A grade separation where the traffic passes over an intersecting road or railway.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
PAC	Preliminary assessed cost – see section C3.9 of this manual.	All
Package	Interrelated and complementary group of activities or projects – can span more than one work category, and more than one activity class, eg a package could include a road improvement activity and a rail improvement activity.	All
Passenger kilometres	The total number of passengers carried over the relevant period multiplied by their average distance travelled on that service.	Passenger transport
Passenger service	Any bus service, harbour ferry service, passenger rail service, cable car, hovercraft, monorail, tramway or other form of public transport (other than air transport) that is available to the public generally.	Passenger transport
Passing bay	A widened length on a narrow bridge or road at which vehicles travelling in opposing directions can pass each other.	Roading
Passing lane	An additional lane on a road to allow one to overtake vehicles travelling in the same direction.	Roading
Pavement	The road structure that is constructed on the subgrade and supports the traffic loading.	Roading
Pavement markings	Any markings on the road to control traffic movement or parking.	Roading
Pedestrian crossing	A specially marked area giving right of way to pedestrians crossing the road.	Roading
PEO	Police education officer.	Road policing
PIR	Post-implementation review – see section E5.19 of this manual.	All
Police	The police of New Zealand within the meaning of the Police Act 1958.	Road policing
Police activities	Activities, approved by the Minister of Transport in conjunction with the Minister of Police, paid from the National Land Transport Fund, to be delivered by the police.	Road policing
Pothole	A hole in the pavement, frequently rounded in shape and greater than 70 mm in diameter, resulting from loss of pavement material.	Roading
PP&F manual	This manual.	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Present value (PV)	A future cost or benefit at its discounted value at the present day. Net present value (NPV) is the present value of a future benefit less the present value of the associated future cost.	All
Primer	A bituminous material applied to a prepared base in preparation for sealing.	Roading
Procurement	The purchase of works, goods or services.	All
Procurement procedure	A procurement procedure approved under section 25 of the LTMA.	All
Professional services	Technical inputs to an activity undertaken by persons skilled in fields relevant to that activity – see Chapter F14 of this manual.	All
Project	An activity that has a defined start, end and scope. Also see capital project .	All
Project feasibility report (PFR)	A report, which provides a simple, rapid method of analysis to facilitate the identification of economically viable projects.	All
PT	(Public) passenger transport.	Passenger transport
(Public) passenger transport service	The carriage of passengers for hire or reward by means of: <ul style="list-style-type: none"> • vehicles as defined in section 2(1) of the Land Transport Act 1998 • coastal ships • rail vehicles as defined in section 4(1) of the Railways Act 2005. 	Passenger transport

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
R funds	Regionally distributed funds – see section A2.4 of this manual.	All
RAG	Regional advisory group – see section C12.3 of this manual.	All
RAMMS	Road assessment and maintenance management system.	Roading
Region	The region of a regional council, and includes the district of a territorial authority, if the territorial authority is a unitary authority.	All
Recreational cycling	The riding of cycles for enjoyment or fitness (ie the main purpose of the trip is the ride itself).	Roading, cycle facilities
Regional authority (RA)	Any regional council or unitary authority, or a territorial authority that formally has had some of the powers and functions of a regional council transferred to it. ARTA is included in this definition.	All
Regional council (RC)	A regional council within the meaning of the Local Government Act 2002.	All
Regional fuel tax scheme	A regional fuel tax scheme established by Order in Council made under section 650(1) of the LTMA. Note: The government announced in March 2009 that the provisions for regional fuel tax will not be used as a source of funding.	All
Regional land transport programme (RLTP)	A regional land transport programme, prepared under Part 2 of the LTMA, as from time to time amended or varied.	All
Regional land transport strategy (RLTS)	A regional land transport strategy prepared under Part 3 of the LTMA.	All
Regional passenger transport plan (RPTP)	A plan, within the meaning of section 47 of the Transport Services Licensing Act 1989, specifying the passenger services the regional council or territorial authority proposes to be provided in its region or district, both generally and in respect of the transport disadvantaged.	Passenger transport
Regional transport committee (RTC)	A regional transport committee established under section 105 or clause 11 of schedule 7 of the LTMA.	All

