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12 MAY 2017
Office Hon. Simon Bridges

FEEDBACK ON PROPOSED RULE CHANGES FOR THE ELECTRIC VEHICLES IN SPECIAL VEHICLE LANES INITIATIVE

Reason for this briefing	To update you on progressing the relevant Rule changes for the 'enabling road controlling authorities to allow electric vehicles into special vehicle lanes' initiative of the Electric Vehicles Programme. The briefing also provides next steps detailing the implementation of the Rule changes.
Action required	None.
Deadline	None.
Reason for deadline	None.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
[REDACTED]	Adviser, Land Transport Safety		
[REDACTED]	Principal Adviser, People and Environment	[REDACTED]	✓
Glen-Marie Burns	Manager, People and Environment	[REDACTED]	

MINISTER'S COMMENTS:

Withheld under section 9(2)(a) of the Official Information Act 1982

Date:	12 May 2017	Briefing number:	OC04957
Attention:	Hon Simon Bridges (Minister of Transport)	Security level:	In-Confidence

Minister of Transport's office actions

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Noted | <input type="checkbox"/> Seen | <input type="checkbox"/> Approved |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Referred to | |
| <input type="checkbox"/> Withdrawn | <input type="checkbox"/> Not seen by Minister | <input type="checkbox"/> Overtaken by events |

Purpose of briefing

1. This briefing provides you with:
 - 1.1. the proposed Rule changes for the 'enable road controlling authorities (RCAs) to allow electric vehicles (EVs) into special vehicle lanes' initiative
 - 1.2. the Rule making process the Ministry of Transport (the Ministry) followed
 - 1.3. a summary of feedback on the proposed Rule changes and next steps for implementation.

Background

2. On 21 March 2016, Cabinet agreed to:
 - 2.1. amend the Land Transport Act 1998 (the Act) to clearly empower RCAs to make bylaws allowing EVs to use special vehicle lanes
 - 2.2. make amendments to the Land Transport (Road User) Rule 2004, and related provisions in the Land Transport Rule: Traffic Control Devices 2004 (Traffic Control Devices Rule), to enable RCAs to allow EVs access to bus and high occupancy vehicle lanes.
3. The Act change is being made through the Energy Innovation (Electric Vehicles and Other Matters) Amendment Bill (the Bill).
4. We are progressing the Rule changes separately under section 152A of the Act, which will mean that they are made by the Governor-General, on your recommendation, along with an Order in Council exempting heavy electric road user charges (RUC) vehicles from the payment of RUC until the end of 2021.
5. Following these legislative changes, opening up special vehicle lanes to EVs will ultimately be a decision for RCAs, in consultation with their communities.

What do the proposed Rule changes look like?

6. The proposed Road User Rule changes include:
 - 6.1. adding a definition of EVs; the proposed EV definition is:
 - 6.1.1. "a motor vehicle with motive power wholly or partly derived from an external source of electricity"¹
 - 6.2. altering special vehicle (bus and transit lane) definitions to include EVs as permitted users if RCAs make relevant bylaws; the proposed amendment to the special vehicle lane definition will:
 - 6.2.1. enable an EV to use a special vehicle lane if it is specifically included by a marking or sign installed at the start of the lane.

¹ This definition aligns with the definition of electric vehicle in RUC legislation and includes vehicles which are powered solely by electric batteries (pure EVs), as well as plug-in-hybrid EVs (PHEVs) that operate on a combination of externally charged batteries and a petrol or diesel motor. This does not include conventional hybrids, which have batteries and an electric motor but have no ability to plug in to charge the batteries.

- 6.3. extending the application of B (bus) traffic signals to EVs where permitted to use bus lanes. The Road User Rule currently identifies lawful users of bus lanes and light rail lines (this also includes cycles, mopeds, motorcycles, unless specifically excluded) and, in consequence, needs to be extended to include EVs.
7. The Traffic Control Devices Rule changes will:
 - 7.1. prescribe the markings and signage necessary to notify road users whether EVs may use special vehicle lanes. In particular, we envisage that the requirements are likely to display the words 'EV', which will be fitted on existing signposts or marked on the road.

