

Guidelines for the development of

regional public transport plans

© NZ Transport Agency

www.nzta.govt.nz

First edition, January 2009

ISBN 978-0-478-33488-3

This publication is © NZ Transport Agency. Material in it may be reproduced for personal or in-house use without formal permission or charge, provided suitable acknowledgement is made to this publication and the NZ Transport Agency as the source. Requests and enquiries about the reproduction of material in this publication for any other purpose should be made to the NZ Transport Agency, Private Bag 6995, Wellington 6141.

The permission to reproduce material in this publication does not extend to any material for which the copyright is identified as being held by a third party. Authorisation to reproduce material belonging to a third party must be obtained from the copyright holder(s) concerned.

© NZ Transport Agency

Foreword

The Public Transport Management Act 2008 was passed in September 2008 and came into force on 1 January 2009. The NZ Transport Agency will play an active role in advising and assisting regional councils¹ to work with this new legislation and it is for that purpose that these guidelines have been developed. The Public Transport Management Act includes a number of provisions relating to the preparation of regional public transport plans. These guidelines have been designed to assist in the development of plans that not only meet the new statutory requirements, but also reflect best practice.

The NZ Transport Agency will continue to develop these guidelines including seeking feedback from public transport stakeholders. There are areas we have already identified that would benefit from further guidance but which require some policy development work first. We expect to issue one or more updates of these guidelines before the end of 2009.

The NZ Transport Agency looks forward to working in partnership with regional councils and public transport operators to develop regional public transport plans that will effectively meet the needs of your communities.

Geoff Dangerfield
Chief Executive, NZ Transport Agency
January 2009

¹For the purposes of this Act, 'regional council' also refers to the Auckland Regional Transport Authority and territorial authorities that have the functions and powers of a regional council for public transport, but not the Auckland Regional Council.

Contents

1	Introduction	1
1.1	Public Transport Management Act 2008 (PTMA)	1
1.2	The role of the NZ Transport Agency (NZTA)	2
1.3	Purpose of this document	2
1.4	Using these guidelines	2
1.5	Document layout	3
2	What type of plan?	5
2.1	Is a regional public transport plan (RPTP) required?.....	5
2.2	Choosing the best type of plan.....	5
3	3 Purpose, responsibility and context	9
3.1	Purpose of the RPTP	9
3.2	Responsibility for RPTP preparation and adoption	9
3.3	When to prepare the RPTP	10
3.4	Transitional procedures for existing regional passenger transport plans.....	11
3.5	Relationship with the long term council community plan (LTCCP).....	12
3.6	Relationship with the regional land transport strategy (RLTS)	12
3.7	Relationship with the Regional Land Transport Programme (RLTP)	13
4	Core requirements	14
4.1	Description of services	14
4.2	Assisting the transport disadvantaged	15
4.3	Giving effect to the RLTS	16
4.4	Public transport service policies	17
4.5	Policy on significance	18
4.6	Contracting requirements or controls.....	19
4.7	Matters that must be taken into account in preparing RPTPs	20
4.7.1	Contribution to objectives	20
4.7.2	Government policy statement (GPS).....	21
4.7.3	National Land Transport Strategy (NLTS)	22
4.7.4	National Energy Efficiency and Conservation Strategy (NEECS).....	22
4.7.5	Guidelines issued by the NZTA	22
4.7.6	Resource Management Act 1991 (RMA) policy statements and plans.....	22
4.7.7	Available funding	23
4.7.8	Value for money	23
4.7.9	Views of operators	23
5	Other matters to consider	24
5.1	Notice periods.....	24
5.2	Contracting requirements and controls	24
5.3	Flexibility to include other matters	24
5.4	Delegation of actions	25
5.5	Provision of information	25
5.6	Efficiency and effectiveness	25
5.7	Incorporation of documents by reference	26
5.8	Public transport assets and supporting policies.....	27

6	Contracting requirements	28
6.1	What is a contracting requirement?	28
6.2	Tests that must be satisfied for contracting requirements	28
6.2.1	Purpose consistency test	29
6.2.2	Policy contribution test	29
6.2.3	Service replacement test	30
6.2.4	Transitional arrangements test	30
6.3	RPTP content requirements for contracting requirements	31
6.4	Other considerations	32
6.4.1	Exclusions	32
6.4.2	Implementation	32
6.4.3	Appeals	32
7	Controls over commercial services	33
7.1	Types of control permitted	34
7.1.1	Operating period controls	34
7.1.2	Service bundling controls	35
7.1.3	Service level and quality controls	36
7.1.4	Integration controls	37
7.1.5	Controls: other matters	38
7.2	Tests that must be satisfied for controls	38
7.2.1	Purpose consistency test	39
7.2.2	Policy contribution test	39
7.2.3	Policy effectiveness test	40
7.2.4	Service impact test	40
7.2.5	No more onerous test	41
7.2.6	Replacement services test	42
7.3	RPTP content requirements for controls	42
7.4	Other considerations	43
7.4.1	Exclusions	43
7.4.2	Implementation	44
7.4.3	Appeals	44
8	Consultation	46
8.1	Early consultation with key stakeholders	46
8.2	Formal consultation procedures	48
8.3	Joint consultation	49
8.4	Commercially sensitive information	50
9	Monitoring and review	51
9.1	Monitoring the RPTP	51
9.2	Review of the RPTP	51
	Glossary	53
	Abbreviations	57
	Appendix A: Background and legislative context	58
	Background to the PTMA	58
	Other legislative requirements	59
	Appendix B: Suggested process for developing RPTPs	61
	Appendix C: Issues, objectives, policies and methods	62
	Appendix D: Energywise transport targets	64
	Appendix E: Procedures for incorporation by reference	65

1 Introduction

1.1 Public Transport Management Act 2008 (PTMA)

The Public Transport Management Act 2008 (PTMA) is designed to give regional councils new tools to develop public transport systems to meet the needs of their communities. The PTMA repeals the Transport Services Licensing Act 1989 (TSLA), and sets the objective of helping regional councils and the NZ Transport Agency (NZTA) obtain the best value for money in achieving an affordable, integrated, safe, responsive, and sustainable public transport system. The PTMA will enable regional councils to choose, from the following options, how public transport will be provided in their region:

- retaining the status quo of a mix of council contracted services and commercially registered services, with few restrictions on commercial operators; or
- specifying controls on commercially registered services; and/or
- requiring that some or all services must be provided as council contracted services and cannot be registered as a commercial service.

Appendix A contains a summary of the background to the PTMA and the other legislation relevant to RPTPs (including the Local Government Act 2002 (LGA) and the Land Transport Management Act 2003 (LTMA).

As the PTMA is enabling legislation it will be up to each regional council whether or not they adopt any controls or contracting requirements, however if they do, commercial public transport services will need to comply. The key elements are summarised as follows:

- Regional public transport plans (RPTPs) replace regional passenger transport plans prepared under the TSLA. They must be prepared within three years of the PTMA coming into force on 1 January 2009.
- The purpose of the RPTP is to specify how the regional council intends to give effect to the public transport service components of the regional land transport strategy (RLTS) and to contribute to the purpose of the PTMA in an efficient and effective manner.
- A regional council must adopt an RPTP, unless it does not intend to enter into a contract to pay for the supply of public transport services, impose controls on commercial public transport services, or provide financial assistance to the operators or users of a taxi or shuttle service (regardless of whether this is from council or National Land Transport Programme (NLTP) funds).
- The PTMA includes a number of matters that an RPTP must include, including a description of the public transport services that the regional council proposes to be provided in its region, and any policies relating to public transport services in the region.
- The PTMA allows regional councils to access information about commercial services.
- The PTMA enables regional councils to impose contracting requirements, whereby all or any of the public transport services described in the RPTP are required to be contracted. In these circumstances, the RPTP must follow a certain set of procedures (see chapter 6 for more details).
- Regional councils are also permitted to impose controls on commercial services and these must be included in the RPTP. The PTMA sets out a number of procedural and transitional requirements for controls which must be observed (see chapter 7 for more details).
- The regional council must follow a specific set of consultation requirements before adopting an RPTP, including using the special consultative procedure in the Local Government Act 2002 (LGA).

- The RPTP must be kept current for a period of not less than three years in advance, but not more than 10 years, and, in effect, must be reviewed at least once every three years to determine if it needs to be varied or renewed. Amendments that are not significant can be made without the need for the full consultation requirements to be observed.

1.2 The role of the NZ Transport Agency (NZTA)

The NZTA has several important roles to play in the area of public transport:

- **Monitoring agency:** the PTMA has amended the Land Transport Management Act 2003 (LTMA) so that NZTA's functions now include to issue guidelines for, and monitor the development of, regional public transport plans.
- **Funding agency:** The NZTA provides funding to regional councils for public transport services and infrastructure. Funding is also provided for the development of the RPTPs themselves, including supporting studies.
- **Assist and advise:** The NZTA can provide advice to regional councils on the development of their RPTPs.
- **Road controlling authority:** The NZTA is the provider and operator of the state highways network, which can have important interactions with the public transport network.

Given all of the above roles it is vital that regional councils have an early and in-depth engagement with the NZTA and work in partnership to develop an RPTP that will effectively meet the needs of the community.

1.3 Purpose of this document

The PTMA requires regional councils, when preparing an RPTP, to take into account any guidelines issued by the NZTA under the LTMA for the purposes of developing regional public transport plans. The purpose of these guidelines, therefore, is to assist regional councils to meet their new obligations under the PTMA in relation to the preparation of RPTPs. The guidelines are also expected to assist NZTA staff to undertake their assistance and advisory functions, and to set out the matters that the NZTA will expect to see in future RPTPs to support the public transport components of land transport strategies.

The guidelines also take into account the findings of a structured review of existing regional passenger transport plans, which highlighted areas where future guidance would be of value to regional councils and the NZTA, and identified examples of good practice. This was summarised in a baseline report prepared in August 2007.

In some cases, additional work is required to determine the appropriate response to the new legislative requirements. Any additional guidance that arises from that work will be incorporated into future amendments to the guidelines. To provide for this, it is proposed that the guidelines be periodically reviewed and updated to ensure that they keep pace with emerging legislative interpretation and reflect up-to-date examples of good practice as regional councils gain experience in preparing their RPTPs.

1.4 Using these guidelines

All regional councils which financially support public transport (including financial support for taxis or shuttle services) must adopt an RPTP. Furthermore, any controls on commercial services must be part of an adopted RPTP.

For regional councils that wish to introduce a contracting requirement or impose controls on commercial services, failure to comply with the specific statutory requirements for RPTP preparation may result in an appeal to the Environment Court, judicial review or the contracting requirement or controls being deemed invalid. These guidelines have therefore been designed to assist regional councils to understand and respond to the new statutory requirements.

Beyond this, however, the guidelines have been designed as a practical tool to assist regional councils to prepare RPTPs that not only meet the statutory requirements, but also take into account examples of good practice and suggestions of how the various mandatory and optional elements of RPTPs might be addressed.

A key objective of the preparation of these guidelines is to show how the RPTP process can be used to add value to regional councils' public transport planning and management functions. With this in mind, the guidelines recognise the very different regional contexts within which public transport operates within New Zealand and the resource constraints that many regions must work within to prepare their plans.

To deal with this variation, the guidelines have been prepared in a form that allows regional councils to choose the approach that best fits with the particular circumstances that exist in that region. This includes a simplified version of the RPTP for smaller regions.

Note: There are a number of statutory requirements that all RPTPs are required to meet and these are clearly identified in the guidelines.

Where appropriate, examples of good practice from existing regional passenger transport plans have been used in these guidelines to illustrate possible approaches that regional councils may wish to consider. In referring to these existing plans, however, regional councils should be mindful that they were prepared under the previous statutory provisions and care should be taken to ensure that the new RPTP follows the new PTMA requirements.

A recommended process for developing an RPTP is set out in Appendix B.

The text in shaded boxes provides a summary of the statutory requirement, and the remaining text provides a commentary and suggestions on how the matter should be addressed in the RPTP.

Note: The summaries are not an exact quotation of the statute and readers will need to refer to a copy of the PTMA itself.

1.5 Document layout

This guidelines document is separated into the following chapters:

- 1) Introduction: the purpose and scope of guidelines, who should use them, and how.
- 2) What type of plan? a section providing some initial guidance on the type of plan that a particular region should consider developing, tailored to its circumstances.
- 3) Purpose, timing and scope: guidelines for the strategic context and scope of the RPTP, including its relationship with other documents, the responsibility for preparation, when an RPTP should be prepared, and by whom.
- 4) Core requirements: an outline of the matters that must be included in all RPTPs.
- 5) Other matters to consider: an outline of the other matters that should be considered in RPTP development.

- 6) Contracting requirements: guidance on the steps necessary to include a contracting requirement in the RPTP.
- 7) Controls over commercial services: a guide to the inclusion of controls over commercial services in the RPTP and the specific procedures that need to be followed to develop and implement them.
- 8) Consultation: the formal consultation requirements for the RPTP and a guide to ensuring that the RPTP reflects user needs and provider opportunities.
- 9) Monitoring and review: the steps needed to monitor progress in implementation of the RPTP, and the review requirements.

A glossary of terms used in this document is also attached.

2 What type of plan?

This chapter is designed to help regional councils answer two key questions:

- Is an RPTP required?
- If so, what type of plan should be prepared, taking into account the particular circumstances of the region?

The approach to this section recognises the fact that there are significant differences in the nature and scale of public transport activity between regions.

2.1 Is a regional public transport plan (RPTP) required?

A regional council must, by resolution, adopt an RPTP unless it does not intend to:

- enter into any contract to pay for the supply of any public transport service,
- impose any controls on commercial public transport services
- impose any contracting requirement
- provide financial assistance to any operator or user of a taxi service or a shuttle service.

PTMA s9 (1)

Note: An RPTP will still be required even if the regional council only provides financial assistance for total mobility services, or only funds public transport services from its own resources (without NZTA funding).

Under current arrangements, this means that all regions will require an RPTP. The only situation in which an RPTP is not required is where the region does not propose to fund any public transport service (including total mobility, taxi or shuttle services), and where it does not intend to place any controls over commercial services. At present, no regions are in this situation, as all provide some level of financial assistance.

Councils should use the long term council community plan mechanism to determine whether to continue to provide financial assistance, and at what level. This is addressed in more detail in section 3.5.

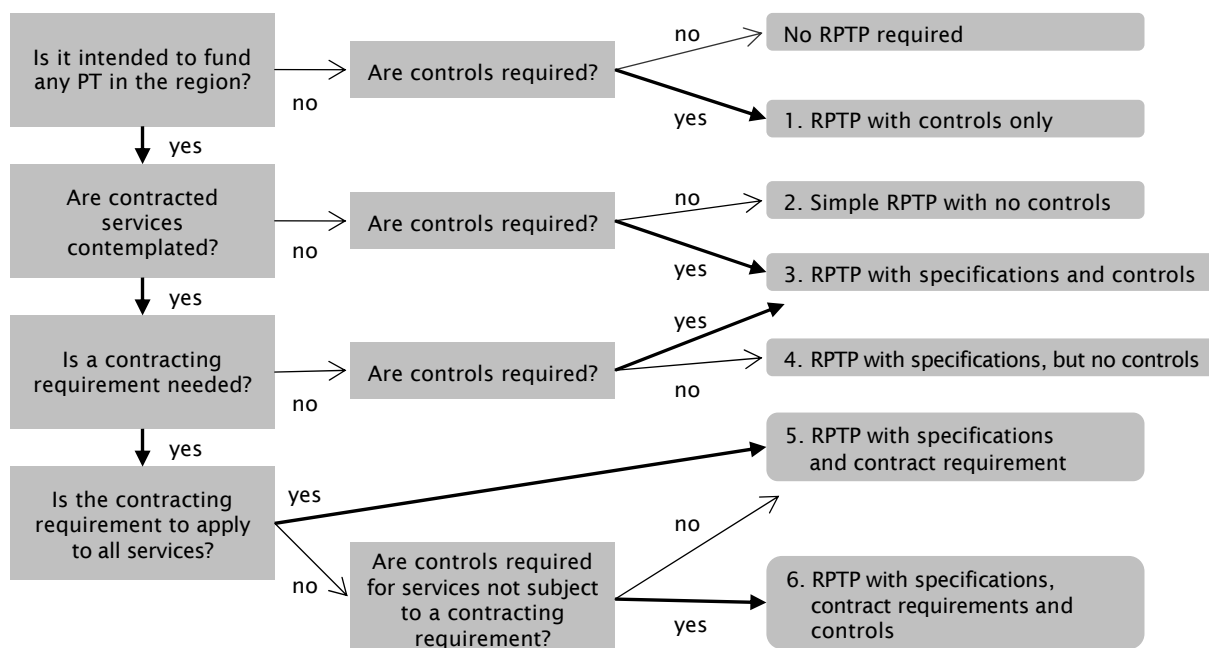
2.2 Choosing the best type of plan

In recognition of the differences between regions, a modular approach has been taken to the development of these RPTP guidelines, to provide regions with a degree of flexibility in their approach to public transport planning and procurement. While the legislative provisions identify some matters that must be included in all RPTPs, there is a degree of discretion available to each regional council, particularly in relation to the type of policies it wishes to pursue in relation to public transport, whether it wishes to impose a contracting requirement on any or all services, and the extent of any controls that it decides to place over commercial services.