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Regionally distributed funds (R funds)	Funds from a 5 cent per litre increase in fuel excise duty and an equivalent increase in road user charges for light vehicles, to be distributed regionally on the basis of population (with Auckland receiving 35 percent of the total collected) for 10 years from April 2005.	Road improvements, passenger transport, demand management
Regular project	An improvement project with a cost of \$20 million or less, but which does not qualify as a generic project or a complex project – see section C9.4 of this manual.	Improvement projects
Retaining wall	A wall constructed to resist lateral pressure from the adjoining ground or to maintain in position a mass of earth.	Roading
RFP	Request for proposal.	All
RFT	Regional fuel tax. See also Regional fuel tax scheme .	All
RISA	Road infrastructure safety assessment.	Roading
Risk targeted patrol plan (RTPP)	NZ Police operational tasking documents with the primary objective of allocating strategic road policing resources to known safety risks by location and time. See section D1.4 of this manual.	Road policing
RLTP	Regional land transport programme.	All
RLTP guidelines	The separate guidelines document on preparing RLTPs issued by the NZTA.	All
RMA	The Resource Management Act 1991.	All
Road	An area formed for vehicular traffic to travel on. The term 'road' describes the area between kerbs or surface water channels and includes medians, shoulders and parking areas.	Roading
Road assessment and maintenance management system	A computer-based road asset/activity management system including an inventory that helps to manage the maintenance and rehabilitation of pavements and related road assets.	Roading
Road controlling authority (RCA)	The Minister, Department of State, Crown entity, state enterprise or territorial authority that controls the road.	Roading