The Rule process we have undertaken

8. To enable the proposed Rule changes to be implemented as quickly as possible and to allow RCAs to begin setting bylaws, the Ministry followed the rule making process as set out under section 152A of the Act, which empowers the Governor-General to make rules.
9. The normal rule making process is to follow section 152 of the Act, which empowers you as Minister to make ordinary Rules. This process, which does not apply to the Governor-General, requires you to:
 - 9.1. publish a notice of your intention to make the rule; and
 - 9.2. give interested persons a reasonable time, which must be specified in the notice published under paragraph (9.1), to make submissions on the proposal; and
 - 9.3. consult with such persons, representative groups within the land transport system or elsewhere, government departments, and Crown entities as you consider appropriate.²
10. Given that the rule amendments will facilitate policy that has been submitted on to Select Committee and considered by Parliament, further consultation would delay the ability for RCAs to make effective bylaws for any special vehicle lanes they would like to open up to EVs. We consider that further statutory notification and consultation is unnecessary and contrary to the policy objective of implementing the EV Programme initiatives as quickly as possible to encourage EV uptake.³
11. However, consistent with the partnership approach that underlines the EV Programme, in February 2017 we contacted relevant stakeholders to inform them of the proposed Rule changes and asked for their feedback.
12. The timing for these discussions coincided with the submission process for the Bill, so that the Rule changes could be taken to Cabinet Legislation Committee (LEG) immediately after Parliament passes the Bill (following the 1 July 2017 commencement date). This process will allow for bylaws to be passed shortly after legislative changes come into force.
13. Section 152A of the Act requires you, as the Minister responsible for the Rules in question, to submit a paper to LEG recommending the signing of the amended Rules.

² The procedures are noted in section 161 of the Act:

<http://www.legislation.govt.nz/act/public/1998/0110/latest/DLM435195.html#DLM435195>.

³ RCAs can begin consulting now, if they wish to, although if they do it should be made clear that consultation is subject to the anticipated legislative changes.

What was the feedback on the proposed Rule changes?

14. Twenty-seven parties provided feedback on the proposed Rule changes. Feedback was received from:
 - 14.1. members of the public and technical specialists
 - 14.2. RCAs (including Auckland Transport) and Councils
 - 14.3. the Automobile Association.
15. The majority of the feedback focused on the intent of the special vehicle lane initiative rather than going into detail about the proposed Rule changes. The feedback was primarily related to the effect this initiative would have on other road users and public transport, and is similar to the submissions made on the Bill (many of which were made by the same organisations).
16. The feedback specifically relating to the proposed Rules was generally supportive, however, a number of respondents questioned the proposed EV definition. In particular some respondents:
 - 16.1. wanted to add a minimum power threshold (or minimum battery size), which would be measured by a minimum speed and distance
 - 16.2. wanted a definition that requires a vehicle to meet a specific CO₂ standard
 - 16.3. proposed that an EV should be a vehicle where the propulsion system is electric, rather than the primary energy source, in order to increase the different types of vehicles that would be considered an EV (we assume this is in order to include non plug-in hybrids)
 - 16.4. discussed the enforcement of this initiative and the use of visual identifiers on EVs.
17. The Ministry's view on the proposed EV definition feedback in paragraphs 16.1 and 16.2 is that specifying a minimum power threshold or specific CO₂ standard would not be consistent with the broad policy objectives of the EV Programme.⁵
18. In regards to the feedback in paragraph 16.3, we accept that conventional hybrids may offer more emissions reductions compared with petrol and diesel vehicles. However, the objective of the EV Programme is to encourage emissions reductions by transitioning the fleet to a new form of technology powered by renewable energy.
19. The discussion on the enforcement of this initiative and the use of visual identifiers in paragraph 16.4 was also raised in submissions on the Bill. A number of submitters stated that it would be difficult to enforce this initiative, as it difficult to visually distinguish between EVs and other vehicles.
20. Whether or not a vehicle is an EV will be able to be determined by checking its number plate against the Motor Vehicle Register.⁶ The Bill also proposes an amendment to the Act to permit an image taken by approved vehicle surveillance equipment to be evidence of the unauthorised use of a special vehicle lane.