The following diagram (figure 2.1) is designed to assist regional councils in determining the type of RPTP that is required in its region, taking into account three key variables:

- Whether it is intended to fund public transport services through service contracts.
- Whether a contracting requirement is required or desired.
- Whether it is intended to impose controls on commercial services.

Figure 2.1: RPTP decision tree



The diagram shows that, depending on these key variables, six different types of RPTP are possible. Table 2.1 provides additional detail to that contained in figure 2.1, by indicating the matters that need to be included in the RPTP for each of the six RPTP types identified. The table also indicates the remaining sections of this document that should be used to prepare the RPTP under each of these scenarios.

For regions where there is no intention to introduce a contracting requirement or controls on commercial services, the approach to RPTP preparation is reasonably straightforward, although there are still a number of core content requirements that need to be included. These are set out in chapter 4.

In regions where public transport is a minor activity, a simplified RPTP may be appropriate, especially in situations where no controls are contemplated (or are only required to control notice periods and timing issues). In these situations, councils may wish to consider timing the preparation of the RPTP to coincide with either the LTCCP or the RLTS. These documents have similar consultation requirements to the RPTP and there will be potential savings to the council if these processes can be combined. If this option is chosen, the RPTP will need to be clearly distinguishable from the other document, and the mandatory statutory requirements for RPTPs will still need to be met. The regional council will also need to specifically resolve to adopt the RPTP.

Where a contracting requirement or controls are required, however, an additional set of procedural matters will need to be satisfied. For both controls and contracting requirements the RPTP must include:

- a summary of the reasons for introducing the control or contracting requirement
- a statement as to why the council is satisfied that the control or contracting requirement is consistent with the purpose of the plan
- the alternatives that were considered
- the likely effectiveness of those alternatives in implementing the policies in the plan.

For contracting requirements, the regional council must have reasonable grounds to believe that the contracting requirement is consistent with the purpose of the plan and contributes to the implementation of policies in the plan. It must also believe that satisfactory alternative services are available, and that appropriate transitional arrangements are in place. See chapter 5 for further detail on contracting requirements.

For controls over commercial services, there are some additional considerations. These include the need to determine whether the control is likely to have a material adverse effect on any existing commercial services in the region and the impact of controls on existing commercial services and the operators of those services. The regional council also needs to be satisfied that the control is consistent with the purpose of the plan, that it contributes to the implementation of the policies in the plan, and that the policy that the control is intended to implement cannot be more effectively implemented in any other way.

In addition to these requirements, the regional council must ensure that the controls do not impose greater requirements or higher standards than those applying to contracted services of a similar class. The council must also consider the potential implications of the control(s) on the future viability of the commercial services to which they apply. If the council has reasonable grounds to believe that the inclusion of a control in an RTP may result in the withdrawal of an existing commercial service that is described in the plan, the council may only include the control in the plan if there is a similar public transport service available to users of the existing commercial service, or the plan states that the regional council intends that, if the existing commercial service is withdrawn, it will replace it with a similar public transport service.

The RTP is also required to include any transitional arrangements (or the process for determining such arrangements) for any contracting requirement. If the council decides to provide transitional arrangements for commercial services that are subject to controls, or a process for determining any such arrangements, this must also be included in the plan.

See chapter 7 for further details on the steps needed to include controls in the RTP.

Table 2.1: Plan types and matters to be included

PT funding intended?	Contracting requirement?	Controls required?	Plan type ²	Description	PT service specifications in RPTP	Contracting requirement procedures	Controls: procedures required
None	None	No	-	No RPTP needed	NA	NA	NA
None	None	Yes	1	RPTP with controls ³ but no service specs	Include any specs relevant to controls	NA	Required: see section 8
Minor, no contracted services	None	No	2	Simple RPTP without service specs or controls	May include any service level and quality specs for funded services	NA	NA
Minor, no contracted services	None	Yes	3	Full RPTP with controls	Include any specs relevant to controls; may include any service level and quality specs for funded services	NA	Required: see section 8
Contracted services	None	No	4	Full RPTP, no controls	Include service level and quality specs for services proposed	NA	NA
Contracted services	None	Yes	3	Full RPTP with controls	Include service level and quality specs for services proposed and any specs relevant to controls	NA	Required: see section 8
Contracted services	For selected services	No	5	Full RPTP, contracting requirement but no controls	Include service level and quality specs for services proposed	Required: see section 7	NA
Contracted services	For selected services	Yes	6	Full RPTP with contracting requirement and controls	Include service level and quality specs for services proposed and any specs relevant to controls	Required: see section 7	Required: see section 8
Contracted services	For all services	No (controls not required as all services contracted)	5	Full RPTP, contracting requirement but no controls	Include service level & quality specs for services proposed	Required: see section 7	NA

² Plan type refers to the descriptions in the far right boxes in figure 2.1.

³ For this type of RPTP the regional council must be willing to fund alternative services in the case of withdrawal of any commercial service specified in the plan as needed by the community.

3 Purpose, responsibility and context

This chapter includes guidelines for the strategic context of the RPTP, and its relationship to other key documents. The following matters are addressed:

- What is the purpose of the RPTP?
- Who is responsible for the preparation and adoption of the RPTP?
- When must the RPTP be prepared, and what are the transitional arrangements for existing plans?
- What is the relationship with other plans and strategies prepared by the regional council, including the LTCCP, RLTS and the RLTP?

3.1 Purpose of the RPTP

The purpose of the RPTP is to specify how the regional council intends to give effect to the public transport service components of the regional land transport strategy (RLTS) that applies to the region and to contribute to the purpose of the PTMA* in an efficient and effective manner.
PTMA s7

* The purpose of the PTMA is to contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system.
PTMA s3 (1)

This requirement identifies a three-part role for the RPTP:

- There is a clear connection between the RLTS and the RPTP, with the need for the RPTP to ‘give effect’ to the public transport service components of the RLTS. This means that regional councils will need to ensure that there is consistency between the two documents.
- The RPTP is required to contribute to the purpose of the PTMA, ie to contribute to the aim of achieving an affordable integrated, safe, responsive and sustainable land transport system. This aligns public transport planning with the broader approach to land transport as set out in the LTMA.
- The RPTP is obliged to contribute to the PTMA’s purpose in an efficient and effective manner. This term will require further interpretation, but for the purposes of these guidelines, the current NZTA approach to efficiency and effectiveness has been adopted. This is discussed in more detail in section 5.6.

3.2 Responsibility for RPTP preparation and adoption

A regional council (or ARTA in the case of the Auckland region) must adopt an RPTP...
PTMA s9 (1)

Regional council has the same meaning as in section 5(1) of the LGA, and in relation to the PTMA, includes ARTA and any territorial authority that has the functions, powers, and duties of a regional council under this Act. It does not include the Auckland Regional Council and the Waikato Regional Council for that part of its region that is within the Franklin District.
PTMA s4

A regional council may not delegate the responsibility for adopting, varying, or renewing a regional public transport plan.
PTMA s9 (5)

The RPTP will normally be prepared and adopted by the regional council. The exceptions to this are in the Auckland region and that part of Franklin District within the Waikato region, where ARTA is responsible for

the adoption of the RPTP, and in locations where the regional council's public transport functions, powers and duties have been transferred to a territorial authority.

While the responsibility for adoption of the RPTP lies with the regional council (subject to the above exceptions), it is possible for the detailed preparation of an RPTP to be undertaken by a regional council committee, which could be the regional transport committee (RTC) in some circumstances.

Note: Decisions to adopt, vary or renew the RPTP must be taken by the regional council – the PTMA expressly prohibits delegation of these decisions.

In determining whether to delegate responsibility for RPTP preparation to the RTC, the regional council should consider the balance between the need to ensure that the RPTP gives effect to the RLTS, and the financial responsibility for RPTP implementation. In regions where public transport is a significant part of the regional council budget, it is likely that a separate committee will have responsibility for public transport issues, and that committee should also prepare the RPTP. In other regions, there may be advantages in giving the RTC this responsibility.

3.3 When to prepare the RPTP

The RPTP must at all times be kept current for a period of not less than three years in advance, but not more than 10 years in advance
PTMA s21(1)

Except in the Auckland region, the RPTP must be adopted at the same time or as soon as is reasonably practicable after the regional council has approved a RLTS for the first time after the commencement of the PTMA but in any case not later than three years after the commencement of the PTMA. There is a similar requirement for the Auckland region.
PTMA s66 (1)

A regional council may adopt an RPTP for the first time under the PTMA at the same time as it approves a Regional Land Transport Programme.
PTMA s68

The PTMA introduces an obligation for a regular review of the RPTP and this should be aligned as closely as possible to the timing of the RLTS. There are also a number of transitional provisions relating to the status of RPTPs that were prepared under the TSLA.

The timing for preparation of the first RPTP, will depend on how recently the region has adopted its current RLTS, and whether or not the region wishes to impose controls on commercial services. Regions with a recently adopted RLTS may wish to consider preparing an RPTP in the near future to give effect to the RLTS. Where regions wish to impose controls on commercial services or impose a contracting requirement, the adoption of an RPTP will be required before controls can be exercised.

For regions where public transport plays a relatively minor role, consideration could be given to incorporating the RPTP as an annex into either the LTCCP or the RLTS. Although the RPTP will need to be formally identified as having been prepared under a separate legislative mandate (and include the minimum requirements noted below), there may be administrative efficiencies and public consultation advantages in combining the documentation.

In other situations, it is recommended that regional councils plan to prepare their first RPTP under the PTMA in parallel with, or shortly after, the next review of the RLTS.

The timetable for RPTP preparation should also take account of the dates at which the RPTP has legal effect, particularly if the regional council is intending to enter into new contracts and/or introduce a contracting requirement or controls on commercial services at a specific date. The council will need to

allow sufficient time for the necessary procedural steps in RPTP preparation to be followed, including any transitional provisions, before the RPTP can be implemented.

An RPTP (or variation) takes effect 25 working days after the regional council resolves to adopt it. However, if the RPTP includes a control or contracting requirement, the effective date for that control or contracting requirement⁴ is the later of:

- a. the date on which the RPTP (or variation) takes effect
- b. any date specified in or pursuant to the RPTP as the date on which the control or contracting requirement takes effect
- c. where a control (other than a control specifying a minimum period of operation) or a contracting requirement applies to an existing commercial service, 12 months after the date the regional council notifies the operator of the adoption of the RPTP
- d. if the control or the contracting requirement is appealed to the Environment Court, 20 working days after the day on which the appeal is finally decided or such later date as the court may order.

Note: The presence of a service specification or any other policy in an RPTP does not oblige the regional council to implement that service or policy. No person is entitled to require a regional council to implement an RPTP, except that an existing commercial service operator may require a regional council to implement any transitional arrangements. (PTMA s9 (3)). A regional council is also required to implement any contracting requirement in its RPTP.

3.4 Transitional procedures for existing regional passenger transport plans

Existing regional passenger transport plans prepared under the TSLA will continue to have effect until they expire. A regional passenger transport plan prepared under the TSLA expires when the regional council adopts an RPTP or three years after the commencement of the PTMA, whichever is earlier. Until the plan expires, it remains in effect as if the TSLA was still in force (PTMA s66).

This means that existing plans can continue to have effect until 1 January 2012 at the latest; by this time, they are required to be replaced by an RPTP under the PTMA.

Note: The regional council is not permitted to vary an existing plan to include a control. If controls are required, the regional council must prepare a new RPTP that meets the PTMA requirements.

The validity of an RPTP is not affected by the approval or variation of a RLTS, or the failure of a regional council to approve its RLTS within the time specified in the LTMA. It is also not affected by the failure of a regional council to complete the review of the RPTP within the time required by section 21(1)(b) of the PTMA, or by the inclusion of any matter that is not referred to in a RLTS, and is not inconsistent with a provision in that RLTS (PTMA s8).

⁴ Except to the extent that an operator agrees otherwise in writing in respect of a particular service and this agreement is specified in the RPTP.

3.5 Relationship with the long term council community plan (LTCCP)

A regional council must prepare a long term council community plan (LTCCP) every three years.
LGA s93

The purpose of the LTCCP, among other things, is to describe the activities of the regional council and to provide the opportunity for public participation in the decision-making process on the activities to be undertaken. This provides an opportunity to engage the community in a discussion on the extent to which public transport services should be provided and financially supported by the council over the next 10 years. The LTCCP will also help to determine the level of public transport funding expected to be available in the region.

It is particularly important that regions with little or no public transport or total mobility funding take advantage of this opportunity in the LTCCP. The community may wish the council to increase (or decrease) its level of involvement in public transport. The LTCCP provides the opportunity to consider what public transport initiatives are needed to contribute to the identified community outcomes and for this discussion to take place within the context of other expenditure priorities.

3.6 Relationship with the regional land transport strategy (RLTS)

The purpose of an RPTP is to specify how the regional council intends to give effect to the public transport service components of the regional land transport strategy (RLTS)...
PTMA s7 (a)

The purpose of the RPTP makes it clear that there is a hierarchical relationship between the RLTS, which sets the overarching strategic direction for the land transport system in the region, and the RPTP which states how the regional council will give effect to its public transport service elements.

This has implications for how the RLTS is prepared. In the past, some regions have adopted a bottom-up approach to public transport in the RLTS and have relied on the RPTP to articulate the strategic direction and policies relating to public transport in the region. However, the new arrangements imply that the RLTS should at least set a strategic direction which the RPTP can give effect to.

As noted above, in some cases (particularly where public transport forms a minor part of the regional council's expenditure) the council may wish to consider including the RPTP as an annex to the RLTS (except in the Auckland region where this is not possible). See section 11(3) of the PTMA. This has been undertaken successfully in some regions in the past (eg Taranaki, Wellington).

As the RPTP's purpose is to give effect to the public transport service components of the RLTS, it is appropriate that the RLTS, as the higher level document is prepared before the RPTP, but ideally any gap between the two documents should be minimised, and regional councils may find it advantageous for them to be prepared in tandem (though this is less likely in the Auckland region where different bodies are responsible for the preparation of each document). The PTMA recognises the advantages of this approach by requiring the first RPTP to be adopted at the same time or as soon as is reasonably practicable after the regional council has approved a RLTS for the first time after the commencement of the PTMA.

3.7 Relationship with the Regional Land Transport Programme (RLTP)

The LTMA requires regional transport committees (and ARTA in Auckland) to prepare a three-yearly Regional Land Transport Programme, which includes recommendations for funding land transport activities or combinations of activities from the national land transport fund. RLTPs must be consistent with the relevant government policy statement (GPS) and any relevant RLTS, and must also take into account any national land transport strategy, national energy efficiency and conservation strategy, and relevant national or regional policy statements or plans that are for the time being in force under the Resource Management Act 1991, and likely funding from any source.

Both the RLTP and the RPTP are designed to provide for the implementation of the RLTS. Therefore, it may be appropriate for the two documents to be prepared, consulted on and adopted in tandem. To this end, the PTMA specifically permits a regional council (or ARTA in Auckland) to prepare and adopt an RPTP for the first time under the PTMA at the same time as it prepares and approves a Regional Land Transport Programme (PTMA s68).

Note: The RLTP has some specific timing requirements which may make it difficult for the RPTP to be prepared in tandem, especially in its first iteration. Regional councils should take this into account in developing the timetable for RPTP preparation.

4 Core requirements

There are a number of requirements that must be included in any RTP, regardless of its complexity. In addition, there are also a number of matters that regional councils must take into account when they prepare an RTP. These core requirements are discussed in this chapter together with suggestions of how they should be addressed.

4.1 Description of services

The RTP must describe:

- i) the public transport services that the regional council proposes to be provided in its region, and may include (but is not limited to) a statement or description of routes, capacity, times and frequency of services, and
- ii) any taxi services or shuttle services for which it intends to provide financial assistance.

PTMA s10 (1) (a) (i) and (ii)

The description of services should be sufficient to enable the reader to understand the overall level of services that can be expected to be provided in the region for the period covered by the RTP. This may include a description of routes, capacity, and times and frequency of services.

The regional council will need to consider how much detail to include in this service description. This should strike a balance between the need to provide a reasonable picture of services the public can expect, with the need to avoid too much precision which may become redundant as circumstances change. The RTP should include sufficient detail to enable the generation of informed comment from stakeholders and the public during the consultation process.

Councils may wish to consider the use of subsidiary documents, such as operational plans, for the more detailed specification of route and frequency information. If this option is chosen, the specific PTMA provisions relating to the inclusion of material in the RTP by reference should be taken into account (see detailed comments in section 5.7).

In addition to conventional public transport services, the RTP must also include the taxi or shuttle services that it intends to provide financial assistance to. This includes total mobility schemes. Again, the level of detail will need to be determined, but the RTP should as a minimum state the areas, hours of operation, eligibility criteria and discount levels available for total mobility schemes.

For regional councils contemplating controls on commercial services, especially in relation to service levels and quality, there is considerable value in ensuring that the service descriptions in the RTP are clear and unambiguous. This will assist in the evaluation of the controls permitted by the PTMA, and also in the implementation of the controls once they take effect.