Appendix 4 Definition of terms, *continued*

The term ...	IS defined as ...	AND applies to the following activities ...
Road reserve	A legally described area within which facilities such as roads, footpaths and associated features may be constructed and maintained for public travel.	Roading
Road safety action plan (RSAP)	Plans developed at the local level to address road safety issues in the area – see sections D1.4 and F2.4 of this manual.	Roading
Road safety audit (RSA)	A procedure for auditing the safety of projects – see section F13.6 of this manual.	Roading
Road tolling scheme	A road tolling scheme established by Order in Council under section 46 of the LTMA.	Roading
Road type	The classification of a road relating to the type of funding assistance applying. Local roads, state highways, and special purpose roads are the three currently established road types.	Roading
ROC	Rough order of cost – see section C3.9 of this manual.	All
Roughometer	An instrument that measures the roughness of a road's surface.	Roading
Roundabout	An intersection of two or more carriageways at a common level where all traffic travels around a central island, which induces weaving movements in lieu of direct crossings.	Roading
Route marker	A sign indicating, by means of a number, device or colour, the course of a particular route.	Roading
RPP	Road policing programme – see chapter D1 of this manual.	Road policing
RRG	Research reference group – see Chapter G12 of this manual.	Research
RTPP	Risk targeted patrol plan.	Road policing
RUC	Road user charges in accordance with the Road User Charges Act 1977.	All
Rural	An area within a permanent speed limit greater than 70 km/h.	Roading
Running course	A thin layer of loose stone that protects the basecourse of an unsealed road.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
SAR	Scheme assessment report.	All
SCATS	A computer-linked system of traffic signals, the purpose of which is to enhance traffic flows. SCATS stands for Sydney Co-ordinated Adaptive Traffic System.	Roading
Scheme assessment report (SAR)	A detailed report that includes a precise problem definition, a description of options available to address the problem, a project evaluation, an assessment of environmental impacts, and a recommendation.	All
Second coat seal	A chip seal placed on top of a first coat sealed surface.	Roading
Shoulder	That portion of the carriageway outside the traffic lanes.	Roading
Sight rail	A timber or metal rail (usually reflective or painted white) placed to highlight a change in road direction or some other hazard.	Roading
Slow vehicle bay	A shoulder constructed with sufficient width and strength to allow slow vehicles to pull aside to permit other vehicles to pass.	Roading
Slurry seal	A road surface treatment consisting of a mixture of bitumen emulsion and fine aggregate.	Roading
Small project	A generic project with a construction/implementation cost of less than \$250,000 – see section C9.4 of this manual.	Improvement projects
Smartcard	A credit card sized card that can be loaded with electronic money or products – see section F5.11 of this manual.	Passenger transport
Special purpose road	A local road that was historically accepted as a special purpose road in terms of section 104 (now repealed) of the Transit New Zealand Act 1989 (renamed the Government Rooding Powers Act 1989 from 1 July 2008).	Roading
Specified service	A passenger service specified in a regional passenger transport plan.	Passenger transport services
Stabilise	The modification of any material to improve or maintain its load-carrying capacity. Usually lime or cement is used as the modifier.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
State highway	<p>A road, whether or not constructed or vested in the Crown, that is declared to be a state highway under section 11 of the National Roads Act 1953, section 60 of the Government Rooding Powers Act 1989 (formally known as the Transit New Zealand Act 1989), or under section 103 of the LTMA; and includes:</p> <ul style="list-style-type: none"> • all land along or contiguous with its route that is the road • any part of an intersection that is within the route of the state highway • for the purposes of regional land transport programmes, the National Land Transport Programme and any expenditures approved under section 20 of the LTMA by the NZTA, a proposed state highway. 	Rooding
Strategic road policing activities	Enforcement activities delivered by NZ Police covering speed control, drinking and drugged driver control, restraint device control, visible road safety enforcement and commercial vehicle investigation and road user charges (RUC) enforcement.	Road policing
Street	A road within an urban locality.	Rooding
Subway	A structure constructed to permit the passage of pedestrians, cycles or stock beneath the road.	Rooding
Substructure	The piers and abutments (including wing walls) of a bridge, which support the superstructure.	Rooding
Superstructure	That part of a bridge structure that is supported by the piers and abutments.	Rooding
Supplementary funds	Funding contributions that are additional to the standard levels of NZTA and local authority funding specified in the NZTA's published funding assistance rates.	All
Surface water channel	An open drain or ditch along the side of the road that collects water running off the road's surface.	Rooding
Sweeping	The removal of loose material from the carriageway.	Rooding

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
TA base rate	Territorial authority base rate – the base funding assistance rate determined by the NZTA for a territorial authority – see section F7.13 of this manual.	All
TA construction rate	Territorial authority construction rate – the funding assistance rate for improvement activities determined by the NZTA for a territorial authority – see section F9.10 of this manual.	All
TAG	Traffic alcohol group.	Road policing
Technical approval	The approval in principle of a project, which makes it eligible for inclusion in the National Land Transport Programme.	All
Technical reviews	The review of outputs and general operations of road controlling authorities that receive funds from the NLTF.	Roading
Territorial authority (TA)	A territorial authority within the meaning of the Local Government Act 2002. This is usually taken to refer to a city council or a district council.	All
Toll	A toll payable under Part 2 of the LTMA.	Roading
Total Mobility scheme	The scheme to assist eligible people with impairments to access appropriate transport to enhance their community participation. Assistance is provided in the form of subsidised door-to-door transport services. See section F5.12 of this manual.	Passenger transport
Traffic lane	A portion of the carriageway allotted for the use of a single line of vehicles.	Roading
Traffic island	A defined area within a road, usually at an intersection, from which traffic is intended to be excluded and which is used for control of vehicular movements and for pedestrian refuge.	Roading
Traffic management	Activities/devices that facilitate management of the road network – see work category 321 in section F9.2 of this manual.	Roading
Traffic volume	The number of vehicles flowing in both directions past a particular point in a given time (eg vehicles per hour or vehicles per day).	Roading