⁴ Proposed amendments to the EV definition were also raised during the submission process of the Bill, however, Commerce Select Committee has not noted any concerns with the proposed definition.

⁵ The objective of the EV Programme is to transition New Zealand's fleet to a new form of transport technology powered by renewable electricity.

⁶ The NZ Transport Agency is in the process of updating the MVR so that it shows whether or not a vehicle is electric.

21. Detailed feedback on the proposed Rule changes is set out in Appendix 1 and feedback outside the scope of the proposed changes is in Appendix 2.

Next steps

22. As noted earlier, section 152A of the Act sets an alternative rule making process, which empowers the Governor-General to make rules. The table below sets out the indicative timetable for the Rule amendments and the Bill's commencement date, and provides two options for you to consider. We anticipate option 1 is achievable.

Task	Indicative timing	
	Option 1 (preferred)	Option 2
Provide you a draft briefing and LEG paper	Week of 12 June 2017	
Submit LEG paper to Cabinet office	29 June 2017	20 July 2017
Bill comes into force	1 July 2017	
LEG Committee date	6 July 2017	27 July 2017
Rules come into effect (28 days after Orders gazetted)	11 August 2017	1 September 2017

23. We expect that most RCAs that wish to allow EVs into special vehicle lanes will commence consultation with communities on bylaws once the Rule amendments come into force.

Order in Council

24. The proposed amendments to the Road User Charges Act 2012 (the RUC Act) to implement the RUC exemption for heavy EVs are also being progressed through the Bill.
25. An Order in Council is required to implement the RUC exemption following the Bill's commencement. We will combine both the Rule changes noted earlier and the RUC exemption into one Order in Council for you to submit to LEG.

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[Redacted]

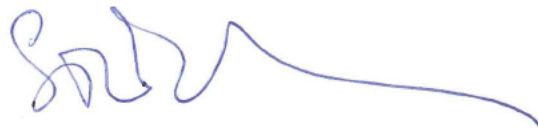
Adviser

[Redacted]

Glen-Marie Burns,
Manager, People and Environment

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MINISTER'S SIGNATURE:



DATE: 15 June 17

Appendix 1 – Feedback on proposed Rule changes

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Item	Respondent	Feedback	Officials Comments
001	██████████ - Low Volume Vehicle (LVV) Technical Association	Submitter feels the proposed definition needs to be sharpened up and include requirement that the vehicle is able to move under electric power up to a certain speed and for a certain distance. Example: <i>EVs in this context are motor vehicles with motive power wholly or partly derived from an external source of electricity, of sufficient power to propel the vehicle at a minimum of 15km/h for a minimum of 1km.</i> The submitter feels that without this, a small battery and a small additional motor bolted on to a standard non-EV would technically make it a qualifying vehicle, even if it was so minimal it would not move the vehicle.	Noted. Officials consider that encouraging the uptake of vehicles with even limited electric capacity aligns with the overall objective of transitioning New Zealand's fleet to a new form of transport technology powered by renewable electricity. The New Zealand Transport Agency (NZ Transport Agency) must certify and register new or modified vehicles as meeting the requirements. We do not consider that there will be significant scope for individuals to falsify or imitate this capability.
002	██████████ (Office of the Privacy Commissioner)	Noted as having no concerns from a privacy perspective.	Noted.
003	██████████ (New Plymouth District Council)	Submitter notes that the proposed changes do not directly affect its jurisdiction, as it does not have any special vehicle lanes. However, the council supports the proposed changes.	Noted.
004	██████████ (Principal fleet adviser Z Energy)	Submitter feels the proposed EV definition departs significantly from more traditional global definitions that typically refer to the vehicle's propulsion system being electric rather than the primary energy source. Z would prefer a broader definition including conventional hybrids to better environmental outcomes. Z feels the proposed definition could be exploited by those wishing to evade RUC by modifying vehicles to fit the definition.	Noted. Refer response to item 001.
005	██████████ (Member of the public)	Submitter feels that this initiative should include vehicles that are part electric and part fuel. e.g. Toyota Prius and Prius C as these cars are basically the same as full EVs but have a small engine to supplement the charge.	Noted. The conventional hybrid market is relatively well established in New Zealand, the Government's EV Programme overall objective is to transition New Zealand's fleet to a new form of transport technology powered by renewable electricity.
006	██████████ (member of the public)	Submitter fully supports all of the changes	Noted.

