

This correspondence from:
The Secretary
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15 October 2008

Road User Rule Amendment
Rules Team
NZ Transport Agency
Private Bag 6995
WELLINGTON 6141
Email: info@nzta.govt.nz

Dear Sir/Madam,

Thank you for the opportunity to comment on the Road User Rule 61001/4.

The NZ Federation of Motoring Clubs (FOMC) represents over 110 clubs with individual membership of 20,000 enthusiasts, catering for cars, motorcycles, trucks and military vehicles, tractors and traction engines, and vintage machinery, covering heritage and collectors vehicles spanning all years of production.

Our comments on the proposals for which we have feedback follow:

Proposal 1: Limit the use of hand-held mobile phones while driving

After discussion with representatives from Member clubs it is obvious that there is widespread agreement with your proposal to ban the use of hand-held mobile phones by the driver while driving. Therefore the FOMC endorses this proposal.

To exempt hands free mobile phones makes sense, as they are used by a large number of professional drivers e.g. courier and truck, and therefore exempting 2-way radios and RT's (radio telephones) also makes sense for the same reason. We also agree that drivers should be exempted if they are making emergency service calls as proposed in subclause (2)(b), but perhaps this should be expanded to include any calls in response to an emergency that would warrant a call to an emergency service, even if the call itself was not to 111 or *555 (e.g. volunteer firemen communicating with each other on the way to a rural fire).

Proposal 9: Set a maximum speed for towing a vehicle normally propelled by mechanical power

We consider there is no need to set a speed limit, as it would depend on the conditions on the day and the experience of those involved. Any speed limit is the maximum speed when conditions allow, no-one should drive in excess of a safe speed under the conditions. When towing an inexperienced driver in a towed car, even 50km/h would be far too fast.

The tower is responsible for determining if the owner of a broken down vehicle has had any experience being towed, and to then explain the hand signals to be used. If the engine won't go there will be no power steering or brake booster. A steering column lock is another pitfall and the key must be on for indicators and stop lamps to work. A signal to pull over and stop must be decided on (the horn may not work). The overview's argument about stopping

distances and reaction times doesn't apply when towing, the person being towed must obey the instructions of the tower and instructions on slowing, stopping or turning must be given in advance using indicators or hand signals.

Incidentally, it has become common practice for towing and towed vehicles to have hazard lights on. This is a dangerous practice as their indicators don't work and other road users have no idea which way they are about to do. If these people think they are a hazard they should not be on the road.

Proposal 10: Set a maximum speed for mopeds

A moped is in essence a small motorcycle, and the FOMC is concerned that riders may have minimal motorcycle experience and worst still minimal riding skills. Allowing people to ride motorcycles of any sort without a motorcycle licence is dangerous. Yet people have been allowed to ride a moped (previously known as a power-cycle, from the days when they were a bolt-on motor for a pushbike) for many years with just with a Class 1 car licence. Only a learner or restricted motorcycle licence or a full motorcycle licence should be permitted.

Originally mopeds and power-cycles had to be under 50cc or have pedals as an alternative means of propulsion. The new definition is under 2kW and a maximum design speed of 50km/h. These early mopeds/power-cycles are now collectors items, many of them were capable of 70km/h on flat roads e.g. the Ducati Cucciolo. Although the definition has changed these vehicles were and still are mopeds, almost all those who collect and ride these machines have motorcycle licences.

To restrict experienced riders to 50km/h simply because the rules allow learner car licences and riders with minimal skills to operate them on public roads would be bizarre; few learner riders will be riding outside 50km/h zones and if they are it's safer to be travelling with the flow of traffic if possible. The speed of these vehicles is restricted by their design.

We say improve safety with rider licence requirements, not via a speed limit. If it is safe to operate a moped at 50km/h on a car or learners licence it must also be safe to ride a larger motorcycle at 50km/h or less with a car licence, they are more visible and have better brakes (new BMW's even have a ABS). We all know it wouldn't be safe – don't restrict the speed limit but make sure riders are appropriately qualified and experienced.