Appendix 4 Definition of terms, *continued*

The term ...	IS defined as ...	AND applies to the following activities ...
Transport disadvantaged	Those who do not have access to a private means of transport and who face actual or potential obstacles in using traditional public transport by living in areas not served by public transport, or by being unable to afford public transport, or by being unable to access public transport due to having a permanent or temporary disabling condition.	All
Underpass	A grade separation where the traffic passes under an intersecting highway or railway.	Roading
Unitary authority (UA)	A territorial authority carrying out the additional functions of a regional council.	All
Urban	An area within a permanent speed limit of less than or equal to 70 km/h.	Roading
Utility services	Services such as gas, water, electricity, telephone, sewer and stormwater.	Roading
Vehicle crossing	A formed area where vehicles can cross over channel and footpath.	Roading
VOC	Vehicle operating costs.	Roading
Void-fill seal	An emulsion seal, usually consisting of grit or small chips, for filling the voids in an existing coarse-textured chip-seal surface.	Roading
VMS	Variable message sign.	Roading

Appendix 4 Definition of terms, continued

The term ...	IS defined as ...	AND applies to the following activities ...
Water channel	A channel for the purpose of conveying water, whether lined or unlined.	Roothing
Water table	The level at which ground water will finally stand in an unpumped bore hole, well or other depression.	Roothing
Wearing course	The surface layer of a pavement intended for skid and abrasion resistance.	Roothing
Windrow	The long ridge of material formed by a grader or earth-moving machine.	Roothing
Wing wall	A wall extending an abutment, as in a bridge, for retaining the side slopes of earth fill.	Roothing
Work category (WC or W/C)	<p>A type of activity – not confined to a particular activity class, eg new roads (work category 323) appears in:</p> <ul style="list-style-type: none"> • activity class 12 – new and improved infrastructure for local roads • activity class 13 – new and improved infrastructure for state highways. 	All

Achievement reports C12-2; E5-4 to E5-8

Activity class Part F

- 1 Transport planning Chapter C4; E5-8; Chapter F2
- 2 Demand management and community programmes Chapter C5; E5-10; Chapter F3; Chapter G7
- 3 Walking and cycling facilities Chapter C9; E5-12; Chapter F4
- 4 Public transport services Chapter C6; E5-13; Chapter F5
- 5 Public transport infrastructure Chapter C3; Chapter C9; C12-6; E5-13,14; F1-4; G4-4; G5-4
- 6 Rail and sea freight C12-6; E5-23; Chapter F6; G5-1,2
- 7 Domestic sea freight development D2-1; Chapter F6; G5-2
- 8/9 Maintenance and operation of local roads/state highways Chapter C7; E5-24; Chapter F7
- 10/11 Renewal of local roads/state highways A-3; Chapter C7; E5-24; F7-13; Chapter F8; Chapter F10; Chapter G10
- 12/13 New and improved infrastructure for local roads/state highways A-3; Chapter C3; Chapter C9; E5-10; Chapter F9; Chapter F10
- 14 Road policing Chapter F11
- 15 Sector research A1-14; E3-13; E5-41,42; F12-2; Chapter G12; G15-12
- 16 National education and promotion F12-3
- 17 Sector training and support C3-7; E5-42; F12-4; G13-1
- 18 Management of the funding allocation system E3-13; E5-42; F1-7; F12-5; Chapter G14
- 19 Performance monitoring E3-13; E4-28; E5-3,42; F12-6; Chapter G14
- 31 Regional development F1-8
- 32 Canterbury transport project A2-7
- 33 SuperGold Card A2-7,8; C3-18; F1-8

Activity management plans Chapter B4; Chapter F2

Administration and professional services F14-2

Advance property purchase *See* Work categories – 333

Area-wide traffic control systems F9-10

Assessment

- Assessment criteria and considerations G2-1
- Assessment factors F7-17; G1-4
- Assessment for funding approval E1-5
- Assessment of activities C10-2
- Assessment of community programmes G8-1 to 3
- Assessment of completed strategies and plans B4-10
- Assessment of demand management G7-1
- Assessment of generic projects Chapter G4
- Assessment of improvement projects G2-1; Chapter G5
- Assessment of national education and training activities G13-1
- Assessment of packages G3-1
- Assessment of passenger transport programmes Chapter G9
- Assessment of police activities Chapter G11
- Assessment of programme management and performance monitoring G14-1
- Assessment of proposals for studies, and strategy and/or plan development Chapter G6
- Assessment of research activities Chapter G12
- Assessment of road operations, maintenance and renewal programmes Chapter G10

