

ANALYSIS OF SUBMISSIONS AGRICULTURAL TRANSPORT LAW

Introduction

1. This document provides a summary of submissions received in relation to the Ministry of Transport Position Paper: Review of Agricultural Transport Legislation issued for public comment in April 2012.
2. This document is designed to assist the reader to get an overview of the submissions and may contain errors or omissions.

Submitters

Organisation
Pattullo's Nurseries Limited
Mike Kettle Contracting Ltd
Tasman Harvester Contractors Ltd
Waikato Federated Farmers
CA & VM Nicol
Molloy Agriculture LTD
Pellow's Produce
Police – CVIU
Trading as Morrison Bros.
Webbline Agriculture Ltd
B A Murray Ltd
Gold'n Pear Orchard
CARNZ Training Ltd
Eddie Hill Contracting Ltd
New Zealand Federation of Motoring Clubs Inc.
Road Transport Forum NZ
M A Bruce Limited
Rural Contractors New Zealand
Federated Farmers of New Zealand
McCarthy Contracting Ltd
Rural Contractors New Zealand Inc.
Mr Bryce Grimmer

Neil Baxter Contracting Ltd
Mr Stephen Reymer
John Austin Ltd
NZ Automobile Association
Silage-Baleage Ltd
Mr Colin Hitchcock
GAVINS LTD
Horticulture New Zealand
Pernod Ricard New Zealand
John Clark Contracting Limited
New Zealand Heavy Haulage Association Inc
Mr. Errol Jeffrey Wills
Noaro Farms Ltd
TULLOCH Farm Machines
NZ Transport Agency
Motor Trade Association
D.L Atkins Ltd
Pukekohe Vegetable Growers Association
Rose Ag Ltd
NZ Transport Agency

Driver Licensing

Agricultural endorsement

3. Nearly all submitters supported the proposed agricultural endorsement.
4. The following comments were made in the submissions.
 - The test should focus on Licence Class 2 items relevant to agricultural vehicles and include a traffic management component.
 - The endorsement should be NZQA certified.
 - There should be a practical test component.
 - The endorsement should cover all agricultural vehicles, in particular six wheel spray trucks.
 - The endorsement should be available to restricted drivers.
 - The endorsement should be based on either speed or six tonne mass of the vehicles to be driven.
 - Review Team needs to clarify the relationship with 1W (wheels endorsement) and Class 2

Class 1 Licence

5. Nearly all submitters supported the proposed increase in speed for Class 1 drivers. Some stakeholders opposed increasing speed to 40 km/h on safety grounds.

Class 2 Licence

6. Many submitters raised concern with the time it takes to obtain a Class 2 licence.
7. Some stakeholders suggested that there should be an agricultural endorsement for Class 2 licence holders. Another stakeholder suggested that the approved employer scheme needs to be extended to smaller operators.

Overseas Tractor Licence

8. The majority of submitters supported this proposal. Some submitters requested clarification about which countries the endorsement would cover and whether it would include combine harvester licences

Work Time Requirements

Alternative Fatigue Management System

9. All submissions on this point supported the proposal.

The Work Time Rule

10. Submissions from industry representatives and individual operators supported the proposal. Many submissions called for exempting all agricultural vehicle operators irrespective of speed or weight.
11. Some submissions opposed the proposal on safety grounds and the risk of cross over into road transport.
12. A submission made support contingent on the driver holding an agricultural endorsement that contained a specific fatigue management component.
13. Two submitters suggested creation of an approved contractor scheme.
14. Some submissions opposed removing the Transport Services Licence regime.

Accompanying Vehicles

15. Most submissions supported the proposals, although a submission noted that the proposal increased the risk of cross over into road transport.
16. A few submissions called for exempting accompanying vehicles from work time entirely.

Pilot Licensing

17. The majority of submissions supported the proposal. A submission suggested that improved testing is needed for Class 2 pilots.

Pilot Vehicle Requirements

18. All agricultural industry submissions and some other submissions supported the proposal. One submission opposed the proposal on the grounds of safety, unfair competition and inconsistency of rules.
19. Some submissions called for exemptions from 3.1m to 4m. Other submissions called for removal of the 40 km/h speed restriction. A submission suggested exempting agricultural vehicles at dusk when operators get caught out. A number of submissions suggested:
 - a blanket permit rather than one off exemptions
 - removing requirement for multiple pilots where there are conveyors
 - clarifying the requirements for the position of the pilot vehicle.