Proposal 11: Parking a vehicle off-roadway

The FOMC was opposed to LTNZ's earlier proposal to ban parking on a grass verge astride a roadway as it meant a rural property owner could not park in front of their own property, and we remain opposed to this revised proposal. Not all urban roads have footpaths, gutters and kerbing either, and under this proposal residents will be prohibited from parking their cars, trailers or boats off the road and out of the way of traffic – which assists road safety. To recommend parking on the road to slow traffic and suggest this is desirable seems strange; surely a speed restriction with suitable signage is the best way to slow down traffic.

We can understand local authorities problems with signage and parking above underground services but caution is advised – don't create a new problem by trying to solve an existing one. If there is a particular parking problem in certain locations or outside certain fixtures like stadiums or school fields, then local authorities should pass bylaws prohibiting such parking, supported by signage, and not automatically make illegal in a single stroke what is normal practice in most residential sub/urban streets throughout the length and breadth of the country.

Proposal 20: Use of motorcycle and moped lights during daylight hours

The FOMC represents a number of motorcycle collectors clubs. Not all motorcycles have headlights; lighting was an optional extra until about 1928. You could buy aftermarket gas

(carbide) or battery powered lights and a lot of cheaper motorcycles didn't have lights until WWII. Until the mid-1960's headlights were not suitable for full-time use (only to get you home after dark), the charging systems (generators) were not up to much and the battery (if you had one) would go flat after an hour or so. Bikes with no battery were worse, the lights would go out or just glow at idle, getting brighter as speed increased, the problem being if you forget the light was on and ride normally the bulb would blow before you change gear. Most of these vehicles were designed for 24 watt or 32 watt bulbs, which haven't been available for decades, so owners now have to use 36 or 40 watt bulbs, meaning the battery will go flat even sooner and there is every chance you will burn out the generator.

Clearly these vehicles cannot reasonably comply with this proposal. These collectors 'bikes are not driven at night and seldom feature in accident statistics and are in the hands of responsible owners. The owners should not have to modify their motorcycles (and therefore detract from originality) in order to comply. Yet if exemptions are given for these heritage motorcycles, the owners could still be pulled over and have to produce the exemption every time a law enforcement officer sees them; this could happen several times on just one rally.

While the FOMC would prefer that use of daytime lamps be 'highly recommended' rather than mandatory (another option could be that the rider must use headlamps, daylight running lamps, *or* wear a fluoro jacket), we understand the advantage of having motorcycles visible with their lights on, particularly for the majority of motorcycles and mopeds which have modern lighting equipment.

However, our motorcycle clubs' membership largely consists of owners of classic 'bikes rather than modern ones, so if daytime lights are made compulsory, then the FOMC urges that all motorcycles aged over 40 years be automatically exempted. This will eliminate the need for individual exemptions and the need to carry them; the year of manufacture is on the licence label.

Proposal 24: Giving way to pedestrians waiting to cross a pedestrian crossing

While we support the intent of the proposal, we are concerned about restricting pedestrians loitering near pedestrian crossings. Obviously loitering on a crossing cannot be tolerated but as some crossings are opposite school gates, parks and reserves, and shop fronts etc., would watching traffic go by while your partner is looking in a shop window, or waiting at a school gate constitute loitering near a pedestrian crossing? Indicating your intention to cross is one thing but indicating you do not intend to cross isn't that simple. A clearer definition of loitering near a crossing is needed before we can comment.

Proposal 26: Performance criteria for cycle headlamps

Should the added wording be "in relation to a cycle, means a forward-facing lamp that is visible for at least 100m when illuminated *during the hours of darkness*"?

Yours sincerely,

Andrew McClintock
Submission Secretary
NZ Federation of Motoring Clubs

Representing the responsible special interest and heritage motoring enthusiast