

13 December 2024

File Ref: OIAPR-1274023063-32560

By email: [REDACTED]

Tēnā koe [REDACTED]

Request for information 2024-290

I refer to your requests for information both dated Friday 8 November 2024, at approximately 8:53am and 6:11pm respectively, which Greater Wellington Regional Council (Greater Wellington) received on 8 November 2024. In your initial communication you requested the following:

“Would you please forward a copy of [sic] the advice received from NZTA to justify [sic] the action.”

Greater Wellington provided a response to this request at 9:17am which include a link to the advice provided by NZTA. You then submitted a follow-up request at 6:11pm for the following:

“a copy of the various correspondence received, there may well be emails in addition to the official letter. For this purpose would you please confirm who made the decision to restrict the use of the bike racks completely as opposed to just during nighttime hours.”

Greater Wellington’s response follows:

Correspondence from NZTA Waka Kotahi (NZTA) regarding Bike Racks on Buses

Please refer to **Attachment 1** for a copy of all correspondence from NZTA received by Greater Wellington surrounding their release of their industry alert of Bike racks on Buses.

We have withheld Greater Wellington and NZTA staff mobile numbers under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (the Act) to protect the privacy of natural persons.

We have considered whether the public interest in the requested information outweighs our reasons for withholding aspects of that information. As a result, we do not consider that the public interest outweighs our reason for withholding the mobile numbers of local and central government employees.

The decision to restrict the use of bike racks at all hours

On 22 October 2024, NZTA Waka Kotahi released an industry alert titled Bike Racks on Buses at Night. This industry alert advises that buses carrying bikes have the potential to obstruct the headlamps meaning that the vehicle would not be compliant with the Land Transport Rule: Vehicle Lighting 2004. NZTA advised that the obstruction part of the regulation only applied to when the headlights were in use and was determined by the impact on the performance of the lighting.

Once NZTA issued the industry alert, Metlink began the process of working with operators to identify which buses might be affected while carrying bike racks at night.

The Bus and Coach Association (BCA) and Canterbury Regional Council, known as Environment Canterbury (ECAN), sought their own independent legal advice, on behalf of Public Transport Authorities (PTA) across New Zealand. This advice suggested that bike racks were illegal at any time of day because the Vehicle Lighting Rule does not define what is meant by “obstruction”. This has left operators exposed to possible legal issues if the bike racks were used at any time and raised concerns over passenger and vehicle safety.

For example, the advice provided by NZTA does not include situations such as tunnels or heavy inclement weather where the headlights would be ordinarily used.

A decision was made by all PTAs, across New Zealand, to temporarily restrict usage of the bike racks, until confirmation of the situation is established by NZTA, so that bus operators and drivers are sure that they are not breaking any laws by carrying bicycles on the front of their buses.

NZTA is leading a process to work through the technical and regulatory aspects of this issue with the BCA, and PTAs, including Greater Wellington. At this time, we cannot confirm an expected timeframe for the resolution of this issue.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where appropriate. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Samantha Gain

Kaiwhakahaere Matua Waka-ā-atea | Group Manager Metlink

PROACTIVE RELEASE