Item	Respondent	Feedback	Officials Comments
007	[REDACTED] (NZ Automobile Association (The AA))	<p>The AA suggests the use of a symbol with a car silhouette and cord and the letters 'EV' to identify what lanes an EV can access. Alternatively, it may be possible to use the existing symbol to denote dedicated EV parking or charging. While the symbol is for charging/parking, the AA wonders whether it could become a universally recognised symbol to denote EVs. Marked on a bus lane or transit lane, it is unlikely to be confused as indicating parking or charging nearby. An advantage of this approach is that it won't result in a plethora of different EV-related symbols for different purposes which may cause confusion for road users e.g. in the same way the bicycle silhouette is used to denote anything to do with cycles (cycle lanes, sharrows, priority signals at traffic lights etc.).</p>	<p>Noted. It is proposed that signs and road markings for bus and transit lanes use the terms "+EV", "EVs" or "EVs permitted" as appropriate. We believe "+EV" is a simple, easily recognisable symbol that road users will understand.</p>
008	[REDACTED] (Christchurch City Council)	<p>The Council is supportive of this definition but notes other jurisdictions often use the size of the battery pack as part of the definition (e.g. minimum 8KWh) which precludes most e-bikes, motorcycles and plug-in hybrids. This would be a useful addition to the definition under the Land Transport Rules.</p>	<p>Officials consider that encouraging the uptake of vehicles with even limited electric capacity aligns with the overall objective of transitioning New Zealand's fleet to a new form of transport technology powered by renewable electricity. The focus of the EV programme is on light and heavy vehicles.</p>
009	Auckland Transport (AT)	<p>AT recommends a specific CO₂ standard, range or a vehicle age limit is imposed before a plug-in hybrid becomes an EV for the purposes of these proposals or that hybrid vehicles are excluded from the definition of an EV completely. AT would also suggest an additional element to the definition for the purpose of the Road User Rule. The external identification of an EV will be a core requirement for enforcement AT submits that the definition of an 'electric vehicle' inserted in the Road User Rule should also require qualifying vehicles to display some specified external indicator, whether that be some sort of EV sticker on the inside of the windscreen and back window, or ideally on the registration plate.</p>	<p>Noted. Refer response to item 008.</p> <p>The Motor Vehicle Register (MVR) will show whether the vehicle is an EV or not. The eligibility of any vehicle to use a special vehicle lane can be determined by accessing information about it on the MVR using its number plate. The MVR also shows the owner of the vehicle, enabling an infringement notice to be sent to them if necessary.</p> <p>Officials recommend that a RCA's ability to enforce the correct use of these lanes be improved by amending section 145 of the Land Transport Act to permit an image taken by approved vehicle surveillance equipment to be evidence of the unauthorised use of a special vehicle lane. This is planned to be added as a clause to the Bill.</p>