Assessment profile G1-2

Associated improvements *See* Work categories – 231

Audit of activities delivered by approved organisations E5-37

Audit of activities managed or delivered by the NZTA E5-42

Availability and distribution of manual A-10

Base rates F7-21 to 24; F8-12; F9-12

Betterment A2-9 to 15; F9-5 to 8; F10-1 to 5

Boundary roads and bridges C9-19

Bridges and other structures Chapter C9; F8-5; Chapter G5

Bus and passenger ferry concession fares *See* Work categories – 513

Bus services *See* Work categories – 511

Business units E3-4 to 6; F14-2,5

C fund Chapter A2

Canterbury Transport Project A2-7

Carriageways F10-4

Category 1 and Category 2 C3-13; Chapter D3; Chapter G2

Cattle stops F7-5; F8-5; F9-6,7; F10-7

Changes to activities that do not require an RLTP variation E4-7

Claims C12-2; Chapter E4

Classification of activities Chapter F1

Closed-circuit television F13-1 to 4

Combinations of activities

Overview of C3-4

Community engagement in land transport D1-4; F1-7; F11-5

Community programmes *See* Work categories – 432

Costs and estimates C3-15

Crash analysis system E3-13; E5-4,35; F1-7; F12-6

Cycle facilities *See* Work categories – 452

Cycle path maintenance *See* Work categories – 124

Data collection E5-6,15,19; F5-23; F14-4

Definition of terms Appendix 4-1

Delegated block allocation transfers E4-23

Delivery of police activities E5-34

Demand management and community programmes *See* Activity class

Domestic sea freight *See* Activity class

Drainage renewals *See* Work categories – 213

Education and training C3-10; F3-21; G13-1

Effectiveness rating G1-10

Efficiency rating G1-13

Emergency reinstatement *See* Work categories – 141

End-of-year carryovers E4-30

Environmental maintenance *See* Work categories – 121

Environmental renewals *See* Work categories – 221

Escalation C3-15

Extract from the Land Transport Management Act 2003 Appendix 1-1

Financial grants C8-1; F1-5; F7-14

Formulating activities and combinations of activities C3-1

NZTA's involvement in C3-3

Funding allocation process A1-5 to 8; C10-4

Funding approval of activities Chapter E1

Funding assistance Part F

Funding assistance for administration F14-5

Funding assistance for maintenance and operation of roads F7-19

Funding assistance for multi-party projects F15-2

Funding assistance for renewal of roads F8-12

Funding assistance for transport planning F2-18

Funding for demand management and community programmes F3-5

Funding for improvement of roads F9-12
Funding for passenger transport operations and infrastructure F5-10
Funding for rail and sea freight F6-4
Funding for walking and cycling facilities F4-5
Funding plan Chapter B4; Chapter C12; Chapter F2
Funding policies, road related F10-1
Funding principles A2-11
Funds managed on behalf of the Ministry of Transport A2-7
Government policy statement *See* GPS
Land transport funding B1-5
Government strategies Chapter B1
GPS Chapter A2; Chapter B1; B3-5; Chapter B4; Part C; Chapter D3
GPS guidance on land transport planning and evaluation Appendix 2
Group activities C3-5; C9-3
Improvement activities Chapter C9; Chapter G5
Improvement of roads *See* Activity class
Budgets C9-15
Groups C9-4
Improvement projects, preparing C9-1
Phases C9-10
Submitting improvement projects C9-19
Supporting information C9-16
Types C9-8
Incident and emergency management D1-4; F1-7; F11-4; G11-2
In-house professional services A2-13; E3-3,7 to 13; F3-23; F14-2