Circumstances for pilot exemption

20. Submissions made the following comments about the circumstances for when an exemption from pilot vehicle licensing should occur.
 - A vehicle is visible at distances of between 100 and 200 metres at all times
 - Routes being travelled on involved mainly straight roads
 - No bridges on the routes being travelled on
 - Lighting was put on all dimensions and mid flank
 - Vehicles operate hazard panels and amber beacons
 - Vehicles can operate safely on left hand side

Travel Time Restrictions

21. One submitter opposed the proposals on the grounds of safety, competition and inconsistency of rules and the fact that the sector already has concessions. Other submitters opposed the proposal on safety and impact on traffic flow grounds.
22. Submissions from the agricultural sector strongly supported the proposals. Some submissions suggested exempting agricultural vehicles entirely. Other submissions called for limiting travel time restrictions to state highways and cities.
23. Some submissions suggested that agricultural vehicles should be well lit and longer vehicles should have side lighting. Some submissions also suggested that large agricultural vehicle operators should be required to notify local school bus operators about route schedule. A submission made support contingent on other road user being consulted when permits are issued

Over-dimension hazard signage

Advertising Campaign

24. All submitters engaged positively on this topic, strongly supporting efforts to improve other road user awareness of the risks posed by of slow and wide agricultural vehicles.
25. Submissions made the following suggestions:
 - Bill boards
 - Seasonal advertising targeted for travellers of rural roads and for agricultural areas – the busy period is September to April and high risk time periods are December to January
 - Radio and television ads
26. The majority of submissions supported roadside signage, with some submissions noting that there is currently no standard roadside signage alerting road users to the likely presence of slow and wide agricultural vehicles in the area. Submissions also suggested that the Road Code should have a section on over-dimension signage and agricultural vehicles.

Hazard Panels

27. One submission called for a performance based standard that would provide discretion for the operator on how it was implemented.
28. Submissions suggested various alternative hazard panel configurations. These were:
 - horizontal panels
 - half size panels when full size ones are not practical or obscures vision
 - hazard tape
 - dazzle on tires and parts of the tractor
 - square frame
 - lighting should permit LED lights
 - hazard lights should be allowed (US standards)
29. Submission varied on the usefulness of flags and panels. Some suggested they should be banned because they get dirty and become a hazard. Others supported mandating panels and flags.
30. Submissions also suggested alternative thresholds, with suggestions of between three and four metres. Some submissions called for the ability to place signs as close as practical to the outside edge.
31. Many submissions suggested that there should be stronger obligations on dealers to install panels prior to sale of machines. No submissions supported the SMV triangle.
32. Some submissions noted that operators should not be required to remove panelling used to mark width of over-dimension implements when not towing them.

33. Many submissions called for international hazard panels to be adopted.

Front over-dimension thresholds

34. The majority of submissions supported the proposal.

35. Many submissions suggested thresholds of between four and six metres. Some submitters, concerned about safety, suggested keeping the threshold at three metres and clarify the safety requirements

Safety conditions

36. Submissions proposed a range of different safety conditions.

- Reflective paint, stickers or flags
- Brightly painted implements
- Support for panels although noted risk of damage

37. Most submissions opposed having amber beacons on front overhang because they could obscure a driver's vision, although one submission supported them.

38. Some submissions suggested that councils should require land owners to keep property entrances and intersections clear.

Front forks/buckets

39. The majority of the agricultural industry submissions strongly supported the proposal. One submission opposed the proposal, and suggested that front forks/buckets should be removed or fitted with LED lights or reflectors at the outside edges and it should be mandatory to remove them at night.

40. Another submission suggested the use of hazard flags, ancillary lights on attachments and requiring front forks/buckets to be in a safe position.

Overweight threshold

41. The agricultural industry submissions acknowledged that there was limited scope to increase the Vehicle Axle Index (VAI) but noted that something needs to be done given many agricultural vehicles are overweight. Some submissions called for the VAI to be increased

42. A submission suggested that the BESS needs to be granted to contractors, not individual drivers. Another submission said that agricultural operators should be exempt BESS.

Overweight permits

43. The majority of submissions on this point strongly supported the proposal. Submissions made suggestions that permits should:
- only cover state highways
 - include Kiwi rail
 - remain valid for longer periods
 - impose stronger obligations on Tractor and Machinery Association (TAMA) members to ensure correct data is entered
44. Better transparency is needed from road controlling authorities about permit decisions

Registration

45. The majority of submissions supported the proposal. A number of submission suggested exempting implements.

Slow moving vehicle hazard identification – Amber beacons

46. The majority of submissions supported the proposal. Submissions made the following comments.
- Amber beacon should be visible from front and rear and be fitted to implements if necessary.
 - Ancillary lights are also important as amber beacons give no warning about dimension.
 - Should permit the use of flashing LED lights as an alternative to amber beacons.
 - Strong opposition to SMV triangles.
 - Beacons should be visible at distances of between 100m – 200m
 - Should provide 12 months for implementation.
 - A grandfather clause is needed as it is difficult to fit beacons onto older vehicles.
 - Older vehicles have a wiring system that runs on 6 volts.