Item	Respondent	Feedback	Officials Comments
010	Auckland Transport (AT)	<p>The term 'special vehicle lane' includes cycle lanes, bus-only lanes, and light rail vehicle lanes that are entirely unsuitable for EVs, so any amendment to allow for EVs should only be made to the specific types of special vehicle lanes intended by the proposal. While AT does not intend to allow EVs in either bus lanes or transit lanes in Auckland, AT submits that the very intent of a bus lane (being to mitigate the impacts of congestion on public transport services) speaks to the unsuitability of increasing the vehicles entitled to use the lane. For this reason, AT submits any proposal to allow EVs access to special vehicle lanes should be limited only to transit lanes. AT also notes that any amendment to these definitions will need to be mirrored in the Land Transport Rule: Traffic Control Devices 2004 ("Traffic Control Devices rule"), as both rules contain identical definitions.</p>	<p>There are some bus lanes where the inclusion of EVs would be likely to negatively affect public transport and other transport initiatives. However, the initiative allows for an opt-in approach where a RCA, when using its bylaw-making powers, can balance other transport objectives when deciding which special vehicle lanes to allow EVs access to in order to deliver the maximum level of total benefit. A RCA authority can therefore allow EVs into special vehicle lanes where (or when) the impact on public transport priorities is below whatever threshold it considers appropriate.</p> <p>In addition, a RCA can phase this initiative out through its bylaw-making process if and when it believes that it is having a detrimental effect on its transport priorities (such as public transport).</p>
011	Auckland Transport (AT)	<p>There is currently no detail of the proposed signage or markings so AT is unable to comment on those proposals. If these definitions are to be amended to refer to EV, then AT submits this rule will also need to contain a definition of "electric vehicle".</p> <p>Passenger service vehicles, cycles, motor cycles and mopeds can currently be excluded from a special vehicle lane by installing signs at the start of the lane, however, with the possible exception of cycles, the Traffic Control Devices Rule does not currently prescribe the signage necessary to exclude any particular category from a special vehicle lane. To ensure consistency, AT requests that exclusionary signage for these categories be inserted into the schedule as part of the current special vehicle lane amendments. AT also notes that the explanation of R4-7.2 and R4-7.3 in schedule 1 appears incorrect – rather than being available only to "heavy motor vehicles" the signage reserves the lane for "buses".</p> <p>Finally, AT notes that while signage has been prescribed for a special vehicle lane involving Heavy vehicles, the markings have not been. AT asks that as part of this special vehicle lane amendment, the markings required for a special vehicle lane available to Heavy vehicles be inserted in the schedule to the Traffic Control Devices.</p>	<p>Noted. The signage for EVs is addressed in proposed changes to the Traffic Control Devices Rule as per item 007. Other classes of vehicle can be included or excluded from a special vehicle lane by the RCA making the appropriate bylaw and installing R7-10 general regulatory signs advising road users of the classes of vehicles that are permitted to use the lane. We agree that the description of the R4-7.2 and 7.3 signs should refer to buses rather than heavy vehicles and recommend this be corrected as a consequential amendment. Changes to lane markings for heavy vehicles are outside the scope of changes authorised by this Bill. However, NZ Transport Agency has recently approved "HV" as the road marking symbol for heavy vehicle lanes. (This will be Gazetted on 30 March 2017).</p>

Appendix 2 – Feedback outside the scope of the proposed Rule changes

Item	Respondent	Feedback	Officials Comments
101	██████████ - Low Volume Vehicle (LVV) Technical Association	Submitter asks how would these vehicles be identified? Submitter notes the process of flagging a modified vehicle as plug-in EV could be included in the LVV certification process.	Noted. Refer response to item 009.
102	██████████ (Member of the public)	Submitter feels that EVs should not have a specified lane and notes the Police could use this as revenue gathering.	Noted.
103	██████████ (Member of the public and EV owner)	Submitter feels that this policy will have a minor impact to EV uptake but a negative impact to PT.	Noted. Refer response to item 010.
104	Duncan Leighton (Member of the public)	Submitter feels the policy will work with small EV numbers but will create problems once numbers increase.	Noted. A RCA can phase this initiative out through its bylaw-making process if and when it believes that it is having a detrimental effect on its transport priorities (such as public transport).
105	██████████ (Member of the public and EV owner)	Submitter believes the policy will impact on the effectiveness of public transport and biking initiatives. Also notes that most of the current EVs look the same as internal combustion engine (ICE) cars. Submitter expects a reasonable proportion of ICE cars would pretend to be an EV, at least on occasion which surely must reduce the effectiveness of the bus lanes for predictable and effective public transport.	Noted. Refer response to item 009 and 010.
106	██████████ (Member of the Public)	Submitter does not agree with the policy and believes it goes against the principle of a high occupancy vehicle lane system.	Noted. The initiative allows for an opt-in approach where a RCA, when using its bylaw-making powers, can balance other transport objectives when deciding which special vehicle lanes to allow EVs access to in order to deliver the maximum level of total benefit. A RCA can therefore allow EVs into special vehicle lanes where (or when) the impact on public transport priorities is below whatever threshold it considers appropriate.
107	██████████ (Member of the public)	Submitter supports the push for EVs but does not support them being allowed in bus lanes. Submitter does support them in other special vehicle lanes.	Noted.
108	██████████ (Member of the public)	Submitter supports this policy but notes that it is unfortunate that this proposal is not accompanied by direct subsidies and other stimulatory EV measures demonstrated overseas.	Noted. Financial incentives such as subsidies were considered by the Government at the time the EVs Programme was being developed. In general, they were considered unlikely to be the most efficient or desirable way to encourage the uptake of EVs.