Integrated planning Chapter B2
Integrated ticketing F5-12
Key dates C1-3,8,10; Chapter C2; C3-6; C11-9,21; C12-7; D1-4
Land Transport Management Act *See* LTMA
Land transport planning process B2-10
Land-use planning B2-4
Legislative framework for land transport planning, programming and funding A1-17
Level crossing warning devices C8-1; F1-5; F7-11,20
Local road connections F10-13 to 15
LTMA A1-17
Extract Appendix 1
LTMA provisions for assessment A1-9
LTP online Chapter C3
Access to data C11-4
Create RLTP and review C11-8
Modules, user guides and help C11-3
Using *LTP online* C11-6
Maintenance and operation of roads *See* Activity class – Maintenance and operation of local roads/state highways
Management of the funding allocation system *See* Activity class
Minor and ancillary works E3-1 to 6
Minor capital works C1-4; C11-11; E4-7 to 14
Minor improvements *See* Work categories – 341
Monitoring and reporting Chapter E5
Monthly programme reviews F7-24
Multi-party projects C3-5; F6-4,5; F15-1 to 3
N fund Chapter A2
National activities F12-1
and the National Land Transport Programme D-1
National education and promotion Chapter F12
National Land Transport Fund Chapter A2
NLTF annual report E5-35
Uses of the NLTF A2-5
National Land Transport Programme *See* NLTP
National strategies and policies B1-1

Nationally managed activities D2-1
Network and asset management *See* Work categories – 151
New roads *See* Work categories – 323
New traffic management facilities *See* Work categories – 321
NLTP
Assessment D3-11
Including activities D3-4
NLTP agreements E2-1
Preparation process D3-6
Preparing D3-1
Summary of LTMA requirements D3-2
NZ Police Chapter F11
NZ Transport Strategy *See* NZTS
NZTA contact details A-10
NZTA's policy consultation and communication process Appendix 3-1
NZTS B1-3
Off-street parking areas F10-20
Operation and maintenance of roads *See* Activity class – Maintenance and operation of local roads/state highways
Operation of passenger transport *See* Activity class
Operational traffic management *See* Work categories – 123
Optimisation C10-4
Packages
Advantages C3-9
Creating a package C3-12
What to include C3-9
Passenger ferry services *See* Work categories – 512
Passenger rail services *See* Work categories – 515
Passenger transport Chapter F5
Passenger transport facilities operations and maintenance *See* Work categories – 514
Passenger transport infrastructure *See* Work categories – 531
Passenger transport programme, preparing and submitting C6-1 to C5
Passenger transport road improvements *See* Work categories – 533
Passenger transport statistics E5-15
Pavement markings F7-8; F8-2,6; F9-5,6,11; F13-5 to 8
Payments exempt from procurement procedures E3-3
Pedestrian facilities *See* Work categories – 451
Peer reviews of activities G15-1
Performance monitoring *See* Activity class
Performance of the land transport system E5-3
Planning, programming and funding process A1-1 to 3
Police activities A1-9; C11-13,17,18; D3-2,4; E4-13; F11-1; G11-1
Liaison group, clusters and current allocations D1-5
Recommendations and approval D1-6
Summary of legal provisions for recommendations D1-2
Preventive maintenance *See* Work categories – 241
Prioritisation A1-5,6; A2-8; B3-10; C1-4; C6-3; C7-4; C9-7; C11-5,11,16; E4-11; F2-15; F5-16; G2-2
Prioritisation and programming of activities B4-8
Prioritisation and programming D3-7
Procurement Chapter E3
Programme management A-4; E4-1; F1-7; F12-3 to 5; G14-1
Programme reviews E4-14