4.2 Assisting the transport disadvantaged

The RPTP must describe how the public transport services described in the RPTP, and any taxi services or shuttle services for which it intends to provide financial assistance, will assist the transport disadvantaged. PTMA s10 (1) (a) (iii)

A regional council must, when preparing a statement of proposal to adopt an RPTP and before adopting an RPTP ... consider the needs of persons who are transport disadvantaged. PTMA s19 (c)

Before adopting an RPTP, a regional council must ... invite submissions from groups the regional council has reasonable grounds to believe represent the transport disadvantaged. PTMA s20 (2) (l)

The RPTP must describe how the services (including taxi or shuttle services that are to be financially supported) will assist the transport disadvantaged. This description should be consistent with the approach to considering the needs of the transport disadvantaged and reflect the outcome of the council's assessment of possible actions to meet those needs.

The first step in meeting this requirement is to determine who is transport disadvantaged. The PTMA includes the following definition:

...transport disadvantaged means people whom the regional council has reasonable grounds to believe are the least able to get to basic community activities and services (for example, work, education, health care, welfare, and food shopping). PTMA s4

Not all existing RPTPs define transport disadvantaged, possibly because a statutory definition did not exist until the PTMA was enacted. However, those that have come up with their own meanings have generally adopted a definition that relates to circumstances which restrict access to private transport.

The definition in the PTMA is a legal definition, and thus regional councils must ensure that their view of who is transport disadvantaged is consistent with the definition in the PTMA. In doing this, regional councils may also give consideration to the factors that can lead to transport disadvantage. For example, the *New Zealand transport strategy* identifies four such factors, including urban form designed around the private car, lack of modal choice, affordability and disability⁵.

Other useful references for regional councils in determining their approach to the transport disadvantaged include the NZ Disability Strategy, the Positive Aging Strategy and the Human Rights Commission report *The Accessible Journey*. Regional councils should also identify the groups in the region that represent the transport disadvantaged and engage with those groups at an early stage.

The next step is to determine the needs of the transport disadvantaged. This will generally relate to access to specific opportunities (eg travel to employment, education, shopping, medical facilities etc), physical accessibility issues (eg vehicle access issues) and cost issues (eg fare levels). The needs identified in the RPTP should be specific to the region.

The next step is to describe the attributes of the public transport system that will particularly address these needs. A number of possible approaches are possible. The following actions should be considered:

- Concessionary fare schemes for target groups
- Specialised services for target groups (eg dial a ride)
- Services to locations and at times that serve the needs of transport disadvantaged

⁵ For more details, see *New Zealand transport strategy 2008*, section 4.5 Improving access and mobility.

- Accessible vehicle standards
- Total mobility services
- Travel training for users and customer service awareness
- Provide appropriate forms of assistance and support to transport disadvantaged to ensure their access to public transport information (for example, the design of websites using accessibility standards, signage in Braille and ensuring new technology such as real time information is easy to read).

The RPTP should describe the services and actions that have been included in the RPTP and explain how these are intended to assist the transport disadvantaged as defined by the legislation. Where general services are also expected to assist the transport disadvantaged, these should also be noted.

4.3 Giving effect to the RLTS

The RPTP must describe how it gives effect to the public transport service components of the RLTS that applies to that region.
PTMA s10 (1) (a) (iv)

This requirement relates to the statutory purpose of the RPTP, which is to give effect to the public transport service components of the RLTS. Not only must the RPTP do this, it is necessary to describe how this has been done within the document.

This will require the RPTP to explicitly identify the public transport service components in the RLTS, and to set out the way in which these have been addressed in the RPTP. This should be set out in a specific section of the RPTP, with cross-references to the relevant sections of the document (and to any supporting documents that may be relevant). A schedule or table may be a good way to present this.

4.4 Public transport service policies

The RPTP must specify any policies that are to apply to public transport services, and to any taxi service or shuttle service for which the regional council intends to provide financial assistance and

- must specify the classes of service to which the policies apply, and
- must describe how it will implement the policies

PTMA s10 (1) (b)-(d)

The RPTP may include (but is not limited to) policies on:

- i) the information that public transport operators must supply to the regional council for public transport planning, contracting, and monitoring purposes
 - ii) quality standards and performance standards
 - iii) providing or promoting an integrated public transport system, which may include (without limitation) policies on integrated services, integrated ticketing, integrated fares, and integrated technology
 - iv) services that are to be operated as a group of all contracted public transport services or all commercial public transport services whether or not they are on the same route
 - v) fares for contracted public transport services in the region or the method or formula or other bases for setting those fares, for example, time, zone or stage, mode of travel, number of journeys, and the availability of concessions
 - vi) the application of common emblems, signs, or designs to the vehicles, or other modes of transport used in public transport services in the region
 - vii) fostering cooperation between the regional council and public transport operators to make timetables and journey planning information available to the public in a specified format, for example, in electronic or printed form or on their respective internet sites
 - viii) the minimum period of operation of public transport services in the region
- special policies and provisions for any users of any specified class or description of public transport services; or taxi service or shuttle service for which the regional council intends to provide financial assistance
 - policies on the standards and procedures for monitoring compliance with controls
 - any other policies that the regional council thinks fit.

PTMA s10 (2)

The PTMA provides a broad scope of potential public transport policies which may be included in an RPTP, and the policies listed in the PTMA are intended as examples only. The key point that needs to be noted is that any public transport policy the regional council has must be included in the RPTP.

It is also important to note the connection that exists between contracting requirements, controls and policies. While policies set out the intent of the regional council, they are not enforceable on commercial services except through the imposition of controls or a contracting requirement. Contracting requirements and controls are both required to contribute to the implementation of the policies in an RPTP and can each be challenged in the courts for failing to do so. As a result, it is suggested that councils consider this issue in advance and articulate the policy basis of any contracting requirement or control in the RPTP.

There is also an explicit obligation on regional councils to include a summary in their RPTPs of the alternatives they considered to individual contracting requirements and controls, and the likely effectiveness of those alternatives in implementing the policies in the plan (section 10(3)(c) of the PTMA). Depending on the policies described and the alternatives considered, there may or may not be a strong connection here – though if an alternative was assessed as being ineffective in implementing the policies in the plan, a council will need to have a reasonable explanation for its inclusion. Otherwise, questions may be raised as to why it was considered by the council and the overall strength of the council's comparative analysis.

The requirement to specify both the policies and the means of implementation (ie methods) suggests the need for the RPTP to follow a hierarchical approach. This is supported by the statutory linkages to the RLTS and the purpose of the PTMA, which suggest an articulation of issues and strategic objectives for land transport in general and public transport in particular.

A useful discussion on the differences between objectives, policies and methods and some tips on how to write these, is contained in the Quality Planning website (an adaptation of this for RPTPs is attached in Appendix C). This suggests the following hierarchy of terms:

- Issue: a clear statement about a matter that needs addressing to achieve the purpose of the Act, ie something that needs to be resolved to achieve an integrated, safe, responsive and sustainable land transport system.
- Objective: an expression of what would resolve the issue, describing the end state or the outcome being sought.
- Policy: how a particular objective is to be achieved, ie a general course of action to be pursued to achieve certain land transport outcomes.
- Method: a specific course of action taken to implement a policy, ie the means by which the objective will be achieved.

Clarity is important. There should be an emphasis on action oriented policies that are directed at matters that the regional council has accountability for. To aid interpretation, each policy should be accompanied by a clear explanation of the rationale for the policy.

Where the method for implementing a policy involves a control, this must be clearly stated in the RPTP and the specific requirements for the development and adoption of controls must be observed. See chapter 7 for details.

Note: Controls are not permitted for matters other than those identified in section 13 (3) of the PTMA, and then only if they contribute to the implementation of a policy in the RPTP (and the regional council is satisfied that the policy cannot be more effectively implemented in any other way).

A number of existing RPTPs include a clear articulation of objectives, policies and methods, which may act as a guide for how this should be achieved. An explanation of policies is also useful, for example see the Canterbury RPTP.

4.5 Policy on significance

The RPTP must set out the policy the regional council will apply in determining whether a proposed variation to the regional public transport plan is significant for the purpose of the consultation obligations found in section 21(6) PTMA s10 (1) (i)

This provision will assist the council in future decisions on variations to the RPTP. Where a variation is not of a significant nature, the PTMA gives regional councils greater flexibility regarding their consultation obligations, excusing them from the need to undertake the full consultation requirements (including the use of the special consultative procedure) of a normal RPTP variation or renewal process. This requires a formal determination of what is considered to be significant, and that policy needs to be specifically included in the RPTP itself.

A similar provision exists in relation to RLTPs and RLTSs, and it would be advisable for the determination of significance for the RPTP to take the RLTP/RLTS significance policy into account. The RPTP policy should

identify thresholds beyond which the full consultative process will need to be followed. These should take account of the scale of the variation, the likely level of public interest in the variation, and the relative costs and benefits of a full consultation process in relation to the variation. Any other criteria, or procedures that are to be used by the council in assessing the extent to which a variation is significant should also be articulated.

The RPTP approach to the policy on significance should also be consistent with other policies on significance adopted by the regional council, including the significance policy that is required in relation to local government decision-making generally (section 90 of the LGA).

Note: Even where variations are not deemed to be significant, there is still an obligation on regional councils to follow the consultation principles in section 82 of the LGA, and to consult persons who may be affected by the proposed variation, including public transport operators. (See section 9.2 for further details).

Note. Under section 21 (7) of the PTMA, any variation to the RPTP which introduces or amends a control or contracting requirement requires the full special consultative procedure to be followed, regardless of whether the variation is deemed to be significant or not.

4.6 Contracting requirements or controls

If any controls or contracting requirements are specified in a plan, the plan must include a summary of:

- a) the regional council's reasons for including the controls or contracting requirements in the plan, including a statement explaining why the regional council is satisfied that the controls or contracting requirements are consistent with the purpose of the plan, and
- b) the alternatives to those controls or contracting requirements (including alternative controls) that were considered by the regional council, and
- c) the likely effectiveness of those alternatives in implementing the policies in the plan.

PTMA s10 (3)

The RPTP must follow a certain set of procedures and meet specific content requirements if the regional council wishes to implement a contracting requirement. These are discussed in more detail in chapter 6. There are also a number of specific RPTP obligations that must be met if a regional council wants to introduce any controls on commercial services. These are discussed in more detail in chapter 7.

4.7 Matters that must be taken into account in preparing RPTPs

A regional council must, when preparing a statement of proposal to adopt an RPTP and before adopting an RPTP:

- a) be satisfied that the plan contributes to each of the following:
 - i) assisting economic development:
 - ii) assisting safety and personal security:
 - iii) improving access and mobility:
 - iv) protecting and promoting public health:
 - v) ensuring environmental sustainability, and
- b) take into account:
 - i) the relevant GPS: and
 - ii) any current national land transport strategy and national energy efficiency and conservation strategy, and
 - iii) any guidelines issued by the NZTA under the LTMA for the purposes of developing RPTPs, and
 - iv) any relevant regional policy statement, regional plan, district plan, or proposed regional plan or district plan under the Resource Management Act 1991, and
 - v) the public transport funding likely to be available within the region, and
 - vi) the need to obtain the best value for money, having regard to the desirability of encouraging fair competition and a competitive and efficient market for public transport services, and
 - vii) the views of public transport operators in the region, and
- c) consider the needs of persons who are transport disadvantaged.

PTMA s19

The list of matters to be satisfied and those that need to be taken into account in preparing an RPTP is similar (though not exactly the same) to that required for other land transport planning documents, for example, RLTPs and RLTSs under sections 14 and 75 of the LTMA. The key points are as follows.

4.7.1 Contribution to objectives

The regional council must be satisfied that the RPTP contributes to each of the five objectives of assisting economic development, assisting safety and personal security, improving access and mobility, protecting and promoting public health, and ensuring environmental sustainability. These are the five objectives of the NZ Transport Strategy, and are also included in the LTMA.

Each RLTS will refer either directly or indirectly to these five objectives, and it should therefore be possible to trace a connection between these objectives, the strategic approach to public transport identified in the RLTS and the policies and methods of the RPTP. The RPTP should make explicit reference to the policies and methods that give effect to these objectives.

To meet this requirement, the regional council will need to give consideration to how the matters contained in its RPTP will contribute to each of the five objectives. The following table provides some examples of RPTP policies or contents that may be expected to contribute to each of the objectives. Depending on local circumstances, regional councils may wish to consider the inclusion of some or all of these responses in the RPTP to meet the obligation to contribute to these objectives. Note: The list is not exhaustive and other options should also be considered where appropriate to local circumstances.

Objective	Possible RPTP responses
Assist economic development	<ul style="list-style-type: none"> • Public transport services to key economic centres • Services that contribute to reduced congestion • Services that facilitate particular economic activities, eg tourism
Assist safety and personal security	<ul style="list-style-type: none"> • Services that improve the security of passengers • Services that provide alternatives in situations of known safety problems or high-risk situations (eg late night)
Improve access and mobility	<ul style="list-style-type: none"> • Services that provide improved access choices for the community, especially the transport disadvantaged • Public transport services that provide access to employment, education, retail and social opportunities • Total mobility services • Fare concessions for targeted groups and the transport disadvantaged • Vehicle quality standards that improve access to public transport
Protect and promote public health	<ul style="list-style-type: none"> • Emission controls for public transport vehicles • Services that encourage greater use of active modes
Ensures environmental sustainability	<ul style="list-style-type: none"> • Services that assist in reducing vehicle dependency • Services that support sustainable urban form • Vehicle standards that support fuel efficient vehicles • Services and operational policies aimed at reducing adverse environmental effects

4.7.2 Government policy statement (GPS)

The GPS is issued by the Minister every three years, and is intended to provide ministerial guidance to the NZTA and the land transport sector on the outcomes and objectives and the short to medium term impacts that the government wishes to achieve. It also provides a linkage between land transport revenues and planned levels of expenditure from the National Land Transport Fund. The GPS must be taken into account in the preparation of the RPTP.

The first GPS was issued in August 2008, and takes effect from 1 July 2009. It includes the following targets for the New Zealand transport system to 2015:

- Reduce kilometres travelled by single occupancy vehicles, in major urban areas on weekdays, by 10 percent per capita by 2015.
- Increase the mode share of transporting freight by coastal shipping and rail by 2015.
- No overall deterioration in travel times and reliability on critical routes by 2015.
- Reduce fatalities and hospitalisations from road crashes by 2015.
- Increase patronage on public transport by three percent per year through to 2015.
- Increase the number of walking and cycling trips by one percent per year through to 2015.

The mode share targets for public transport have direct relevance to the RPTP, but regional councils should also consider how the RPTP is able to contribute to the other targets (especially reduced travel by single occupant vehicles and reliability of travel on critical routes).

The GPS also identifies a funding range for the public transport activity class, which will assist in determining the likely level of public transport funding available within each region. See section 4.7.7.

4.7.3 National Land Transport Strategy (NLTS)

The requirement to take account of the NLTS may become relevant at some future stage, but is not currently a live issue, as no NLTS has been prepared under the LTMA.

It is important to note that the *New Zealand transport strategy* (NZTS), which has recently been updated, is not an NLTS, because it was not prepared and promulgated under the LTMA provisions. Nevertheless, the NZTS objectives are reflected in the LTMA and it has a strong influence on the way in which transport planning decisions and funding allocations are made under that Act, and also on the content of the GPS (which the RPTP must take into account). Regional councils should therefore have regard to the NZTS provisions wherever possible (especially as they relate to increasing public transport mode share).

4.7.4 National Energy Efficiency and Conservation Strategy (NEECS)

The obligation to take account of the NEECS mirrors the legislative requirement for RLTSs and RLTPs. The NEECS is prepared as a requirement of the Energy Efficiency and Conservation Act 2000 and was last reviewed and updated in October 2007. The NEECS promotes a move toward a sustainable energy future for New Zealand through energy efficiency, energy conservation and renewable energy. It includes five sector action plans, including one for transport and contains a number of targets and actions that are relevant to public transport planning. See Appendix D. The transport plan includes the following sections:

- Managing the demand for travel
- More efficient transport modes
- Improving the efficiency of the transport fleet
- Developing and adopting renewable fuels

The RPTP should identify any policies and actions that are proposed to address energy efficiency issues and show the contribution that they are expected to make to improved energy efficiency.

4.7.5 Guidelines issued by the NZTA

These guidelines have been prepared by the NZTA pursuant to its function under the LTMA of assisting and advising approved organisations. Regional councils are therefore required to take account of these guidelines.

The guidelines are set out in a manner that should enable regional councils to demonstrate and document the actions they have taken in relation to each of the steps identified. This would be assisted by the development of a simple checklist that captured the key RPTP actions against each of the steps identified in the guidelines.

4.7.6 Resource Management Act 1991 (RMA) policy statements and plans

The RPTP must take account of any national or regional policy statement (RPS), regional plan or district plan prepared under the RMA. This will require the regional council to undertake an assessment of the relevant plans and to determine which if any of their provisions are relevant to the RPTP. It is recommended that this assessment be undertaken in conjunction with the similar assessment that is required for the preparation of the RLTS.

4.7.7 Available funding

The requirement to take into account the public transport funding likely to be available within the region relates to the inclusion of the principle of affordability in the purpose of the PTMA. It is similar to the obligation under section 76 (b) of the LTMA in relation to the RLTS.

To meet this requirement for the RPTP, the regional council should include an estimate of the likely funding available from its own resources (having reference to the LTCCP), from the NZTA (having reference to the GPS) and any other relevant sources (eg fare revenues, advertising, where these accrue to the regional council).