Item	Respondent	Feedback	Officials Comments
109	[REDACTED] (Member of the public)	<p>Submitter notes that the initiative has significant issues. It also opens up a major anomaly with respect to hybrid vehicles: people driving a hybrid in a special vehicle lane cannot be monitored to check whether they are using electric or fossil fuel power. If hybrid vehicles are allowed to use special vehicle lanes, it is quite conceivable that they could be running only on petrol - providing an unfortunate back door for "cheats".</p>	Noted. Refer response to item 001.
110	[REDACTED] and [REDACTED] (Flip the Fleet) and included a survey to 39 LEV owners who use its software	<p>Provided the results of a survey that went to 39 low emission vehicle owners (LEVs). The survey stated that 'The Ministry of Transport is considering enabling RCAs to allow EVs access to special vehicle lanes', and sought feedback using a 1 – 5 scoring system (1 being a great idea – 5 being a horrible idea). Nineteen respondents (63 per cent) thought the initiative is a 'great' or 'good' idea, compared to 7 (23 per cent) who think it is a 'bad' or 'horrible' idea.</p> <p>Feedback from some survey respondents noted a need to prioritise public and shared transport above LEVs, even though LEVs should be prioritised above single drivers of internal combustion vehicles. However, others argue that it will have little effect to congestion in special vehicle lanes. Other observations from some survey respondents:</p> <ul style="list-style-type: none"> • improved visibility to give people confidence in an EVs utility was a common reason for support in allowing them into restricted lanes • the goal of reduced emissions will be achieved by more EV demand – this initiative will help incentivise others as it raises the profile of EVs • will help start something bigger, to open the door for other proactive strategies like financial subsidies • it is fair to reward EV owners as they are helping the environment but others felt that those who cannot afford an EV should also be incentivised if they carpool or take public transport (priority to discourage single commuters) • special vehicle lanes are concentrated in congested areas where noise and exhaust pollution are worst 	Noted. This is just one part of the EVs Programme, which is a package of measures announced by the Government in May 2016 that aims to increase the uptake of EVs. The submitters feedback was also provided as part of the Bill. Refer response to item 001, 009 and 010.

Item	Respondent	Feedback	Officials Comments
		<p>so incentivising people to switch to EVs in these lanes is well targeted</p> <ul style="list-style-type: none"> • good to enable the RCA to decide, as it will be different across the country • should include a sunset clause so that the policy can be reversed to allow flexibility if EV numbers create congestion in these lanes • plug-in hybrid vehicles could be running petrol or have low proportion of travel in EV mode and therefore misuse the lanes • will be hard to enforce these lanes and it may encourage non-EVs to game the system – may need increased investment in enforcement • the initiative will create a safety risk for pedestrians: e.g. "increased danger from stepping in front of quietly approaching EVs". 	
111	<p>██████████ (Principal fleet adviser Z Energy)</p>	<p>Z believes the Government should take a broader and more phased approach to low emission vehicles.</p>	<p>Noted.</p>
112	<p>██████████ (Waikato Regional Council)</p>	<p>Submitter notes that whilst the Waikato Region has few special vehicles lanes, a concern felt by several RCAs in our region is that EVs are more likely to use bus and high occupancy vehicle lanes during peak travel times, when these lanes are already losing efficiency through heavy usage by the vehicles currently entitled to use them. There is also doubt that enforcement will be practical once the criteria for use of these lanes becomes expanded to include an unknown variety of EVs, which would also cause confusion amongst the general public. These special vehicle lanes have not been designed with this increase in use in mind. Submitter has concerns that it will be difficult for enforcement authorities to differentiate between EVs and non-EVs and as such there may be increased illegal use of special lanes by non-EVs.</p> <p>In addition, as providers and promoters of public transport, the uptake of which has numerous proven benefits to individuals as well as communities and the environment, we have concerns with supporting the uptake of one form of private transport instead of</p>	<p>Noted. The submitters feedback was also provided as part of the Bill. Refer response to item 001, 009 and 010.</p>