Progress reports on regional land transport strategy E5-5

Projects in groups and packages E5-9

Property management (state highways) *See* Work categories – 161

Property purchase (local roads) *See* Work categories – 332

Property purchase (state highways) *See* Work categories – 331

Property E5-32

Protection planting F7-6; F8-10,11

Quality assurance requirements E3-9

R and C funds, recommended allocation C12-12

Rail and sea freight *See* Activity class

Rail crossings F10-6

Rail freight *See* Work categories – 441 & 445

Regional development funding A2-7

Regional dimension to the GPS B1-7

Regional land transport planning management F1-3; F2-1 to 5

Regional land transport programme *See* RLTP

Regional land transport strategies Chapter B3
Legislative and policy requirements B3-5
Prioritisation of activities B3-10
Process for developing B3-8
Scope B3-3

Reliability of estimates C3-16

Renewal of roads *See* Activity class – Renewal of local roads/state highways

Replacement of bridges and other structures *See* Work categories – 322

Research *See* Activity class – sector research

Reviewing assessment and optimisation C10-5

Revoked or declared state highways F10-16

RLTP Chapter C1; Chapter C12
Assessment of C12-15
Consult on draft C12-19
Develop the draft C12-13
Finalise C12-20
Monitoring implementation E5-6
NZTA review of draft RLTPs C12-6
Police activities assessment C12-18
Police activities inputs C12-17
Preparation process and timeline C12-3
Preparing a C12-1
Prioritisation of activities C12-11
Regional priorities C12-8
Summary of legislative provisions for C1-8

Road network transportation studies F2-4,11

Road operations, maintenance and renewal programme Chapter C7; Chapter F7; Chapter G10
Changes C7-10
Composition C7-3
Preparation C7-1
Submitting C7-11
Supporting information C7-5
Ten-year budgets C7-8

Road policing programme and key dates D1-4

Road policing *See* Activity class

Road reconstruction *See* Work categories – 324

Road safety audits F13-9,10

Road statistics E5-29

Roading activities E5-24

Roles
Approved organisations A1-10
NZTA A1-13
Other A1-10

Routine drainage maintenance *See* Work categories – 113

Schedule of key dates C12-7

Sea freight *See* Work categories – 442 & 446

Seal extension *See* Work categories – 325

Sealed pavement maintenance *See* Work categories – 111

Sealed road pavement rehabilitation C7-3; F8-4

Sealed road resurfacing C7-3; E5-27; F7-4; F8-2; F10-4

Sector training and support *See* Activity class

Seriousness and urgency rating G1-6

Service lanes F10-5

Services
Location and relocation of services F10-18

Significance policy B3-6; C11-13,21; E4-10

Small projects C9-4 to C9-8

Sources of funding A2-2

Special purpose roads E5-27 to 30; F2-18; F7-19; F8-12; F9-12

State highway/local road connections F10-13

Stock crossings F10-9

Stock truck effluent disposal facilities F10-11

Strategic road policing D1-4 to 6; F1-7; F11-1 to 3; G11-2 to 5

Strategy and integrated planning, need for B1-2

Structure of the manual A-7 to 9

Structures component replacements *See* Work categories – 215

Structures maintenance *See* Work categories – 114

Studies and strategies *See* Work categories – 002
Preparation C4-1
Reporting E5-8

Subdivisional roads F10-17

Sub-regional strategies and plans B4-1
Role and contents B4-2
Scope B4-4
Developing B4-6