As part of this process, the RPTP should also reflect the community's willingness to pay for public transport services and the relationship between fares and subsidy. Target farebox recovery thresholds are a useful approach, but these should be linked to policies and methods that ensure that the public transport system is managed towards achievement of the targets. The Canterbury and Manawatu-Wanganui RPTPs (prepared under the TSLA) are useful models.

The RPTP should also demonstrate the relationship between the funding available, the description of services to be provided in the region, and the public transport policies. The purpose of this is to demonstrate the extent to which those services and policies are affordable within expected funding levels. This should enable a better alignment between policy and affordability, including a better understanding of what the proposed services in the RPTP will cost, how they will be paid for and a more explicit connection to the LTCCP.

The ARTA Passenger Transport Network Plan (although not an RPTP) includes an example of how this might be presented in the RPTP. In this case, the plan identifies a gap between the proposed level of service and the funding currently available and includes an assessment of the implications of that funding gap on expected outcomes. This is useful in determining priorities for allocating scarce funds.

4.7.8 Value for money

In preparing the RPTP, the regional council must take account of the need to obtain the best value for money having regard to the desirability of encouraging fair competition and a competitive and efficient market for public transport services.

The wording of this requirement is similar to the provisions of section 25 of the LTMA, which requires the application of approved procurement procedures for land transport. Those procedures are designed to obtain the best value for money spent by the NZTA and approved organisations, having regard to the desirability of enabling fair competition for the right to supply outputs, and encouraging competitive and efficient markets for the supply of outputs.

Regional councils must take into account any effect the policies and actions in their RPTPs might have on the desirability of encouraging public transport operators to compete fairly in an efficient market. This is a particularly important matter for regional councils that may be considering the introduction of a contracting requirement or controls on commercial operators. A formal assessment of the impact of these policies on value for money, fair competition, and the development of a competitive and efficient market for public transport services should be considered.

4.7.9 Views of operators

To meet the requirement to take account of the views of public transport operators in the region, the regional council should establish a formal mechanism to determine their views. This is discussed further as part of the consultation requirements for the RPTP in section 8.1.

In addition to existing operators in the region, regional councils may also wish to seek the views of providers who are not currently active in the region, but who may wish to provide services in future.

5 Other matters to consider

This section outlines the other matters that may be included in RPTPs. It also sets out guidelines on some of the matters that may be expected to be found in RPTPs, and the approach that may be taken towards policy development.

5.1 Notice periods

A regional council, in an RPTP may require a minimum period of notice (which may be not less than 35 working days and no more than 65 working days) for:

- i) commencing a commercial public transport service
- ii) varying a commercial public transport service.

A regional council, in an RPTP may require a minimum period of notice (which may not be more than 65 working days) for withdrawing a commercial public transport service.

PTMA s10 (1) (g)-(h)

A regional council is permitted to determine minimum notice periods for the commencement, variation or withdrawal of commercial services. If the RPTP does not specify notice periods for the commencement of commercial services, the PTMA requires operators to give at least 35 working days notice before the start of the service (section 32 PTMA).

If the RPTP does not specify a minimum period of notice for the withdrawal of commercial services, the PTMA requires the notice period to be at least 15 working days (section 46 PTMA).

These periods are longer than the statutory notice periods that previously existed in the TSLA, and are intended to provide regional councils with sufficient time for planning and notification of service changes, and (in the case of withdrawals) to take action to implement any replacement service that may be required.

5.2 Contracting requirements and controls

A regional council may state in an RPTP that all or any public transport services in its region ... that are described in the plan are required to be contracted public transport services ... (called a contracting requirement).
PTMA s16 (1)

A regional council may specify a control in an RPTP.
PTMA s13 (1)

The imposition of any contracting requirement or any controls on commercial services is a discretionary matter for individual regional councils, but where they are desired by a regional council, they must first be specified in the RPTP, and a number of procedural steps must be followed. These are detailed in chapter 6 (contracting requirements) and chapter 7 (controls on commercial services).

5.3 Flexibility to include other matters

An RPTP may state or describe any other matters that the regional council thinks fit.
PTMA s10 (1) (j)

This provision provides regional councils with a degree of flexibility to include other matters in their RPTPs that are not specifically listed in the PTMA.

Note: Any such matters should be relevant to the overall purpose of the RPTP.

One such matter may be the provision of public transport infrastructure that is needed to support the public transport services proposed in the RPTP. This is discussed further in section 5.8.

5.4 Delegation of actions

An RPTP may provide that an action described in the plan must or may be done by a regional council or a committee or other subordinate decision-making body or a member or officer of the regional council, and may specify conditions applying to the doing of the action.
PTMA s10 (4)

This provision allows regional councils to use their RPTP to delegate responsibility for undertaking actions in the RPTP and to attach any conditions to those delegations that it sees fit.

Note: This provision does not limit or affect the delegation powers in the LGA.

5.5 Provision of information

Section 14 of the PTMA provides regional councils with certain powers to require information from operators of commercial public transport services, to assist the council with public transport planning, contracting, and monitoring. There are some restrictions on how that information may be obtained and used, to take account of commercial sensitivity. It is important that these restrictions are fully understood, especially if the information is to be used as the basis for material that is published in the RPTP.

Section 22 of the PTMA also provides for the provision of information related to the preparation of RPTPs from regional councils to the NZTA (and in the case of Auckland, from ARTA to the ARC). Confidentiality provisions also apply to this information.

5.6 Efficiency and effectiveness

The purpose of the RPTP is to contribute to the purpose of the PTMA in an efficient and effective manner. The regional council will therefore need to be satisfied that the combination of policies and methods included in the RPTP will not only contribute to an affordable, integrated, safe, responsive and sustainable land transport system, but will do so efficiently and effectively.

In this context, efficiency can be said to relate to the relationship between inputs and outputs, while effectiveness relates to producing a desired outcome.

In general, satisfying this requirement is likely to involve an assessment of the various combinations of policy options available to achieve the objectives. It is possible that this assessment will have already been undertaken as part of the RLTS, at least at a high level. In any case, an assessment against other land transport options and alternatives will be required prior to the NZTA granting funding approval under the LTMA (section 20(2)(e)). Wherever possible, the RPTP should provide evidence of the analytical processes used to determine the costs and benefits of policy combinations including the use of monitoring, surveys (of both users and non-users), user satisfaction surveys, modelling, etc.

To assist with the evaluation of efficiency and effectiveness, regional councils should take account of the assessment factors used in the NZTA *Planning, programming and funding manual*. These include:

Efficiency of the proposed solution:

- Is the proposal efficient in its use of scarce resources in terms of the costs and benefits?
- How sustainable are the benefits in the longer term?
- Does the proposal represent value for money in terms of the overall monetised and non-monetised benefits?
- What is the level of confidence about the estimated costs and benefits?

Effectiveness of the proposed solution:

- Will the solution do the job it is intended to do and will it be effective over the long term?
- Have appropriate alternatives, options and complementary measures been assessed?
- Does the proposal represent an optimised activity or package of activities?
- To what degree does the proposal contribute to the purpose of the LTMA?
- To what degree does the proposal contribute to the objectives of the NZTS and the GPS targets?
- Have adverse effects been taken into account in assessing effectiveness?
- What is the level of confidence that the proposal will be effective in doing the job it is intended to do?

Note: Efficiency and effectiveness criteria concern the contribution made by the RPTP as a whole to the purpose of the Act. It is not considered necessary for an assessment of each individual activity or policy in the RPTP against the efficiency and effectiveness criteria, but it is necessary to do so for the RPTP as a whole, ie the combination of policies and activities. It would also be advisable for regional councils to specifically address the efficiency and effectiveness of major policy options, such as whether or not to include controls or contracting requirements.

5.7 Incorporation of documents by reference

The following written material may be incorporated by reference in an RPTP:

- a) standards, requirements, or recommended practices of international or national organisations
- b) standards, requirements, or recommended practices prescribed in any country or jurisdiction
- c) any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan.

Material may be incorporated by reference in a plan:

- a) in whole or in part, and
- b) with modifications or additions specified in the plan.

Material incorporated by reference in a plan has legal effect as part of the plan.
PTMA s23

The PTMA provides for the incorporation of documents by reference in an RPTP. This is useful where regional councils refer to standards or requirements that are contained in publications that are prepared through other processes, or where the material is of a detailed technical nature which makes its inclusion in the RPTP document impractical. This is likely to be useful for matters such as vehicle quality standard specifications.

The PTMA includes a number of procedural requirements that must be met in order to incorporate documents by reference. These are contained in sections 24–28 of the PTMA. See appendix E for details. These provisions are particularly important where the referenced material is likely to relate to the application of a control.

Because the material that is incorporated by reference has legal effect as part of the RPTP, it is important that the referenced material is clearly understood and readily available as part of the consultation process for the RPTP, particularly by those parties that are affected by it.

It is also essential that the formal procedures for incorporating any future amendments to the referenced material are adhered to. Any future changes that may be made to material incorporated by reference do not have legal effect unless the RPTP is varied.

5.8 Public transport assets and supporting policies

The purpose of the RPTP is to specify how the regional council intends to give effect to the public transport service components of the RLTS. The primary focus of the RPTP is therefore on services rather than assets, especially where these are not owned or controlled by the regional council.

However, there is nothing that prevents an RPTP from addressing the provision of assets and it would be sensible to do so where the assets in question have some relationship to the provision of services. This enables the RPTP to take an integrated approach to the overall provision of public transport, and helps to ensure that the actions of the regional council in planning for public transport services are coordinated with the actions of other parties, especially road controlling authorities, in providing supporting infrastructure such as stops and shelters, passenger information, bus priorities, etc. While these matters may be included in the RLTS, there is value in the RPTP setting out the actions that the regional council intends to take to encourage supporting actions by other parties.

Consideration should therefore be given to including RPTP policies and methods to promote the cooperative involvement of other parties (especially territorial authorities and the NZTA in its role as state highways provider) in the implementation of the RPTP, including the provision of supporting infrastructure. Consideration should also be given to the inclusion of policies and methods to promote the implementation of supportive land use and parking policies by territorial authorities.

The RPTP should take care, however, not to include policies or actions that purport to bind other approved organisations, as the RPTP does not have the power to do this. Instead, policies and actions should be focused on the steps that the regional council will take to interact with those other parties to coordinate the provision of assets at an appropriate time. The Canterbury RPTP provides a good example of this approach.

6 Contracting requirements

This chapter sets out the procedures regional councils that need to follow in order to introduce a contracting requirement for some or all of the public transport services in their region. Due to the fact that a contracting requirement will result in the discontinuation of any existing commercial services specified as being subject to the contracting requirement, it is important that the procedural requirements are closely adhered to. The PTMA gives operators the ability to appeal to the Environment Court on specified grounds, including where these procedures are not followed.

6.1 What is a contracting requirement?

A regional council may state in an RTP that all or any public transport services in the regional council's region that are described in the plan are required to be contracted public transport services; and, as a result, any of those services that are existing commercial services described in the plan are discontinued (called a contracting requirement).
PTMA s16 (1)

For the purposes of subsection (1), services may be described in any 1 or more of the following ways:

- a) by specifying in the plan the services to which the contracting requirement applies
- b) by the plan stating that the contracting requirement applies to all services in the region (or a part of the region) other than those specified in the plan
- c) in any other manner.

PTMA s16 (5)

A contracting requirement is a new concept introduced by the PTMA which permits regional councils, provided they meet the statutory tests, to require that some or all of the public transport services in the region must be contracted.

The effect of a contracting requirement is the discontinuation of any commercial services that are subject to the contracting requirement, following a transition period. As the name suggests, the intent of the contracting requirement is that the regional council will enter into a contract for the provision of a suitable replacement service.

6.2 Tests that must be satisfied for contracting requirements

Regional councils must satisfy a number of tests before imposing a contracting requirement. These are described in more detail below, and prevent the regional council from adopting an RTP that includes a contracting requirement unless it believes on reasonable grounds that:

- the contracting requirement is consistent with the purpose of the plan (referred to in these guidelines as the purpose consistency test)
- the contracting requirement contributes to the implementation of the policies in the RTP (the policy contribution test)
- a satisfactory alternative service would be available to users where the RTP has specified that this is needed by the community (the replacement service test)
- appropriate transitional arrangements are in place to alleviate any material adverse effects on operators (the transitional arrangements test).

Note: For each of these tests to be satisfied, the regional council must believe on reasonable grounds that the statutory requirement has been complied with. To demonstrate this, the regional council will need to assemble the relevant information for each test, undertake an assessment based on that information, determine whether or not a contracting requirement is appropriate as a result of that assessment, and document that process.

6.2.1 Purpose consistency test

A regional council may not adopt a regional public transport plan that imposes a contracting requirement unless it believes on reasonable grounds that:

- a) the contracting requirement is consistent with the purpose of the plan, after taking into account the matters referred to in section 19.

PTMA s16 (2) (a)

Regional councils must be explicit about how the imposition of a contracting requirement is consistent with the purpose of the RPTP (which, as noted above, is to specify how the regional council intends to give effect to the public transport service components of the RLTS and to contribute to the purpose of the PTMA (an affordable, integrated, safe, responsive, and sustainable land transport system) in an efficient and effective manner.

This will require a careful assessment of the consistency of the contracting requirement with the public transport service components of the RLTS and the PTMA objectives. It will also require that the concepts of efficiency and effectiveness are taken into account in determining whether a contracting requirement is appropriate (ie whether the imposition of a contracting requirement will improve the efficiency and effectiveness of the RPTP's contribution to the purpose of the PTMA).

The assessment must also take account of the matters referred to in section 19 of the PTMA, which include the contribution to NZTS objectives, the GPS, the NEECS, RMA documents, these guidelines, the public transport funding likely to be available in the region, the need to obtain best value for money and the views of operators in the region. These matters are discussed in section 4.7.

A checklist approach is suggested for this assessment, to ensure that all the relevant matters are considered.

6.2.2 Policy contribution test

A regional council may not adopt a regional public transport plan that imposes a contracting requirement unless it believes on reasonable grounds that:

- b) the contracting requirement contributes to the implementation of the policies in the plan.

PTMA s16 (2) (b)

Regional councils must clearly demonstrate how the contracting requirement will contribute to the implementation of the policies in the RPTP. This requires identification of the policies to which the contracting requirement is expected to help implement and an assessment of the likely contribution of the contracting requirement to each one. This requirement highlights the need to take care in the determination of policies, as discussed in section 4.4.

As noted in section 6.3, the RPTP must include a statement of the alternatives to the contracting requirement that were considered by the regional council and the likely effectiveness of those alternatives in implementing the policies in the plan. Therefore, the assessment of policy contribution must not only consider the merits of the contracting requirement in contributing to the implementation of the policy, but also compare the effectiveness of the contracting requirement with alternative methods.

6.2.3 Service replacement test

A regional council may not adopt a regional public transport plan that imposes a contracting requirement unless it believes on reasonable grounds that:

- c) if a service that is to be discontinued is specified in the plan as being needed by the community, a satisfactory alternative public transport service (of any mode) would be available to users of the discontinued service;

PTMA s16 (2) (c)

If a commercial service is specified in the plan as being needed by the community, the regional council needs to be satisfied that the service will continue to be provided should it be discontinued as a commercial service following the imposition of a contracting requirement.

In most cases, this will mean that the regional council will need to be prepared to enter into a contract for the provision of a suitable replacement service once the relevant commercial service is discontinued. The costs of doing so will therefore need to be clearly identified as part of the decision-making process and the regional council will need to be in a position to enter into such a contract prior to the discontinuation of the commercial service. The time required to implement any replacement contract should be factored in to the transitional arrangements.

6.2.4 Transitional arrangements test

A regional council may not adopt a regional public transport plan that imposes a contracting requirement unless it believes on reasonable grounds that:

- d) appropriate transitional arrangements (which may be any one or more of delaying the commencement date of the contracting requirement, providing financial or other assistance to operators, purchasing assets from operators, or anything else) have been or will be made by the council to alleviate as far as practicable any material adverse effects of the contracting requirement on operators of existing commercial services.

PTMA s16 (2) (d)

If regional councils impose a contracting requirement, they must include in the RPTP transitional arrangements, or set out in the RPTP the process for determining such transitional arrangements that will be needed. The purpose of these transitional arrangements is to alleviate as far as practicable any material adverse effects on the operators of existing commercial services. This will require the regional council to make an assessment which will need to include the following steps:

- Identify the existing commercial services that will be affected by the contracting requirement.
- Assess the likely response to the imposition of the contracting requirement by operators of those existing services, including the extent to which services will need to be discontinued or altered.
- Taking the likely response into account, estimate the likely financial or other impact of the imposition of the contracting requirement on the costs and revenues of the operator(s) involved.
- Determine whether those financial or other impacts are likely to be materially adverse, with reference to the overall costs, revenues and profitability of the operator. It may be useful to establish materiality thresholds to assist with this assessment.
- Where any material adverse effects are identified, determine the appropriate transitional arrangements in response to those effects.

It is recommended that regional councils work with the affected public transport operators when making such an assessment, as it is more efficient and less costly to identify and seek to resolve any issues while the RPTP is being developed, rather than later at the Environment Court through an appeal process.