Item	Respondent	Feedback	Officials Comments
		another through a direct imposition on public transport, rather than, for example, by the imposition of different registration charges.	
113	██████████, NZ Motor Caravan Association Inc.	Submitter does not support the idea that the source of energy to power these vehicles should be the deciding factor that determines which vehicles may use special vehicle lanes and therefore do not favour allowing EVs the right to travel in special vehicle lanes.	Noted. The submitters feedback was also provided as part of the Bill. Refer response to item 001.
114	██████████ (Member of the public)	Submitter feels the economics of such a move are plainly not favourable. Allowing V8s to free-flow in special vehicles lanes whilst congesting EVs clearly makes more sense - less CO ₂ , less fossil fuel consumed. The down side of this however is it promotes the general movement to more V8s. Taking a leaf from the tobacco noose 'high prices reduces use' proven Government model, we could restrict the free-flow lanes to expensive V8s - say European V8s. Solves all the problems. EVs can share the normal car lanes which are now less congested with all the European V8s now travelling in special vehicle lanes - less CO ₂ and Fossil fuel consumed - everyone will be happy.	Noted. Officials consider that encouraging the uptake of vehicles aligns with the overall objective of transitioning New Zealand's fleet to a new form of transport technology powered by renewable electricity. Encouraging V8s into these lanes is out of scope of the EV Programme and not a part of Government policy.
115	██████████ (Member of the public)	Submitter feels that this initiative will only end in pain, as more people get EVs and then clog up the lanes. Surely the purpose of the lanes is to encourage people to use public transport or car pool so they get to work etc. faster. A vehicle driven by one person in rush hour traffic is still a vehicle driven by one person in rush hour and contributes to congestion regardless of its energy source or environmental footprint. Submitter notes that they would rather have a tax credit for using an EV.	Noted. Refer response to item 010 and 108.
116	██████████ (New Zealand Defence Force)	Submitter generally supports the proposal however recommends that any changes made to the Land Transport Act and its Rules may need to factor in implications relating to Drivers Licence Testing. As an example, a candidate who chooses to drive an EV during the driver's licence-testing regime, may under the proposed changes, be permitted to use bus lanes and associated traffic lights where under current testing	Noted. Testing officers always issue specific instructions that direct candidates which lane to drive in and tests are designed to see how candidates manage driving in traffic so they will not direct candidates driving an EV to drive in a bus lane or transit lane.

Item	Respondent	Feedback	Officials Comments
		<p>regime this may not be acceptable. It is probable therefore, that NZ Transport Agency may need to review the testing regime and test circuits should the changes to legislation be adopted.</p>	
117	<p>██████████ (Member of the public)</p>	<p>Submitter notes that they support changes that remove inbuilt subsidies to fossil fuelled vehicles, and promote EVs. However, EVs are not wholly benign. They create congestion, require parking space, and when used for commuting, promote an obese lifestyle with associated health costs.</p> <p>EVs should not be promoted at the expense of public transport (or walking/cycling) which this proposal appears to do.</p> <p>Special vehicle lanes and B signals are intended to make public transport and cycling more efficient and attractive. Allowing private vehicles, even if electric powered, to use these facilities lessens their value.</p>	<p>Noted. Refer response to item 010.</p>
118	<p>██████████ (NZ Federation of Motoring Clubs (FOMC))</p>	<p>Submitter notes that while the projected benefits of EV use remain only partially realised or still unproven the FOMC is concerned that artificial and market distorting incentives to encourage earlier adoption could result in unanticipated adverse effects and other damaging consequences. Until any possible advantages have been clearly established and demonstrated EVs should be treated in the same manner as other vehicles and not allowed any privileged use of special vehicle lanes. If they are allowed to do so now, if and when they become more numerous it may be very difficult to revoke such a special exemption. The energy source should not be the determinant of which vehicles may use special vehicle lanes.</p>	<p>Noted. Refer response to item 010.</p>
119	<p>██████████ (Member of the public)</p>	<p>Submitter supports initiatives that encourage electric over fossil fuelled vehicles. However, promoting electric cars at the expense of public and active transport will only foster the continuing over-reliance on personal private transport which takes up valuable road space and encourages sedentary lifestyles. Climate change, and the explosion of obesity and other diseases of</p>	<p>Noted. Refer response to item 010.</p>