SuperGold Card *See* Activity class

Supplementary funding A2-9

Support for strategies or plans B4-9

Ten-year forecast of expenditure by activity class C3-18

Terms used in the LTMA, guidance on C1-4

Territorial authority base rates F7-21

Total Mobility flat rate payments *See* Work categories – 521

Total Mobility operations *See* Work categories – 517

Total Mobility scheme F5-16

Traffic control systems F7-10; F8-6; F9-2; F13-2

Traffic signals F4-2,4; F7-10; F8-6; F9-2,5,6; F13-5

Traffic signs and pavement markings F7-8; F9-11; F13-5 to 8

Traffic systems and road safety F13-1

Training and support programme F12-4

Transport demand management B2-1; F2-4,5,11,15; F3-20

Transport mode planning and demand management B2-8

Transport planning Chapter C4; Chapter F2; Chapter G6

Uneconomic roading facilities F7-15,16; F8-10; F9-3,4; F10-21

Unsealed pavement maintenance *See* Work categories – 112

Unsealed road metalling Chapter C7; F8-1; Chapter G10

Use of the land transport system C3-10; F2-8; F3-21,22; G5-3

Variation
Variation of RLTPs E4-9
Variation of the NLTP E4-12

Vegetation control F7-6; F7-7

Walking and cycling facilities *See* Activity class

Walking and cycling E5-12

Wheelchair hoists See Work categories – 519

Work categories

- 001 Regional land transport management F2-2
- 002 Studies and strategies Chapter C4; Chapter F2; Chapter G6
- 003 Activity management plans F2-12 to F2-17
- 111 Sealed pavement maintenance F7-2
- 112 Unsealed pavement maintenance Chapter C7; F7-2; Chapter G10
- 113 Routine drainage maintenance F7-3
- 114 Structures maintenance F7-5
- 121 Environmental maintenance Chapter C7; F7-6,7; Chapter G10
- 122 Traffic services maintenance F7-8,9
- 123 Operational traffic management F7-10
- 124 Cycle path maintenance Chapter C7; F7-11; Chapter G10
- 131 Level crossing warning devices F7-11
- 141 Emergency reinstatement E1-8; F7-15 to F7-19
- 151 Network and asset management F7-12,13
- 161 Property management (state highways) F7-14
- 171 Financial grants F7-14
- 211 Unsealed road metalling F8-2
- 212 Sealed road resurfacing F8-2
- 213 Drainage renewals F8-3
- 214 Sealed road pavement rehabilitation F8-4
- 215 Structures component replacements F8-5
- 221 Environmental renewals Chapter C7; F8-5; Chapter G10
- 222 Traffic services renewals F8-6,7
- 231 Associated improvements Chapter C7; F8-8; Chapter G10
- 241 Preventive maintenance F8-10
- 321 New traffic management facilities Chapter C9; F9-2; Chapter G5
- 322 Replacement of bridges and other structures F9-3
- 323 New roads F9-5
- 324 Road reconstruction F9-6
- 325 Seal extension F9-7
- 331 Property purchase (state highways) F9-8
- 332 Property purchase (local roads) F9-8
- 333 Advance property purchase F9-10
- 341 Minor improvements Chapter C9; F9-11; Chapter G5
- 421 Demand management Chapter C5; F3-19,20; Chapter G7
- 432 Community programmes Chapter C5; Chapter F3; Chapter G8
- 441 Rail freight operations F6-3
- 442 Sea freight operations F6-3
- 445 Rail freight infrastructure F6-3
- 446 Sea freight infrastructure F6-3
- 451 Pedestrian facilities F4-2
- 452 Cycle facilities Chapter C9; F4-4; Chapter G5
- 511 Bus services Chapter C6; F5-2; Chapter G9
- 512 Passenger ferry services Chapter C6; Chapter C9; F5-3; Chapter G9
- 513 Bus and passenger ferry concession fares F5-4
- 514 Passenger transport facilities operations and maintenance Chapter C6; Chapter C9; F5-5; Chapter G9
- 515 Passenger rail services Chapter C6; Chapter C9; F5-6; Chapter G9
- 517 Total Mobility operations F5-7; Chapter G9
- 519 Wheelchair hoists F5-7
- 521 Total Mobility flat rate payments F5-7; Chapter G9
- 531 Passenger transport infrastructure Chapter C6; Chapter C9; F5-13; Chapter G9
- 533 Passenger transport road improvements Chapter C9; F5-9; Chapter G5
- 711 Strategic road policing F11-2,3; G11-2
- 712 Incident and emergency management F11-1; F11-4; G11-2
- 713 Road policing resolutions F11-5; G11-2
- 714 Community engagement in land transport F11-5; G11-2
- 811 Research programme F12-2
- 812 National education and promotion programmes F12-3
- 813 Training and support programme F12-4
- 911 Programme management F12-5
- 912 Performance monitoring F12-6
- 913 Crash analysis system F12-6