The PTMA provides examples of the type of transitional arrangement that may be considered. The list includes (but is not restricted to):

- delaying the commencement date of the contracting requirement
- providing financial or other assistance to operators
- purchasing assets from operators.

If the regional council is not able to satisfy itself that appropriate transitional arrangements have been or will be put in place, the contracting requirement should not be included in the plan.

Note: The PTMA provides a specific right for operators to appeal against the transitional arrangements on the grounds that they do not alleviate as far as practicable the material adverse effects of the contracting requirement on the operator.

6.3 RPTP content requirements for contracting requirements

If any ... contracting requirements are specified in a plan, the plan must include a summary of:

- a) the regional council's reasons for including the ... contracting requirements in the plan, including a statement explaining why the regional council is satisfied that the controls or contracting requirements are consistent with the purpose of the plan, and
- b) the alternatives to those ... contracting requirements (including alternative controls) that were considered by the regional council, and
- c) the likely effectiveness of those alternatives in implementing the policies in the plan.

PTMA s10 (3)

If a regional council specifies 1 or more contracting requirements in a regional public transport plan, it must also specify in the plan:

- a) the transitional arrangements referred to in subsection (2)(d), or
- b) the process that the regional council will adopt for determining those transitional arrangements.

PTMA s16 (4)

If a regional council decides to introduce a contracting requirement, it must specify that requirement in its RPTP, together with a summary of the reasons for including the contracting requirement in the RPTP, and why the council believes it is consistent with the purpose of the RPTP. It should also include, within the RPTP document, a summary of the outcomes of the tests that are discussed in section 6.2, with a particular focus on the outcomes of the purpose consistency and policy contribution tests.

Note: The RPTP must not only identify the alternatives that were considered as part of the evaluation process, but it must also summarise the likely effectiveness of those alternatives in implementing the policies in the RPTP. As noted above, this suggests that the policy contribution test needs to include a wider consideration of alternative approaches, with and without a contracting requirement.

The RPTP must also include details of the transitional arrangements, resulting from the regional council's consideration of this matter as part of the transitional arrangements test (see section 6.2.4). Note: The RPTP can either specify the actual transitional arrangements or alternatively set out the process by which those transitional arrangements will be determined. If the latter course is chosen, the process will need to be sufficiently clear to enable the regional council to satisfy itself that appropriate transitional arrangements are able to be put in place.

6.4 Other considerations

6.4.1 Exclusions

A regional council may not include a contracting requirement in a regional public transport plan that applies to a public transport service that operates outside the region to which the regional public transport plan applies. PTMA s16 (3)

Contracting requirements can only be imposed on services within the regional council's region. This restriction means that inter-regional services cannot be made subject to a contracting requirement.

6.4.2 Implementation

The PTMA sets out provisions relating to the date at which a contracting requirement takes effect. The RPTP takes effect 25 working days after the regional council resolves to adopt it. A contracting requirement takes effect on the later of:

- the date that the RPTP takes effect, or
- the date specified in the RPTP for the contracting requirement to take effect, or
- for existing commercial services, 12 months after the date on which regional council has notified the operator of the service of the adoption of the RPTP (or later if the RPTP has specified a later date as part of its transitional arrangements), or
- 20 working days after any appeal to the Environment Court is decided, or such later date as the court may order

This means that the regional council will be able to decline new commercial registrations for services that are subject to a contracting requirement as soon as the RPTP is effective, but must wait a further 12 months until any existing commercial services are discontinued.

Note: These dates can be varied by the written agreement of the operator of a particular service, but this agreement needs to be specified in the RPTP.

6.4.3 Appeals

The PTMA specifically provides for operators of existing commercial services that are affected by contracting requirements to appeal to the Environment Court against certain aspects of the contracting requirement. The grounds for appeal (PTMA s50) are as follows:

- a) against the contracting requirement on any of the following grounds:
 - i) the contracting requirement is not consistent with the purpose of the regional public transport plan, after taking into account the matters referred to in section 19
 - ii) the contracting requirement does not contribute to the implementation of the policies in the plan
 - iii) if a service that is to be discontinued as a result of the contracting requirement is described in the plan as being needed by the community, a satisfactory alternative public transport service (of any mode) would not be available to users of the discontinued service
 - iv) the contracting requirement does not comply with section 16 or any other provision of this Act.
- b) against the transitional arrangements on the grounds that they do not alleviate as far as practicable the material adverse effects of the contracting requirement on the operator.

These appeal rights are broad and highlight the need for regional councils to take care to meet the tests and procedural steps outlined in these guidelines, particularly the tests outlined in section 6.2. It will also be necessary to clearly document the steps that have been taken to comply with the statutory requirements.

7 Controls over commercial services

The PTMA permits regional councils, in certain circumstances, to impose specific controls on commercial public transport services in their region. This chapter provides a guide to the inclusion of controls over commercial services in the RPTP and the procedures that need to be followed to develop and implement them.

Because controls will introduce constraints on the manner in which existing commercial services are operated, and in some cases may lead to de-registration of commercial services, it is important that the procedural requirements relating to controls are closely adhered to. The PTMA gives operators the ability to appeal to the Environment Court if these procedures are not followed.

Note: Any decision to impose controls on commercial services will need to take account of the approach taken by the regional council in respect of contracting requirements (discussed in chapter 6). If a contracting requirement has been imposed for all services in the region controls will not be needed as there will not be any commercial services.

It is also possible for a regional council to prepare an RPTP without controls.

The following issues are included in this section:

- What types of control can the regional council impose on commercial services?
- What must the RPTP include to enable controls on commercial services?
- What matters need to be satisfied before controls can be adopted?
- What are the restrictions on controls?

7.1 Types of control permitted

The PTMA allows regional councils to adopt controls on commercial public transport services, subject to a number of conditions. Section 13 (3) of the PTMA lists the controls that are permitted. It is not possible to adopt a control unless it is included in this list.

For the purposes of discussion in these guidelines, the permitted controls have been divided into four main types, as summarised in table 7.1.

Table 7.1: Types of control permitted

Type of control	Permitted control	PTMA ref
Operating period	To set a minimum period for the operation of commercial service	13 (3) (a)
Service bundling	To require the operation of commercial services as part of a group	13 (3) (b)
Service level and quality	To require services to operate according to frequency, capacity and times specified in an RPTP	13 (3) (c)
	To require services to adhere to quality and performance standards	13 (3) (d)
Integration	To require service to be an integrated service	13 (3) (e)
	To require common emblems, signs, or designs	13 (3) (f)
	To require operators to use integrated technology	13 (3) (g)
	To require operators to issue, use, and accept an integrated ticket	13 (3) (h)
	To set and apportion integrated fares	13 (3) (i)
	To require operators to collect an integrated fare on behalf of other operators	13 (3) (j)
	To specify the point at which an integrated fare becomes payable	13 (3) (k)
	To require operators to accept a portion of an integrated fare as full payment for travel on the service	13 (3) (l)
	To prevent operators from collecting fares when integrated fare already paid	13 (3) (m)

7.1.1 Operating period controls

A control may require a minimum period not exceeding 12 months for the operation of any commercial public transport service (which must include any period of notice required for varying or withdrawing the service) immediately following the commencement of:

- i) the registered commercial public transport service
- ii) a variation to the registered commercial public transport service.

PTMA s10 (1) (g)-(h)

An operating period control allows a regional council to specify a minimum period that commercial services in the region are required to continue in operation once they commence. The minimum period must not exceed 12 months.

This control can be used in situations where a regional council is concerned that commercial services may be withdrawn or varied after only a short period of operation, thereby having an adverse impact on the ability of the regional council to plan the network effectively.

If this control is not used, the operator may withdraw or vary a service at any time (subject to other controls) by giving the statutory period of notice. The PTMA includes a minimum notice period of 15 working days for the withdrawal of a commercial service, and 35 working days for a variation to a commercial service. Longer notice periods of up to 65 days can apply if specified in the RPTP (see section 5.1).

Once the operating period control takes effect, any new commercial service registrations, or variations to existing registered services must operate for the minimum specified period from the date of registration.

Note: It should generally be possible for an operating period control to take effect sooner than other controls specified in the RPTP. This is because the 12 month phase-in period that applies to all other controls on existing services does not apply in respect of operating period controls (see PTMA section 12 (2) (c)).

7.1.2 Service bundling controls

A control may require a person who operates, or wishes to operate, a service that the plan has specified is to be operated as part of a group, to operate all the services in the group as commercial public transport services, whether or not on the same route:

- i) if the regional council is satisfied that the operating costs of the services in the group will be less if they are operated by one operator than if they are operated by more than one operator, and
- ii) regardless of how the services in the group are operated on the date the control is specified in the plan.

PTMA s13 (3) (b)

Service bundling controls allow regional councils to require some or all commercial registrations to be restricted to the operation of a specified group of services, rather than individually. These controls may be useful where regional councils are concerned that there are likely to be higher operating costs associated with the operation of a mix of commercial and contracted services on a particular route (or routes) or a particular service type.

If service bundling controls are contemplated, the regional council will not only need to satisfy the general tests on controls that are discussed in section 7.2, but it will also need to satisfy a specific operating cost test that applies only to this type of control. This test requires the regional council to be satisfied that the operating costs⁶ of the services in the group will be less if they are operated by one operator than if they are operated by more than one operator.

This will require the regional council to undertake an assessment of the gross operating costs of the services that it is considering for operation as a group, and to compare those operating costs under two scenarios – operation of all of the services in the group by a single operator and separate operation of different parts of the grouped services by more than one operator. For the latter scenario, it will be necessary to make a clear assumption about how the grouped services will be split, for the purpose of the assessment. This will be straightforward in situations where some services are already operated commercially, but where this is not the case, a realistic operating scenario based on similar service levels elsewhere should be developed.

Regional councils should also consider the potential for service bundling controls to result in the removal of a commercial service, given the likelihood that service bundles will result in both commercially viable and non-viable services being grouped together.

Note: The no more onerous test described in section 7.2.5 does not apply to service grouping controls.

⁶ For the purposes of section 13 of the PTMA, operating costs means the cost to an operator of operating a public transport service before any revenue is taken into account.

7.1.3 Service level and quality controls

A control may:

- c) require a commercial public transport service on a specified route to operate according to the frequency, capacity, and times specified in the regional public transport plan for the operation of a public transport service on that route
- d) require any commercial public transport service to comply with specified quality standards and performance standards.

PTMA s13 (3) (c)-(d)

Service level and quality controls allow regional councils to specify minimum levels of service or performance standards that will apply for a particular route or service. These controls can achieve the same result as contractual terms, allowing the regional council to ensure that all services achieve a consistent standard, regardless of whether they are operated as a commercial service or by contract.

Note: The PTMA defines quality standards and performance standards (see glossary), which will be useful for regional councils to determine the standards that they may wish to make subject to controls.

In determining service level and quality controls, particular attention must be paid to the no more onerous test discussed in section 7.2.5. It is not possible for controls to place obligations on commercial services that are any more onerous than the service levels and standards that apply to contracted services of a similar class. The inclusion of clear service level specifications and quality standards in the RPTP will assist regional councils in developing robust controls in this area.

The development of service level and quality controls also requires the regional council to give careful consideration to the potential costs that could arise if there was a need to contract for replacement services in the case of de-registrations. This issue is discussed as part of the replacement services test in section 7.2.6, and is particularly important in situations where there is a large difference between the specified level of service and that provided by existing commercial services. Unless the regional council is willing and able to contract for the level of service being specified, these controls should not be contemplated.

7.1.4 Integration controls

A control may:

- e) require any commercial public transport service to be an integrated service
- f) require common emblems, signs or designs (but not common colour schemes) for vehicles or other modes of transport used in integrated services in the region
- g) require the operator of any commercial public transport service to use integrated technology specified in the regional public transport plan
- h) require the operator of any commercial public transport service to issue, use, and accept an integrated ticket specified in the regional public transport plan
- i) set and apportion integrated fares on a reasonable basis without undue discrimination and in accordance with one or more of the following factors:
 - i) time
 - ii) zone
 - iii) mode of travel
 - iv) any concessionary fares policy
 - v) the number of journeys to be travelled.
- j) require the operator of any commercial public transport service to collect on behalf of other operators an integrated fare that is set in accordance with a control made under paragraph (i)
- k) specify the point at which an integrated fare becomes payable
- l) require the operator of any commercial public transport service to accept a portion of an integrated fare that is set in accordance with a control made under paragraph (i), as full payment for travel on the service
- m) provide that the operator of any commercial public transport service may not collect an additional fare from a passenger who transfers from another service on which the passenger has already paid an integrated fare, if the integrated fare includes payment for the passenger's travel on the operator's service.

PTMA s13 (3) (e)-(m)

A large number of the controls permitted by the PTMA relate to the integration of services, ticketing and fares, and, if adopted, will place obligations on commercial service operators to take part in initiatives aimed at improving integration.

The interpretation section of the PTMA (section 4) includes definitions for a number of the terms referred to in these controls, including:

- integrated fare
- integrated service
- integrated technology
- integrated ticket.

See the glossary for the statutory definitions of these terms.

The purpose of integration controls is to ensure that initiatives taken to improve the integration of the public transport system in a region are able to be extended to include commercial services.

The extent to which the different categories of integration control will be required will depend on whether there are plans to introduce different levels of integration within the region. For example, if there is only a need to ensure that services operated by different operators provide timetable connections with each other, the integrated service control under section 13 (3) (e) will be sufficient. For regional councils wishing to introduce a common branding across all public transport services, the controls envisaged in section 13 (3) (f) will be sufficient.

Note: It is not possible to use controls to require common colour schemes for commercial operators.

Many of the permitted controls in this category relate to integrated fares and the ability of regional councils to place obligations on operators to take part in integrated fare schemes and accept tickets, payments and revenue sharing arrangements as part of such a scheme. If the regional council wishes to implement an integrated ticketing or integrated fare scheme, it is likely that these controls will need to be included as a group (unless it is intended to use a contracting requirement).

7.1.5 Controls: other matters

In addition to the controls outlined above, the PTMA provides for controls to be specified to require anything that is permitted by regulations made under the PTMA. It also provides some flexibility in the application of controls, so that different types of control are able to be applied to different classes or descriptions of public transport service. This would enable, for example, different quality controls to be specified for off-peak services compared to commuter services, if that was necessary to meet the objectives in the RPTP.

It is not necessary for the regional council to specify all of the services to which a control applies as services that the regional council proposes to be provided in the region. Note: Where the control is likely to lead to the withdrawal of a commercial service identified in the RPTP as needed by the community, the regional council must be able to demonstrate that it intends to replace it with a similar public transport service.

7.2 Tests that must be satisfied for controls

Regional councils must satisfy a number of tests before imposing any controls on commercial services. These are described in more detail below and require the regional council to:

- be satisfied that the control is consistent with the purpose of the plan (referred to in these guidelines as the purpose consistency test)
- be satisfied that the control contributes to the implementation of the policies in the RPTP (the policy contribution test)
- be satisfied that the policy that the control is intended to help implement cannot be more effectively implemented in any other way (the policy effectiveness test)
- have made reasonable endeavours to determine whether the control is likely to have a material adverse effect on existing commercial services, and have properly considered the impact of the control on the existing commercial services in the region and the operators of those services (the service impact test)
- ensure controls impose no greater requirements or higher standards on commercial services than the requirements or standards applying to contracted services of a similar class (the no more onerous test)
- ensure that, where the control is likely to result in the withdrawal of a commercial service, a satisfactory alternative service would be available to users (the replacement service test).

Note: Each of these tests must be met. In doing so, the regional council should assemble the relevant information, undertake an assessment based on that information, determine whether or not a control is appropriate as a result of that assessment and document that process.

7.2.1 Purpose consistency test

A regional council may specify a control in a regional public transport plan, if the regional council is satisfied that:

- i) the control is consistent with the purpose of the plan after taking into account the matters referred to in section 19.

PTMA s13 (1) (b)

This test is similar to that which applies to contracting requirements (see section 6.2.1). Regional councils must be explicit about how the imposition of a control is consistent with the purpose of the RPTP (which, as noted above, is to specify how the regional council intends to give effect to the public transport service components of the RLTS for its region and to contribute to the purpose of the PTMA (an affordable, integrated, safe, responsive, and sustainable land transport system) in an efficient and effective manner.

A preliminary step in assessing whether controls are appropriate is for the regional council to determine the appropriate role of commercial services as part of the network and to develop policy on whether and how the council will deal with commercial services to ensure that the desired level of quality, performance or integration is achieved. It may be possible to achieve this without the need for controls.

The purpose consistency test will require a careful assessment of whether the control is consistent with the public transport service components of the RLTS and the PTMA objectives. It will also require that the concepts of efficiency and effectiveness are taken into account in determining whether the imposition of controls will improve the efficiency and effectiveness of the RPTP's contribution to the purpose of the PTMA.

The assessment must also take account of the matters referred to in section 19 of the PTMA, which include the contribution to NZTS objectives, the GPS, the NEECS, RMA documents, these guidelines, the public transport funding likely to be available within the region, the need to obtain best value for money, and the views of operators. These matters are discussed in section 4.7.

A checklist approach is suggested for this assessment, to ensure that all the relevant matters are considered.

7.2.2 Policy contribution test

A regional council may specify a control in a regional public transport plan, if the regional council is satisfied that:

- ii) the control contributes to the implementation of the policies in the plan.