Speed threshold

47. The majority of agricultural industry representatives supported the 40 km/h proposal and suggested police apply a 5 km/h tolerance as some tractors do not have a working speedometer.
48. Some submissions proposed 30 km/h threshold as an alternative. The arguments put in support of this position include the following.
- There is a natural divide at 30 km/h and 50 km/h (not at 40 km/h).
 - The three tier system not complex.
 - There is a strong financial incentive for contractors to opt to operate under 40 km/h.
 - Farmers likely to acquire 40+ tractors in near future.
 - There is a trend towards faster tractors.
 - Tractors used by farmers are less safe as they can be worn out and poorly maintained.

49. Other submissions suggested the 50 km/h threshold alternative as being more future proof and conferring greater benefit on the sector.
50. Some submissions suggested that the 40 km/h proposal would not cause unfair competition between road transport and contractors because tractors are not competitive over long distances.

Vehicle Licensing

51. The majority of agricultural industry representatives supported the proposal. A submission opposed the proposal as it is likely to have adverse revenue implications.
52. Submissions made the following alternative proposals.
- All agricultural vehicles (EB or EX) should be exempt from licensing.
 - Vehicles operating under 30 km/h should be exempt from vehicle licensing, vehicles operating between 30 km/h and 50 km/h: require EX licence, vehicles operating over 50 km/h: require G licence
 - Road user charges should be attached to vehicle registration and licensing
53. A number of submissions suggested that the proposal should be put on hold until there is more clarity around other reforms given the impact on licensing agents.
54. Many submitters did not support the 40 sign, stating that it is likely to cause confusion and is of low benefit to other road users.
55. A submission noted that effort should be directed towards cleaning up abuse of the EB vehicle licence class, and suggested the government:
- tighten up application procedures
 - provide more info on conditions
 - make exemptions easier to enforce by cops by making it easier to identify exempt vehicles
 - introduce heavier fines

Vehicle Inspection

56. The majority of agricultural industry representatives supported the proposal and alignment of the Vehicle Inspection Requirements Manual (VIRM).
57. Some submissions strongly opposed the proposal on safety grounds and suggested a 30 km/h threshold. A submission noted that tractors used by farmers are less safe, and can be worn out and poorly maintained
58. A submission made a number of alternative suggestions. These were that
- thresholds should be based on hours
 - thresholds should be based on mass
 - thresholds should be aligned with new vehicle regime

59. A submission noted that there is low compliance according to the NZ Transport Agency Warrant of Fitness data (around 1/3 of G vehicles undergo inspection). The submission also noted that a tractor specific checklist has been made but may not have been widely taken up by inspectors

Trailers

60. The majority of agricultural industry submitters supported the proposal.

61. Alternatives raised in submissions were:

- a 30 km/h threshold for trailers
- a 50 km/h threshold for trailers
- an exemption for agricultural trailers under 5 ton and operated under 50 km/h
- an exemption for implements as there are significant compliance costs if these are included
- a limit to manufacturer's speed rating

62. A submitter commented that trailers that can carry a load over 3.5 tonnes should not be exempt and that goods service vehicle requirements should apply.

63. A submitter expressed concern that other sectors could misuse the concessions, particularly in cities. Another submitter commented that agricultural operators are unlikely to unfairly compete with road transport industry as it is costly and uncompetitive for farmers to tow goods across long distances because of hours and tyre wear, and trailers are essential for accessing paddocks.

64. A submitter commented that dealers should continue to be exempt.

65. A few submitters expressed strong support for double break away chains on agricultural vehicles, and said that the Vehicle Inspection Requirements Manual (VIRM) revision should cover AG trailers and implements

Road User Charges

66. Agricultural industry representative submissions commented that it will be difficult to implement road user charges for agricultural vehicles travelling above 40 km/h because:

- there are no odometers on AG vehicles
- Costly for operators to use eROAD (electronic recording of distances)
- there are compliance costs associated with the refund system given AG vehicles spend little time on the road

67. Alternative proposals were to:

- charge RUC as part of licence
- Charge RUC on any vehicle over 3.5 tonnes regardless of speed

68. Submissions commented that regulatory and compliance requirements need to be simple and straightforward

License Fee

69. The majority of submissions supported the proposal. One submission suggested that there should be a lower fee for EX tractors compared to G.

ATV

70. All submissions on this point strongly supported the proposals on the basis that side by sides are safer than quad bikes.

71. One submission suggested that consideration needs to be given to side by sides over 1 tonne.

General Comments

72. Many submissions noted that implementation of this review needs to wait until the government has made decisions about Vehicle Licensing Reform.

73. One submission commented that the Ministry needs to consider the impact on the business of vehicle inspection firms

74. One submission stated that the Ministry needs to demonstrate that some of the proposals will maintain or improve safety.