Item	Respondent	Feedback	Officials Comments
		inactivity along with increasing congestion on the roads needs more than EVs.	
120	[REDACTED] (Christchurch City Council)	The Council is supportive of the enabling approach but will likely proceed cautiously, collaboratively and tactically before making a decision to allow EVs in bus lanes.	Noted.
121	[REDACTED] (Christchurch City Council)	To support An Accessible City and the Christchurch Central Recovery Plan, rebuild and redesign of the central city road network includes a range of approaches to bus priority measures and not solely designated lanes. The intent of bus priority is to improve the corridor occupancy and trip performance to move large numbers of people in a limited number of vehicles, rather than trying to decrease the emissions generated by the roadway. Christchurch City already has some bus signals on left turn arrows to clear the lane and help the bus move through (bus gates). As EV numbers grow, one risk will be that the effectiveness of 'bus gates' will diminish.	Noted. Refer response to item 010.
122	[REDACTED] (Christchurch City Council)	The wider, practical problem down the line with permitting EVs is likely going to be enforcement - i.e. how do you quickly identify an EV that is legitimately in a special vehicle lane or going through a bus gate, from someone driving a normal vehicle that chooses to flout the restrictions? Many EVs are aiming to look like standard cars, so it is possible there would be a need for very clear identification of EVs nationally to allow reliable enforcement. Pragmatically this development may best lend itself to EVs being permitted access to established and new high occupancy vehicle lanes (i.e. T2, T3 lanes) as a special vehicle class that is there because of the efficiency of the vehicle, rather than its occupancy.	Noted. Refer response to item 009.
123	[REDACTED] (Member of the public)	Submitter feels that this initiative could be seen as favouritism. The initiative would create confusion among other road users. The submitter notes that it would be better to give financial incentives such as rebates etc.	Noted. Confusion as to entitlement to use special vehicle lanes is intended to be addressed by clear signage required by new Land Transport Rules (the Rules). The proposal is that the rule change (currently under development) will require a RCA to: a. erect signage displaying what kind of vehicle is

Item	Respondent	Feedback	Officials Comments
			<p>allowed access to the respective lane, and</p> <p>b. at the start of the special vehicle lane, and after each intersection along its length, mark on the road surface a white symbol defining the class or classes of vehicle for which the lane has been reserved.</p> <p>Refer response to item 108.</p>
124	Auckland Transport (AT)	<p>If EVs were entitled to use some special vehicle lanes, enforcement of those not entitled to use the lane would become almost impossible. This is because an EV is not externally recognisable as such so parking wardens (who have legal authority to enforce special vehicle lanes) and enforcement officers could not visually distinguish an EV from another unauthorised user of the lane.</p> <p>While an enforcement officer can require the vehicle to pull over in order to make enquiries as to whether it is an EV, a parking warden cannot. The lack of external indicators for EVs will add considerable time and enforcement costs for local authorities which would count against a RCA allowing EVs into their special vehicle lanes.</p> <p>Adding an external indicator to identify EVs would aid enforcement and also enable other road users to identify the vehicle as an authorised user of the lane and hopefully assist to dissuade unauthorised users from simply following EVs into the special vehicle lane. To assist with automation of enforcement, an external indication located on the vehicle registration plate would be preferable.</p>	Noted. Refer response to item 009.
125	Auckland Transport (AT)	<p>AT seeks a minor extension of this proposal to enable "B" traffic signals to be used in transit lanes as well as bus lanes. This would require r3.6(5) of the Road User Rule to be amended to refer to transit lanes and not just bus lanes, and also require an amendment to r6.4(10) of the Traffic Control Devices Rule to likewise include a transit lane in addition to a bus lane.</p>	Noted. This is outside the scope of the changes authorised by this Bill and is not in scope of the Rule changes.