PTMA s13 (1) (b)

This test is similar to that which applies to contracting requirements (see section 6.2.2). Regional councils must demonstrate the contribution of the control to the implementation of the policies in the RPTP. This requires identification of the policies which the control is expected to help implement and an assessment of the likely contribution of the control to each of those policies. This requirement highlights the need to take care in the determination of policies, as discussed in section 4.4.

7.2.3 Policy effectiveness test

A regional council may specify a control in a regional public transport plan, if the regional council is satisfied that:

iii) the policy that the control is intended to help implement cannot be more effectively implemented in any other way.

PTMA s13 (1) (b)

This test differs from those applying to contracting requirements. In specifying a control, the regional council must not only be satisfied that it contributes to the implementation of PTMA polices (as discussed in section 8.2.2), it must also be satisfied that the policy that the control is intended to help implement cannot be more effectively implemented in any other way. As noted in section 7.3, the RPTP must include a summary of the alternatives to the contracting requirement that were considered by the regional council and the likely effectiveness of those alternatives in implementing the policies in the plan.

This test requires the regional council to consider the other methods that may be available to implement the policy and to undertake a comparative assessment of the relative effectiveness of those options.

If as a result of this assessment it is concluded that there are other more effective means of implementing the policy the control must not be included in the RPTP.

7.2.4 Service impact test

A regional council may specify a control in a regional public transport plan, if the regional council:

- i) has used reasonable endeavours to ascertain whether the inclusion of the control in the plan is likely to have a material adverse effect on any existing commercial services in the region; and
- ii) has properly considered the impact of the control on existing commercial services in the region and the operators of those services.

PTMA s13 (1) (a)

This test combines two related statutory obligations, which require regional councils to carefully consider the impact of any control on existing services and operators, and in particular, to take steps to examine the financial implications of the control on existing commercial services and whether there will be any resulting material adverse impact.

The PTMA refers to the need for the regional council to use reasonable endeavours to ascertain the issue of material adverse effect. This suggests that the regional council should go to reasonable lengths to obtain the information necessary to undertake an assessment of effects (including a direct dialogue with affected operators), but recognises that there will be circumstances (such as the lack of availability of commercial information) which may mean that an accurate assessment is not possible. Even in these circumstances, however, regional councils should make an attempt based on the information that is available to estimate whether commercial services are likely be adversely affected by the control, and to determine whether that is likely to be material.

The PTMA also requires the regional council to have given proper consideration to the impact of any controls on existing commercial services and operators. This will be particularly important in determining whether controls are appropriate and the nature of any transitional arrangements that may be required.

The following steps are suggested for this test (these are similar to those outlined for determining transitional arrangements for contracting requirements in section 6.2.4):

- Identify the existing commercial services that will be affected by the control.
- Assess the likely response to the imposition of the control by operators of those existing services.
- Taking the likely response into account, estimate the likely impact of the imposition of the control on the operator(s) involved, including the likely impact on their operating costs and revenues.
- Determine whether those financial or other impacts are likely to be materially adverse, with reference to the overall costs, revenues and profitability of the operator. To assist with this process, the regional council may wish to develop some materiality thresholds.
- Where any material adverse effects are identified, determine any responses that may be appropriate, including transitional arrangements.

For each of these steps the regional council should seek and take account of the views of, and any information provided by, affected public transport operators.

Some regional councils will have had experience in assessments of material adverse effect undertaken as part of the assessment of commercial service registrations under the TSLA and this should be taken into account where relevant.

7.2.5 No more onerous test

- 4) If a regional council has contracted a public transport service of a similar class to a commercial public transport service, a control may impose no greater requirements or higher standards on the commercial public transport service than the requirements or standards applying under the contract to the contracted public transport service.
- 5) For the purposes of subsection (4), the contract that imposes the lesser requirement is the relevant contract for the purposes of comparison with a control if:
- a) there is more than one contracted public transport service of a similar class to the commercial public transport service, and
 - b) the contracted public transport services are provided under separate contracts, and
 - c) the contracts impose different requirements on the contracted public transport services.
- 8) Subclause (4) does not apply to a control of the type described in subclause (3)(b).
- PTMA s13 (4)–(6)

This provision obliges the regional council to ensure that any controls on commercial services (other than those relating to the grouping of services) are no more onerous than apply to a similar class of existing contracted service. For example, the imposition of a control on frequency and capacity should not involve a greater obligation on the commercial service provider than is the case for the contracted services.

This test is particularly important for service level and quality controls, as discussed in section 7.1.3. The inclusion of clear service level specifications and quality standards in the RPTP will assist regional councils in satisfying this test.

7.2.6 Replacement services test

- 7) If a regional council has reasonable grounds to believe that the inclusion of a control in a regional public transport plan may result in the withdrawal of an existing commercial service that is described in the plan, the regional council may only include the control in the plan if:
- a) there is a similar public transport service available to users of the existing commercial service, or
 - b) the plan states that the regional council intends that, if the existing commercial service is withdrawn, it will replace it with a similar public transport service.
- 8) A control may not be made for the purpose of eliminating any existing commercial service.
- PTMA s13 (7)–(8)

This requirement requires regional councils to only impose controls on services described in the RPTP in circumstances where a suitable alternative service is available, or they would be willing to contract for the service in the event that the commercial registration was withdrawn. Unless the regional council is prepared to contract for the service with the controls converted to conditions of contract, the control(s) should not be imposed. This will require the council to follow a staged process:

- Estimate the likely additional operating costs associated with the imposition of the control (this will be required as part of the assessment of adverse financial impact).
- Determine whether the additional operating costs and compliance costs imposed by the control are likely to result in the withdrawal of the commercial registration
- Determine the additional costs associated with contracting for that service and confirm that this cost is acceptable to the regional council.

Particular care will need to be taken by councils who have a limited budget for contracting public transport services, to ensure that the imposition of controls does not lead to an unsustainable increase in the demand for contracted services in future.

Councils will also need to consider whether any resulting contracted service (to replace a commercial service) is likely to receive NZTA funding.

7.3 RPTP content requirements for controls

Core RPTP requirements for controls

If any controls ... are specified in a plan, the plan must include a summary of:

- a) the regional council's reasons for including the controls ... in the plan, including a statement explaining why the regional council is satisfied that the controls ... are consistent with the purpose of the plan, and
- b) the alternatives to those controls ... (including alternative controls) that were considered by the regional council, and
- c) the likely effectiveness of those alternatives in implementing the policies in the plan.

PTMA s10 (3)

Transitional arrangements

If a regional council specifies a control in a regional public transport plan, it may also specify in the plan:

- a) any transitional arrangements (which may be any 1 or more of delaying the commencement date of the control, providing financial or other assistance to operators, or anything else that assists operators to comply with the control) that the regional council, in its discretion, has or will put in place to alleviate any material adverse effects that the council considers the control is likely to have on existing commercial services, or
- b) the process that the regional council will adopt for determining any such transitional arrangements.

PTMA s13 (2)

If a regional council wishes to introduce a control, it must specify that control in its RPTP, together with a summary of the reasons for including the control in the RPTP and why the council believes it is consistent with the purpose of the RPTP. These requirements mirror those for contracting requirements, which are discussed in section 6.3. The RPTP document should also include a summary of the outcomes of the tests that are discussed in section 7.2, with a particular focus on the outcomes of the purpose consistency, policy contribution and policy effectiveness tests.

Note: The RPTP must not only identify the alternatives that were considered as part of the evaluation process, but it must also summarise the likely effectiveness of those alternatives in implementing the policies in the plan and demonstrate that the achievement of RPTP policies cannot be more effectively achieved by means other than the imposition of controls. This highlights the need for the policy contribution and policy effectiveness tests to include a wider consideration of alternative approaches to achieving RPTP policies, both with and without controls.

The RPTP may also include details of the transitional arrangements for controls⁷. These may arise from the regional council's consideration of the impacts of controls on existing commercial services, as discussed in section 7.2.4. The emphasis of transitional arrangements should be on alleviating any material adverse effects on existing services. The PTMA provides some suggestions in relation to transitional arrangements.

The regional council may either include the specific arrangements in the RPTP or alternatively set out the process by which those transitional arrangements will be determined. If the latter course is chosen, the process should be sufficiently clear to enable the regional council to satisfy operators that appropriate transitional arrangements are able to be put in place.

7.4 Other considerations

7.4.1 Exclusions

A regional council may not adopt a control that applies to a commercial public transport service that operates outside the region to which the regional public transport plan applies; or is specified by regulations made under this Act as an exempt commercial public transport service; or would require an operator to breach a rule made under the Land Transport Act 1998 or the Maritime Transport Act 1994.

PTMA s13 (10)

Controls can only be applied to services that operate completely within the relevant region. Long distance services that operate in more than one region are not subject to controls.

⁷ Note. This provision is permissive (may) in contrast to the mandatory requirement to include transitional arrangements for contracting requirements (must).

Controls can also not be imposed on services which have been specifically excluded from the definition of public transport services, such as: taxi services, dial a driver services, shuttle services, ambulance services, private hire services and services not available to the public generally.

7.4.2 Implementation

The PTMA sets out provisions relating to the date at which any controls take effect. The RPTP takes effect 25 working days after the regional council resolves to adopt it. A control on a commercial service takes effect on the later of:

- the date that the RPTP takes effect, or
- the date specified in the RPTP for the control to take effect, or
- for existing commercial services, 12 months after the date on which regional council has notified the operator of the service of the adoption of the RPTP (or later if the RPTP has specified a later date as part of its transitional arrangements) (note. doesn't apply in respect of operating period controls), or
- 20 working days after any appeal to the Environment Court is decided, or such later date as the court may order

This means that the regional council will be able to enforce controls on new commercial services as soon as the RPTP is effective, but must wait a further 12 months (or longer if the transitional arrangements provide) before the controls apply to existing commercial services.

Note: These dates can be varied by the written agreement of the operator of a particular service, but this agreement needs to be specified in the RPTP.

The PTMA also requires operators of existing commercial services to notify the regional council, within six months of the adoption or variation of the RPTP, whether it intends to continue the service once the control takes effect for that service, and if complying with the control requires a variation to the service, advise the regional council whether the operator intends to notify a variation.

Once controls take effect, operators are required to ensure that their commercial services are operated in accordance with every applicable control. For its part, the regional council may:

- Decline a commercial service registration (or variation) where it has reasonable grounds to believe that the commercial public transport service is unlikely to be operated in accordance with a control that will apply to the commercial public transport service (subject to process issues).
- Deregister all or part of a commercial service where it is satisfied that the operator has persistently failed to operate the service, or part of the service, in accordance with an applicable control.

Failure to comply with one or more controls provides a new ground for declining commercial registrations, over and above the grounds that previously existed in the TSLA, which have been carried over to the PTMA.

7.4.3 Appeals

The PTMA specifically gives operators of existing commercial services that are affected by controls the ability to appeal to the Environment Court. The grounds for appeal are set out in section 49 of the PTMA, as follows:

- a) the regional council has not properly considered the impact of the control on existing commercial services in the region and the operators of those services
- b) the control is not consistent with the purpose of the plan after taking into account the matters referred to in section 19

- c) the control does not contribute to the implementation of the policies in the plan
- d) the policy that the control is intended to help implement can be more effectively implemented in another way
- e) the regional council has not complied with section 13(7) (relating to replacement services)
- f) the control does not comply with section 13 or any other provision of this Act.

These appeal rights are broad and highlight the need for regional councils to take care to meet the tests and procedural steps outlined in these guidelines, particularly the tests outlined in section 7.2. It will also be necessary to clearly document the steps that have been taken to comply with the statutory requirements.

8 Consultation

This section contains guidelines on consultation for the RPTP. This includes consideration of both the formal consultation requirements imposed by the legislation, and also the need to involve key stakeholders in the preparation of the RPTP to ensure that the plan reflects user needs and provider opportunities.

8.1 Early consultation with key stakeholders

When preparing a statement of proposal under section 83 of the Local Government Act 2002 to adopt an RPTP, a regional council must consult:

- a) the relevant regional transport committee (and, in the case of ARTA, the Auckland Regional Council), and
- b) the Agency, and
- c) every operator of a public transport service in the region, and
- d) every person who has notified the regional council of a proposal to operate a commercial public transport service in the region, and
- e) the Minister of Education, and
- f) the territorial authorities in the region, and
- g) the New Zealand Railways Corporation.

PTMA s20 (1)

A regional council must, when preparing a statement of proposal to adopt an RPTP and before adopting an RPTP ... consider the needs of persons who are transport disadvantaged.
PTMA s19 (c)

The formal consultation requirements for RPTPs are in two stages. The first stage must be completed while the regional council is preparing its draft RPTP (referred to in the PTMA as the statement of proposal). At this stage, the regional council is required to consult with a selected list of key stakeholders, including operators, funders and territorial authorities and others with a specific interest in the development of the RPTP.

The approach to this early consultation phase should also take account of regional councils' consultation obligations under the LGA. These include a requirement to give consideration to the views and preferences of persons likely to be affected by, or have an interest in the matter, at various stages of the decision-making process, including:

- When problems and objectives are defined
- When options are identified
- When options are assessed and proposals developed
- When proposals are adopted.

Regional councils are able to exercise judgement over how they will comply with this requirement, but should take account of relevant case law and good practice examples. A useful reference is the good practice guide published by the Controller and Auditor General in 2007⁸.

Regional councils should specifically consider how best to involve those key stakeholders whose actions will influence the success of the RPTP. In most cases, and particularly for operators, territorial authorities, the NZTA and the RTC, a direct stakeholder relationship should be established at an early stage, as follows:

- Operators: The regional council should take steps to engage with existing public transport operators in the region at an early stage in the preparation of the RPTP, to determine issues that the RPTP should address, any additional policies or service specifications that operators believe should be added and issues relating to information and possible contracting requirements and controls (including their impact on financial viability). This can be achieved through a combination of operator forum and one-on-one dialogue (recognising that some issues that operators may wish to discuss will be commercially sensitive).
- In addition to existing operators, councils should also take steps to ascertain any issues that may exist for potential operators. This may require a collaborative approach between different regional councils to identify potential operators, and engage with them in an efficient manner. Involvement of the Bus and Coach Association is also recommended.
- Territorial authorities: Consultation with territorial authorities should commence at an early stage to identify any infrastructure requirements, land use planning or traffic management issues that need to be taken into account in the RPTP. Territorial authorities will also be able to advise on local changes in residential, employment, educational and other activity patterns that are likely to influence demand for services.
- NZTA: Early consultation with the NZTA will assist the regional council in determining the likely level of future funding available for public transport, in getting an indication of whether the NZTA might be prepared to contribute funding should RPTP provisions increase the scope of contracted services and any policy matters that need to be taken into account in the RPTP, particularly in relation to procurement issues. As for territorial authorities, an early engagement with the NZTA is appropriate where public transport services are expected to operate on the state highway network, especially where specific infrastructure or operational requirements are likely.
- RTC: The RTC is responsible for developing the Regional Land Transport Programme which plays a role in determining the funding available. The inclusion of the RTC in the list of parties to be consulted at an early stage is designed to ensure that there is a good linkage between the RPTP, RLTP and the RLTS, to which the RPTP must give effect.

In addition to the key stakeholders listed above, regional council must also engage at an early stage with the other key stakeholders identified in section 20 (1) of the PTMA: the Minister of Education and the NZ Railways Corporation. This will be particularly important in regions where public transport is intended to provide for access to schools and where the public transport network may include elements of rail service.

Beyond the specific stakeholders identified in the PTMA, the regional council should also specifically consider the early consultation that may be required to meet the requirement to consider the needs of the transport disadvantaged when preparing its proposal. This would be assisted by early engagement with groups who represent the interests of the transport disadvantaged.

⁸ Controller and Auditor General (2007): *Turning principles into action: A guide for local authorities on decision-making and consultation*.

As part of this early consultation with key stakeholders, regional councils should provide sufficient information to enable stakeholders to make an informed response. This may include information that sets out the public transport issues in the region and the proposed objectives and policy options that have been considered for the RPTP. This is particularly important where the regional council is contemplating the imposition of controls or a contracting requirement or a significant change in policy or level of service. In these cases, the regional council should also set out the reasons for the approach that is proposed, together with an evaluation of alternatives.

8.2 Formal consultation procedures

Before adopting a regional public transport plan, a regional council must carry out consultation using the special consultative procedure specified in sections 83, 87, and 89 of the Local Government Act 2002, which applies for the purposes of this section with the necessary modifications, and in addition forward a copy of the statement of proposal to adopt the plan to, and invite submissions from:

- a) the Secretary, and
- b) the Agency, and
- c) the Commissioner, and
- d) the Minister of Education; and
- e) the territorial authorities in the region, and
- f) the adjoining regional councils and territorial authorities, and
- g) every operator of a public transport service in the region, and
- h) every person who has notified the regional council of a proposal to operate a commercial public transport service in the region, and
- i) the district health boards in the region, and
- j) every affected approved public organisation in the region, and
- k) the Accident Compensation Corporation, and
- l) groups that the regional council has reasonable grounds to believe represent the transport disadvantaged, and
- m) the New Zealand Railways Corporation.

PTMA s20 (2)

The list of persons and organisations that must be consulted as part of the RPTP preparation is much more extensive than in the past. The list is similar to that prescribed for consultation on the RLTS, but includes some organisations in addition to those listed for the RLTS that are likely to have a particular interest in public transport issues.

Note: The requirement is to invite submissions from each of the listed parties, which implies an active engagement and a transfer of information from the regional council to facilitate a response. Regional councils should take particular steps early in the process of RPTP preparation to identify the manner in which it will consult with these parties.

In carrying out its formal consultation on the RPTP, the regional council must use the special consultative procedure specified in sections 83, 87 and 89 of the LGA.

This involves the following steps:

- Preparation of a statement of the proposal (the draft RPTP) and a summary of the information contained in the statement of proposal.
- Inclusion of the statement of proposal (the draft RPTP) on a meeting agenda.
- Making the statement of proposal (the draft RPTP) available for public inspection.

- Distribution of the summary of information as widely as reasonably practicable.
- Public notice of the proposal and the consultation being undertaken, how interested persons can obtain more information and the period during which submissions may be made.
- Allowing time for submissions (at least one month from the first public notice).
- Acknowledgment of submissions, advising submitters of their opportunity to be heard, and explaining how they may exercise this opportunity.
- Allowing reasonable opportunities for submitters to be heard.
- Ensuring that meetings at which submissions are heard or at which the council deliberates on the proposal are open to the public, except as otherwise provided for under the Local Government Official Information and Meetings Act (LGOIMA).
- Making written submissions available to the public (subject to the LGOIMA).

The list of people and organisations in section 20 (2) is not exclusive or exhaustive. To meet the requirements of the LGA to provide opportunities for persons who will or may be affected by, or have an interest in the proposal to have an input, regional councils should take steps to identify other people and organisations that should be consulted. The procedure also requires that the draft RPTP be made available to the public, and that individuals who are interested are able to make submissions and (if they request) be heard by the council.

The special consultative procedure contains a number of steps which need to be observed. These procedures are already followed for many council plans and strategies (including the RLTS), and councils will have well established processes for ensuring compliance with the LGA requirements, and clear documentation of the process. It is recommended that a consultation plan be developed at an early stage in the RPTP process to ensure that these steps are complied with, and that there is sufficient time allowed for the consultation to be effective, and for the outcome of the process to be incorporated into the final document prior to adoption.

8.3 Joint consultation

Except in the Auckland region, a regional council may carry out consultation on a proposal to adopt a regional public transport plan in conjunction with the relevant regional transport committee's consultation on its Regional Land Transport Programme or regional land transport strategy under the Land Transport Management Act 2003.

In the Auckland region, ARTA may carry out consultation on a proposal to adopt a regional public transport plan in conjunction with:

- ARTA's consultation on its Regional Land Transport Programme under the Land Transport Management Act 2003
- the Auckland Regional Council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.

PTMA s20 (7) and (8)

The PTMA provides opportunities for regional councils (and ARTA in the Auckland region) to undertake formal consultation on their RPTP in conjunction with the consultative processes for other related statutory documents. Everywhere except the Auckland region, this could involve either the RLTP or RLTS; in the Auckland region, it could involve the RLTP or Auckland Regional Council's consultation on its LTCCP or its annual plan.

For smaller regions in particular, a joint consultation process may result in considerable savings and better feedback from the public. If this course is chosen, regional councils should take care to ensure that the timetables for both processes are still able to be met.

8.4 Commercially sensitive information

With some exceptions, the PTMA prohibits the disclosure of commercially sensitive information that may be provided by operators of commercial services to the regional council during the consultation process. The exceptions are as follows (PTMA s20 (3)):

- a) to the regional council's professional advisers, or
- b) to those persons and organisations engaged by the regional council to carry out public transport planning, contracting, or monitoring, or
- c) to the Agency, in accordance with section 22, or
- d) in the case of the Auckland region, to the Auckland Regional Council, in accordance with section 22, or
- e) subject to subsection (4)⁹, in response to a request made under the Local Government Official Information and Meetings Act 1987, or
- f) where the submission was provided to the regional council 5 years or more before the date of the disclosure, or
- g) where:
 - i) the operator of the commercial public transport service (the former operator) no longer exists, and
 - ii) the former operator's public transport business has not been disposed of as a going concern to any other person.

Regional councils should establish formal procedures to ensure that any commercially sensitive information provided as part of the consultation process is not disclosed beyond these exceptions. This will likely involve the establishment of some confidentiality protocols to ensure that relevant council employees are aware of their statutory obligations and all parties are aware of the procedures that must be followed.

⁹ Subsection 4 reads as follows:

- 4) If a regional council receives a request under the Local Government Official Information and Meetings Act 1987 to release any information described in subsection (3):
- a) the regional council must make all reasonable efforts to notify immediately the person who provided the information to the regional council that a request to release the information has been received; and
 - b) the person must, within 10 working days after receiving the notice, advise the regional council whether that person believes that the information should be withheld under section 7(2)(b) of that Act and give reasons for that belief; and
 - c) the regional council may release the information after the expiry of the period specified in paragraph (b) if, having complied with its obligations under this subsection and having regard to the person's response (if any), the regional council cannot identify any reason that would permit it to refuse the request under that Act
- If, having complied with its obligation under this subsection and having regard to the person's response (if any), the regional council cannot identify any reason that would permit it to refuse the request under that Act.

9 Monitoring and review

This section contains guidelines on monitoring and review of the RPTP, including the following issues:

- What steps are required to monitor the RPTP?
- When does the RPTP need to be reviewed?

9.1 Monitoring the RPTP

There is no specific statutory requirement to monitor the RPTP, but the PTMA does make reference to the collection of information for monitoring purposes (section 14 (1)), and requires the regional councils to review their RPTPs to ensure that they are kept current. As with any planning process, a monitoring cycle should be included in the RPTP. This will enable the regional council to review the success or otherwise of its policies and methods, and to assist in the review of the document.

The RPTP should therefore set out arrangements for monitoring the RPTP and the extent to which its policies and methods are being implemented, and its objectives achieved. Wherever possible, this should be linked to RLTS monitoring, but focus on specific performance indicators that are relevant to the RPTP.

In developing their monitoring programmes and performance indicators, regional councils should have regard to the statutory provisions relating to the collection of information from operators for the purpose of planning and monitoring. In particular:

- the types of information to be sought from operators for this purpose should be included as a policy in the RPTP, and
- the council must ensure that no commercially sensitive patronage, financial or operational information collected as part of a control is made available without the operator's consent to any person other than the council and its advisors, or NZTA, unless released under LGOIMA.

9.2 Review of the RPTP

A regional council may, by resolution at any time, vary or renew a regional public transport plan previously adopted by it.
PTMA s9 (2)

A regional council, in an RPTP may require a minimum period of notice (which may be not less than 35 working days and no more than 65 working days) for:

- 1) A regional public transport plan adopted under section 9:
 - a) must, at all times, be kept current for a period of not less than 3 years in advance, but not more than 10 years in advance, and
 - b) may be reviewed by the regional council from time to time, but must be reviewed and, if necessary, renewed or varied at the same time as, or as soon as practicable after, a GPS, relevant regional land transport strategy, Regional Land Transport Programme, or long-term council community plan is prepared and issued, approved, adopted, varied, or amended (as appropriate).
- 2) The purpose of a review of a regional public transport plan is to consider whether the plan will continue to give effect to the public transport service components of the relevant regional land transport strategy, properly takes into account the GPS and the public transport funding likely to be available, and meets the needs of the community.

- 3) If the regional council is:
 - a) reasonably satisfied that the plan does the things specified in subsection (2), it must give public notice of that decision
 - b) not reasonably satisfied that the plan does the things specified in subsection (2), it must vary or renew the plan in accordance with this Act.
- 4) Subject to subsections (6) and (7), the provisions of this Act that apply to the adoption of a regional public transport plan (including sections 19 and 20) apply with the necessary modifications to a variation or renewal of a regional public transport plan.
- 5) A variation forms part of the regional public transport plan it varies.
- 6) Section 20(1) and (2) do not apply in respect of a proposed variation to a regional public transport plan if the variation is not significant, in which case:
 - a) consultation must be carried out in accordance with the consultation principles in section 82 of the Local Government Act 2002, and
 - b) for the purposes of that section, the persons who will or may be affected by, or have an interest in, the proposed variation include public transport operators and those persons who have notified the regional council of a proposal to operate a commercial public transport service in the region.
- 7) Subsection (6) does not apply to a variation that would:
 - a) include or amend a control in a regional public transport plan, or
 - b) include or amend a contracting requirement in a regional public transport plan, or
 - c) alter the policy that the regional council applies in determining whether a proposed variation to a regional public transport plan is significant.
- 8) A regional council may, by resolution publicly notified, correct minor errors in a regional public transport plan but only if the correction does not affect an existing right, interest, or duty of any person or organisation that is affected by or has an interest in the regional public transport plan.

PTMA s21

Although regional councils retain the right to vary or renew the RPTP at any time, the provisions in section 21 imply a three-yearly review cycle, related as much as possible to the timing of related documents such as the GPS, RLTS, RLTP and/or LTCCP. The timing of reviews should take the timetables for those other documents into account.

The PTMA envisages that in some cases, the RPTP will remain relevant after three years, and if this is the case, there is no need for it to be renewed. It is necessary, however, for regional councils to give formal consideration to this matter by reviewing the content and relevance of the RPTP, and determining whether or not a renewal or variation is required. To meet the currency requirements of section 21 (1) (a), there should be no more than three years between these reviews.

There is a need to balance these renewal requirements with issues related to scope and detail of the RPTP. This should also take account of the ability to incorporate subsidiary documents by reference (see above); and the ability to make minor amendments to the RPTP without the need for the full renewal process. Regional councils should therefore determine how much detail is appropriate in a document that will be subject to regular review, bearing in mind the potential for circumstances to alter relatively quickly.

The establishment of a policy on significance is important in this regard, (see section 4.5). Where a variation is not of a significant nature, as determined under the policy, the regional council may avoid the time and costs involved in undertaking the full consultation requirements in a normal RPTP renewal process.

Note: Even where variations are not deemed to be significant, there is still an obligation on regional councils to follow the consultation principles in section 82 of the LGA, and to consult persons who may be affected by the proposed variation, including public transport operators.

It is also not possible to use the policy on significance to avoid the need to undertake a full consultative process for variations to the RPTP that will include or amend a control or contracting requirement, or alter the policy on significance. In these cases, the full process for renewal of the RPTP must be observed.

Glossary

Accessibility standards in relation to a public transport service, means standards concerning the ease with which passengers, or a class of passengers, can access one or more aspects of the public transport service, and may include standards concerning the ease with which:

- information about the service can be accessed:
- the service can be identified:
- the service can be boarded:
- a passenger can access the facilities provided to pay the fare:
- a passenger can get to a seat:
- a passenger can use a seat:
- a passenger can identify the desired place to alight from the service:
- a passenger can alight from the service.

Agency The NZ Transport Agency (NZTA)

Commercial public transport service a public transport service for the supply of which the regional council has not contracted to pay; and includes, to the extent that the regional council has not contracted to pay for the supply of only a part of the service, only that part.

Commissioner The Commissioner of Police

Contracted public transport service a public transport service:

- that is described in the regional public transport plan of a regional council, and
- for the supply of which a regional council has contracted to pay, and

includes, to the extent that a regional council has contracted to pay for the supply of only a part of the service, only that part; but does not include anything done under an agreement between a regional council and an operator for the purpose of reducing passenger fares or installing equipment (including information technology systems and computer software).

Contracting requirement a provision of a regional public transport plan made under section 14A and includes an amended contracting requirement. See section 6.1.

Control a provision of a regional public transport plan that imposes a requirement on commercial public transport services that is authorised under section 13 and includes an amended control.

Existing commercial service

In relation to a control or a contracting requirement, means a registered commercial public transport service to which the control or contracting requirement applies and that was operating on or before the day on which the regional council resolved under section 9 to adopt the plan containing the control or contracting requirement or to vary the plan to include the control or contracting requirement.

In relation to an amended control or contracting requirement, means a registered commercial public transport service to which the amended control or contracting requirement applies and that was operating on or before the day on which the regional council resolved under section 9 to vary the plan to include the amended control or contracting requirement.

Integrated fare a fare for a journey or journeys on public transport services that:

- may apply regardless of the mode or modes of transport used on the journey
- may apply regardless of the number of
 - public transport services used on the journey
 - operators providing the public transport services
 - if there is more than one operator, is collected by 1 operator on behalf of all operators providing the relevant public transport services and shared among all operators providing the relevant public transport services.

Integrated service a registered service that is scheduled to connect with one or more registered services, whether or not the registered services are provided by the same operator.

Integrated technology any integrated communication and transaction system that supports an integrated service, including (but not limited to):

- an inter-operable electronic system that enables the standard processing of transactions between passengers, the operator, and the regional council by means of a central processing centre:
- technology that enables communication between a vehicle or other mode of transport used in a public transport service and a traffic control, journey planning system, or other kind of information system.

Integrated ticket in relation to any public transport journey (whether or not by means of an integrated service or provided by one or more operators), a ticket (whether in paper, electronic, or other form) that allows a person to travel on:

- more than one service:
- a service more than once.

Operator in relation to a public transport service or proposed public transport service, means the person who carries on (or, in the case of a proposed service, will carry on) the public transport service.

Performance standards standards specifying levels of performance required of public transport services, including (but not limited to) standards setting:

- levels of reliability of public transport services required over specified periods, including levels of reliability in:
 - departing from and arriving at the commencement and termination points on routes registered for public transport services, and
 - collecting passengers on routes registered for public transport services, and
- levels of compliance over specified periods with:
 - routes registered for public transport services, and
 - timetables registered for public transport services (including levels of punctuality required).

Policy a general course of action to be pursued to achieve certain transport outcomes.

Public transport service subject to paragraph (c), the carriage of passengers for hire or reward by means of a large passenger service vehicle; a small passenger service vehicle; a ferry; a hovercraft; a rail vehicle; or any other mode of transport (other than air transport) that runs to a schedule and is available to the public generally. It does not include:

- a taxi service; a dial-a-driver service; a shuttle service; an ambulance service; a private hire service
- a service:
 - that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school
 - carrying passengers that is operated to transport all those passengers to a predetermined event

- that is operated primarily for the purpose of providing a tourism experience, rather than for transporting people from place to place
- carrying passengers that is not available to the public generally
- any service excluded by the Governor-General by Order in Council from the definition of public transport service for the purposes of this Act.

Quality standards standards applying to vehicles and other modes of transport (including their design, performance, emissions, equipment, systems, components, devices, and fittings) and drivers and other operational staff, to ensure the quality of public transport services, including (but not limited to):

- accessibility standards
- standards applying to the design and performance of vehicles and other modes of transport
- standards applying to the age of vehicles or other modes of transport
- standards of cleanliness required of vehicles or other modes of transport
- standards applying to the comfort of passengers on vehicles and other modes of transport
- standards applying to facilities provided for passengers with disabilities on or in vehicles and other modes of transport
- standards applying to compartments or seating areas used by drivers and other operational staff on vehicles and other modes of transport
- (standards concerning the emissions of vehicles or other modes of transport
- standards applying to customer service training for drivers and other operational staff
- standards of conduct for drivers and other operational staff.

Regional council has the same meaning as in section 5(1) of the Local Government Act 2002 and, in relation to the PTMA includes:

- ARTA, in relation to the Auckland region
- any territorial authority to which the regional council has transferred the functions, powers, and duties of a regional council under this Act
- a unitary authority.

It does not include the Auckland Regional Council, and the Waikato Regional Council in relation to that part of its region that is within the district of the Franklin District Council.

Regional public transport plan or plan a regional public transport plan adopted under section 9, and includes any variations to the plan made under section 9.

Registered commercial public transport service a commercial public transport service that is registered under section 31; but excludes:

- a commercial public transport service that is varied after it has been registered under section 35, if the details of the variation are not recorded in the register under section 39
- a commercial public transport service that is deregistered under section 42(1) or 46(5).

Registered service means:

- a registered commercial public transport service; and
- in respect of a public transport service that is described in a regional public transport plan, any part of the service that is a registered commercial public transport service, and

includes a contracted public transport service.

Shuttle service a passenger service carried on by means of a shuttle or shuttles.

Special consultative procedure the procedure set out in s 83 of the LGA.

Taxi service a passenger service carried on by means of a taxi or taxis. (A taxi is defined as a motor vehicle that is a small passenger service vehicle fitted with a sign on its roof displaying the word 'taxi' and any other signs required by the regulations or the rules; and in use, or available for use for hire or reward, for the carriage of passengers other than on defined routes).

Transport disadvantaged means people whom the regional council has reasonable grounds to believe are the least able to get to basic community activities and services (for example, work, education, health care, welfare, and food shopping).

Abbreviations

Act	Public Transport Management Act 2008
ARTA	Auckland Regional Transport Authority
GPS	Government policy statement
LGA	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LTA	Land Transport Act 1998
LTCCP	Long term council community plan
LTMA	Land Transport Management Act 2003
NLTP	National Land Transport Programme
NLTS	National Land Transport Strategy
NEECS	National Energy Efficiency and Conservation Strategy
NLTF	National Land Transport Fund
NPS	national policy statement
NZTA	NZ Transport Agency
NZTS	<i>New Zealand transport strategy</i>
PP&FM	<i>Planning, programming and funding manual</i>
PT	Public transport
PTMA	Public Transport Management Act 2008
QPW	Quality planning website
RLTP	Regional Land Transport Programme
RMA	Resource Management Act 1991
RTC	Regional Transport Committee
RLTS	Regional Land Transport Strategy
RPTP	Regional public transport plan
RPS	Regional policy statement
TSLA	Transport Services Licensing Act 1989

Appendix A: Background and legislative context

Background to the PTMA

Until the passage of the PTMA, the statutory provisions for regional passenger transport plans were contained in section 47 of the Transport Services Licensing Act 1989 (TSLA). Under the TSLA, regional councils prepared plans in order to specify the passenger services that the council proposed to be provided in the region or district, both generally and in respect of the transport disadvantaged. In order to meet the definition of a regional passenger transport plan under the TSLA, there was a limited obligation to consult with the public of the region and the constituent territorial authorities, and some limited guidance on what might be included in the RPTP, including:

- the conditions of the services the council proposed to be provided in its region
- routes, capacity, frequency of service, and fare structure
- any special provisions for users of a specified class or description of the services or any of them
- any other matters the regional council or territorial authority thought fit.

RPTPs were also referred to in the legislation governing the preparation of regional land transport strategies (RLTS). The LTMA, and before that the Land Transport Act 1998 (LTA), required that every regional land transport strategy include any regional passenger transport plan (within the meaning of section 47 of the TSLA) that has been prepared by the regional council that has prepared the strategy.

Perhaps due to the location of the legislation within a statute that dealt with registrations of passenger services, there was some confusion over the precise role and nature of regional passenger transport plans. The generally accepted view adopted by most regional councils was that if the council wished to provide funding for any passenger service (by way of financial assistance from the NZTA and/or from rates) then it was necessary for that service to be specified in a regional passenger transport plan.

The TSLA reflected the public policy environment that existed in New Zealand in the late 1980s which involved a shift away from public sector involvement in service delivery and a stronger reliance on private sector provision with commercial disciplines. This situation has changed significantly with the publication of the *New Zealand transport strategy* (NZTS) and the passage of the LTMA in 2003. These changes have broadened the scope of land transport management and funding arrangements away from their previous focus on roads and have provided greater impetus to the development of public transport.

This change in emphasis was accompanied by a significant increase in the funding available for public transport and a relaxation on the previous restrictions on regional council asset ownership. As a result, regions became more proactive in the development of integrated public transport networks with the support of government agencies.

As part of this change, the then government initiated a review of the legislative and procurement environment within which public transport operated. A number of regions had expressed concerns at their lack of ability to implement a truly integrated public transport system within the two-tier operating environment, with its mix of commercial and contracted services. Under the previous legislative arrangements, commercial services largely operated outside of the influence of the regional public transport planning system, other than a requirement to be registered with the regional council.

The government responded to these concerns by introducing legislation in 2007, which led to the passage of the PTMA in 2008. The key features of the PTMA are set out in section 1.1.

Other legislative requirements

Local Government Act 2002 (LGA)

The LGA provides the statutory framework for local government activities. It sets out the purpose of local government, to enable democratic decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and in the future.

The LGA includes a series of principles that local authorities must act in accordance with. These principles are intended to govern the overall actions of local authorities, and include:

- principles relating to the conduct of business in an open and transparent manner
- councils making themselves aware of community views; providing opportunities for Maori to participate in decision-making processes
- collaborating and cooperating with other local authorities as appropriate
- ensuring prudent stewardship of resources and taking a sustainable development approach.

Part 6 of the LGA deals with planning, decision-making and accountability. It includes the requirement that, at least every six years, local authorities facilitate a process to identify community outcomes for the medium and long-term future of the district or region. This is designed to promote better coordination and application of community resources, and inform and guide priorities for activities undertaken by local authorities and other organisations.

All local authorities are required to prepare a 10-year long term council community plan (LTCCP), which is to be reviewed every three years. The LTCCP describes the community outcomes and priorities and the activities the local authority will undertake to contribute to the outcomes. It also describes linkages between activities and how they are funded. The first LTCCPs following the full community outcomes processes were prepared in 2006.

Part 6 of the LGA includes specific decision-making considerations for any decision that a local authority takes. These include the need to identify and assess options, and to seek community views in relation to decisions at various stages of the decision-making process (but subject to the local authority's own judgment as to how it will comply with these requirements).

The LGA also sets out principles of public consultation, which require councils to:

- provide easy-to-understand summaries of proposals and plans
- identify who will be affected by decisions and encourage them to make their views known
- find out what all the practical options are for dealing with issues and carefully assess them.

It also includes a special consultative procedure that must be used for consultation on particular issues including the RPTP.

Land Transport Management Act 2003 (LTMA)

The LTMA sets out the planning and funding arrangements for land transport. Its stated purpose is to contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system.

The LTMA includes the statutory procedures that must be followed for funding approval of land transport activities and combinations of activities by the NZTA (section 20 of the LTMA). These include the need to

take into account how the activity or combination of activities contributes to the objectives of economic development, safety and personal security, access and mobility, public health and environmental sustainability; and to be satisfied that the activity or combination of activities contributes to the NZTA's statutory objective in an efficient and effective manner, and that it has been assessed against other options. The NZTA has taken these requirements into account in the development of its funding allocation process (see below).

Recent amendments to the LTMA include the following provisions that are relevant to the preparation of RPTPs:

- The introduction of a government policy statement (GPS) which sets out the government's transport expenditure priorities, and provides a more consistent national strategic direction for public transport investment and service provision in the regions.
- Changes to the content and timing of regional land transport strategies (RLTS), which introduce a number of new factors that will need to be included in the RLTS. Because the RPTP is obliged to give effect to the public transport service aspects of the RLTS, these changes need to be taken into account. The move to a six-yearly review requirement for the RLTS has implications for the review cycle of the RPTP.
- A move to three-yearly Regional Land Transport Programmes, which provide a greater degree of funding certainty for regions, but also require a more disciplined approach to programming. This suggests that the RPTP will need to provide more explicit information on its financial implications.

Public transport funding policies

The form and content of the RPTP should take account of the NZTA's funding policies and procedures for public transport, which derive from its statutory funding responsibilities in the LTMA (as discussed above). This involves a six stage process, which includes the preparation of Regional Land Transport Programmes (RLTP) by regional transport committees (and ARTA in Auckland), assessment of these against LTMA requirements, prioritisation of activities and combinations of activities, preparation of a 10 year financial forecast of anticipated revenue and expenditure, funding approval, and overall programme monitoring.

The process requires an assessment of each proposed activity or combination of activities based on the requirements in the LTMA, which NZTA then summarises under three headings:

- the seriousness and urgency of the transport issue or problem addressed
- the effectiveness of the proposed solution in dealing with the issue
- the economic efficiency of the proposal.

The detailed procedures are set out in the NZTA's *Planning, programming and funding manual* and *Guidelines for the preparation of regional land transport programmes*.

Appendix B: Suggested process for developing RPTPs

1. **Project scoping** The following questions need to be considered:
 - When will major contracts expire?
 - What reviews of operational plans and network designs need to be conducted?
 - What demand forecasts are needed?
 - What is the desired alignment with preparing other planning documents (eg RLTS, RLTP)?
 - Has a public transport procurement strategy been prepared or recently reviewed?
 - What type of plan?
 - What information about commercial services would it be useful to request?
2. **Project funding** Prepare a project terms of reference and secure support from funding agencies for developing the RPTP and supporting studies.
3. **Groundwork** Obtain information on commercial services. Undertake forecasting work, options analysis, business cases and other supporting studies.
4. **Engage with core stakeholders**

It is likely that there has already been some engagement with core stakeholders but at some point they will need to be formally consulted. The aim of this stage is to ensure that when a draft plan is put out for wide public consultation the funding likely to be available, the willingness of other parties to provide necessary infrastructure and the impacts on operators, have already been gauged and taken into account.

Core stakeholders will require a reasonable level of detail about the plan in order to provide this input. An issues and options paper may be a good way of focussing the discussion at this point. Note: Obligations under the LGA to consider views of interested parties at various stages of development – this may include parties other than the core stakeholders listed in section 20 (1) of the PTMA.
5. **Formal draft of the RPTP** Having received the necessary input from stakeholders, a draft for wide public consultation can now be prepared.
6. **Special consultative procedure** Official draft plan (statement of proposal) is released – see section 8.
7. **Final RPTP** The final plan can now be prepared and adopted, taking into account the input from the special consultative procedure.

Appendix C: Issues, objectives, policies and methods

(Adapted from the Quality Planning website)

Establish a common understanding

- Clarity and consistency are important factors in developing an effective policy framework, so it is important to establish a clear and common understanding about purpose and language. The first point of reference should be to:
 - clarify the differences between issues, objectives, policies methods and anticipated results, and
 - ensure consistency of format and style by using standard phraseology and terminology when writing issues, objectives, policies, methods and anticipated results.
- Establish a set of defined protocols and guidelines for preparing the plan and for policy analysis, and where necessary hold workshops to ensure a consistent level of knowledge.
- Have a clear structure for the plan before beginning to write it.

Focusing issues

- An issue must be a clear statement about a matter that needs addressing to achieve the purpose of the Act, ie something that needs to be resolved to achieve an integrated, safe, responsive and sustainable land transport system.
- Ensure that each issue has been thoroughly investigated, relying on a factual basis as much as possible. This should be combined with an appropriate level of consultation.
- An issue must apply the Act to the specific circumstances of the region, and not just restate the Act.
- While the cause of the problem should be identified, the issue description should not define the desired outcome or a predetermined strategy for its resolution.

Writing objectives

- Objectives should be an expression of what would resolve the issue, ie they should describe the end state or the outcome being sought.
- They must relate directly to the issue.
- They should be written in a manner that will assist in making future decisions

Writing policies

- Policies should describe how a particular objective is to be achieved, ie a general course of action to be pursued to achieve certain transport outcomes. A policy will thus need a specific programme of actions to carry it out (ie they should give direction to the methods used).
- It is possible to include both process-oriented policies as well as outcome-oriented policies?

Writing methods

- A method is a specific course of action taken to implement a policy, ie methods are the means by which the objective will be achieved.
- Methods should not be too detailed or specific, as they can be quickly outdated. They should only give general direction to council's other areas of operations and policies.
- Avoid use of dates or timeframes as these may change or be simply unrealistic.

-
- Test each method according to the following criteria:
 - Consistent with the policy?
 - Realistic?
 - Affordable?
 - Acceptable to the community?
 - Achievable?
 - Legal risk considered?

Writing anticipated results

- Anticipated results are expressions of indicators to be used when assessing progress in achieving the plan's objectives via the stated policies and methods.
- Anticipated results should:
 - be measurable in some form, or able to be determined in measurable terms (ie be able to draw on a factual basis to determine progress)
 - fit within the timeframe of the plan (ie 10 years or a shorter period)
 - link directly to the monitoring policies of the plan.

Getting the linkages right

- Ensure that there are clear linkages between issues, objectives, policies and methods. For example:
 - the strengths of the linkages can be assessed by evaluating the links in reverse order, back up to the issues and objectives.
 - the proposed objectives and policies should be tested in terms of making decisions on matters such as contracts, fares, service levels. Will they assist the decision-maker by providing a clear indication of the outcomes sought?
- Cross-referencing can be used to strengthen linkages and support for policies and methods.
- If cross-referencing is used, ensure that there is a proviso in case omissions are made. For example, this policy links to objective # but other objectives may be relevant.

Appendix D: Energywise transport targets

A key objective of the New Zealand Energy Efficiency and Conservation Strategy (2007) is to reduce the overall energy use and greenhouse gas emissions from New Zealand's transport system. The strategy includes the following high-level targets for the transport sector:

- To reduce the overall energy use and greenhouse gas emissions from New Zealand's transport system.
- Reduce per capita transport greenhouse gas emissions by half by 2040.
- For New Zealand to be one of the first countries in the world to widely deploy electric vehicles.
- To have an average emissions performance of 170g/km of CO₂ (approximately 7 l/100 km) for light vehicles entering the fleet by 2015.
- Cut kilometres travelled by single occupancy vehicles in major urban areas on weekdays, by 10 percent per capita by 2015 (compared to 2007).
- For 80 percent of the vehicles to be capable of using 10 percent biofuels blends or to be electric powered by 2015.
- Investigate options for improving the efficiency of the North Island main trunk line, including electrification, by 2010.

The following actions are relevant to RPTPs:

- Working with local government. Central government agencies will work with local councils to develop travel demand management strategies that may incorporate urban design, investment planning and behaviour change tools.
- Funding policy review. In line with the NZES, complete a funding policy review to encourage greater provision of public transport, walking and cycling and make recommendations to government by the end of 2008.
- Regional public transport targets. Regional passenger transport mode share targets are to be set by the end of 2012 through scheduled reviews of regional land transport strategies.
- Auckland rail electrification. Complete the electrification of the Auckland passenger rail system by the end of 2013.
- Wellington rail upgrade. Complete the \$500 million Wellington rail upgrade by the end of 2013. Depending on timetabling and train lengths, the upgrade could double peak time capacity.
- Support efficient bus service. A programme to increase the uptake of low carbon and fuel-efficient buses (including hybrid and electric buses) used by passenger transport contracted to councils. The Public Transport Management Bill 2007 will enable regional councils and the ARTA to set standards for, and impose controls on, commercial scheduled urban public transport services, while still allowing operators to register such services on a commercial basis. Controls regional councils may impose include requiring participation in integrated ticketing schemes.
- Bus infrastructure improvements. Complete the new North Shore Busway project by the end of 2008 and give higher priority to providing park and ride sites, bus priority lanes, and bus shelters on the state highway network.
- Driver training. Develop a fleet driver behaviour training package to improve fuel economy, by the end of 2008.
- Vehicle fleet strategy. Develop a strategy to enable the coordination and focus of policies promoting the purchase of more fuel-efficient vehicles by June 2008.

Source: *New Zealand energy efficiency and conservation strategy: Making it happen; Action plan to maximise energy efficiency and renewable energy (October 2007)*

Appendix E: Procedures for incorporation by reference

The following sections of the PTMA apply in relation to the incorporation of material by reference in an RPTP:

23 Incorporation of documents by reference in regional public transport plans

- The following material may be incorporated by reference in a regional public transport plan:
 - standards, requirements or recommended practices of international or national organisations
 - standards, requirements or recommended practices prescribed in any country or jurisdiction
 - any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan.
- Material may be incorporated by reference in a plan:
 - in whole or in part, and
 - with modifications or additions specified in the plan.
- Material incorporated by reference in a plan has legal effect as part of the plan.

24 Effect of amendments to, or replacement of, material incorporated by reference in regional public transport plans

An amendment to, or replacement of, material incorporated by reference in a regional public transport plan has legal effect as part of the plan only if the plan is varied to state that the amendment or replacement has that effect.

25 Proof of material incorporated by reference

- A copy of material incorporated by reference in a regional public transport plan, including any amendment to, or replacement of, the material, must be:
 - certified by the chief executive or an authorised officer of the regional council as a correct copy of the material incorporated by reference, and
 - retained by the regional council.
- The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence that the material is incorporated by reference in the regional public transport plan.

26 Effect of expiry of material incorporated by reference

Material incorporated by reference in a regional public transport plan that expires, is revoked, or ceases to have effect, ceases to have legal effect as part of the plan only if the plan is varied to state that the material ceases to have effect.

27 Consultation on proposal to incorporate material by reference

- During consultation on a proposed regional public transport plan, the regional council:
 - must make copies of any material proposed to be incorporated by reference in the plan (or the proposed amendment to, or replacement of, material incorporated by reference in the plan) available during working hours at the offices of the regional council for inspection by the public free of charge, and
 - may make copies of the material proposed to be incorporated by reference in the plan available in any way that the chief executive of the regional council considers appropriate in the circumstances (for example, on an internet site maintained by or on behalf of the regional council).

- The reference in subsection (1) to any material proposed to be incorporated by reference in a plan includes or if the material is not in an official New Zealand language, an accurate translation of that material in an official New Zealand language.
- If the provision in a regional public transport plan that incorporates material by reference is a control and that material was not readily available during consultation to the public from other sources, a failure to comply with this section invalidates that control. Other failure to comply with this section does not invalidate all or part of a plan.

28 Access to material incorporated by reference

- The regional council:
 - must make the material referred to in subsection (2) available for inspection during working hours at the offices of the regional council, and
 - may make copies of the material available in any other way that the chief executive of the regional council considers appropriate in the circumstances (for example, on an internet site maintained by or on behalf of the regional council), and
 - must state in the regional public transport plan:
 - that the material is incorporated in the regional public transport plan, and
 - that the material is available for inspection during working hours free of charge and the place at which it can be inspected, and
 - if copies of the material are available under paragraph (b), how and where the copies may be obtained or accessed.
- The material referred to in subsection (1) is:
 - material incorporated by reference in the regional public transport plan
 - any amendment to, or replacement of, that material that is incorporated in the regional public transport plan or the material referred to in paragraph (a) with the amendments or replacement material incorporated
 - if the material referred to in paragraph (a) is not in an official New Zealand language, as well as the material itself, an accurate translation of that material in an official New Zealand language.