



Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 11th day of April 2005

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 46(1) of the Land Transport Management Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Transport made in accordance with section 48 of that Act, makes the following order.

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Order

1 Title

This order is the Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Land Transport Management Act 2003

ALPURT B2—

- (a) means the road (approximately 7.5 km in length) between the Orewa interchange on State Highway 1A and the connection with State Highway 1 at Titford's Bridge that is to be constructed on the land described in Schedule 1 and is shown on the plan in Schedule 2; and
- (b) includes all necessary approaches, erections, structures, and other works

heavy motor vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross laden weight exceeding 3500 kg

road tolling scheme means the road tolling scheme for ALPURT B2 established by this order

toll system project means a project that aims to establish—

- (a) standards for free-flow electronic roadside tolling for future toll roads throughout New Zealand; and
- (b) a toll management system for billing, enforcement, and customer liaison

Transit means Transit New Zealand.

4 Road tolling scheme for ALPURT B2 established

- (1) This order establishes the road tolling scheme for ALPURT B2.
- (2) Transit is the public road controlling authority, the toll operator, and the enforcement authority for the road tolling scheme.
- (3) ALPURT B2 is the road that may be tolled.
- (4) The toll revenue may be applied only for the purposes of—
 - (a) 1 or more of the following activities, namely, the planning, design, supervision, construction, maintenance, or operation of ALPURT B2;
 - (b) meeting any conditions or requirements set out in this order.

Prerequisites for tolling

5 Conditions to be met

- (1) Tolling must not start until the time specified for the purpose by the Minister in a notice under section 47(1) of the Act that is published in the *Gazette* and that states that he or she is satisfied that the conditions set out in subclauses (2) and (3) have been met.
- (2) The following conditions must be met no later than 8 weeks after the date on which Land Transport New Zealand approves 50% or more of the construction funding for the toll system project or by a later date allowed by the Minister:
 - (a) Transit must report to the Minister, in accordance with clause 6(1) and (2), as to the long-term financial viability of the road tolling scheme, and the Minister must be satisfied as to the long-term financial viability of the road tolling scheme;
 - (b) Transit must report to the Minister, in accordance with clause 6(1) and (2), as to the suitability of the road tolling scheme for both casual and regular users of ALPURT B2, and the Minister must be satisfied that the road tolling scheme is suitable for both casual and regular users.
- (3) Transit must report the details of the proposed road tolling scheme to the Minister in accordance with clause 6(3) (which must be done at least 6 months before tolling is anticipated to start), and the Minister must be satisfied with the report.

- (4) Before deciding whether he or she is satisfied as to the long-term financial viability of the road tolling scheme, the Minister must consult the Minister of Finance about the matter.

Process for confirming relevant conditions have been met

6 Transit to report to Minister

- (1) Within the time limit provided by or under clause 5(2), Transit must send to the Minister a single report or separate reports as to—
- (a) the long-term financial viability of the road tolling scheme; and
 - (b) the suitability of the road tolling scheme for both casual and regular users of ALPURT B2.
- (2) Without limiting the information that Transit may provide to the Minister, the following details are required by subclause (1):
- (a) forecast traffic volumes for ALPURT B2;
 - (b) the forecast traffic diversion rate for ALPURT B2;
 - (c) the total net present value of forecast revenue from tolls for ALPURT B2, based on an operating period of 35 years;
 - (d) the forecast road construction costs for ALPURT B2;
 - (e) confirmation of the amount of the grant received from Land Transport New Zealand for ALPURT B2;
 - (f) the forecast net present value of the revenue risk subsidy (if any), based on forecast mean revenue, that is to be provided by Land Transport New Zealand for ALPURT B2;
 - (g) the forecast total debt for ALPURT B2 based on a 35-year operating period, the first year when principal is to be repaid, and the capitalised interest and finance fees;
 - (h) the year in which the maximum debt is forecast to be reached, including the initial principal and the capitalised interest.
- (3) At least 6 months before tolling of ALPURT B2 is anticipated to start, Transit must send to the Minister a report setting out the details of the proposal for the road tolling scheme, which includes the following details:
- (a) the service standard obligation to users of ALPURT B2;

- (b) the method of publicising the toll in advance of the opening of ALPURT B2;
- (c) the signage and other information that will be used to inform drivers approaching ALPURT B2 of the toll and the options for paying the toll;
- (d) a technical description of the proposed components of the toll collection system and key performance indicators, inclusive of error rates, revenue levels, and health and safety issues of the toll collection system;
- (e) the structure of the administration fees for all payment methods;
- (f) the feasible, un-tolled, alternative route that will be available to road users.

7 Process if Minister is not satisfied that relevant conditions have been met

- (1) This clause applies if the Minister, after receiving a report under clause 6, is not satisfied as to any matter required to be in the report.
- (2) If this clause applies, the Minister must—
 - (a) notify Transit accordingly, with reasons; and
 - (b) give Transit a reasonable opportunity to submit an amended report.

8 Process if Minister is satisfied that relevant conditions have been met

If, after reviewing the report or amended report (as the case may be), the Minister is satisfied as to the matters stated in clause 5(2) and (3), the Minister must—

- (a) notify Transit accordingly; and
- (b) publish the notice referred to in clause 5(1).

Setting, publication, and collection of tolls

9 Setting of tolls

- (1) Transit may from time to time set tolls that do not exceed the base toll.
- (2) The base toll—

- (a) for motor vehicles, other than heavy motor vehicles, is \$1.80 including GST (1 July 2004 dollars), as adjusted in accordance with subclause (3);
 - (b) for heavy motor vehicles is \$3.60 including GST (1 July 2004 dollars), as adjusted in accordance with subclause (3).
- (3) The adjustment is determined by taking the relevant 1 July 2004 dollar amount and increasing it by the percentage amount by which the Consumer Price Index (as published by the Government Statistician) has increased in the period starting on 1 July 2004 and ending with the close of the quarter ending before the toll is set or altered.
- (4) Transit may, within the limits determined under subclauses (2) and (3), set different tolls on the basis of—
 - (a) different classes of person or motor vehicles;
 - (b) different times or days;
 - (c) different directions of travel;
 - (d) different methods of payment;
 - (e) any combination of the above.
- (5) To avoid doubt, the power to set a toll under this clause includes power to alter an existing toll.
- (6) The relevant toll applies every time a vehicle uses ALPURT B2.

10 Publication of tolls

- (1) Transit must publish the tolls that are set or amended under this order—
 - (a) in at least 1 daily newspaper circulating in the Auckland and Northland regions; and
 - (b) on its website.
- (2) Publication of the tolls must take place at least once in each of the 4 weeks before the toll or amended toll takes effect.

11 Display of tolls

The tolls for the time being in force under this order must be clearly displayed in conspicuous places on the approaches to ALPURT B2 so that drivers approaching the toll payment point have an opportunity to use the un-tolled alternative route.

12 Collection of tolls

The toll collection methods that Transit may use include collecting the toll from—

- (a) the driver of a motor vehicle at the toll payment point, by a payment method offered by Transit;
- (b) the registered owner of a motor vehicle in accordance with a payment method that has been agreed between the registered owner and Transit (for example, by invoicing the registered owner or by debiting the registered owner's toll account with Transit or by means of another debit or credit facility agreed by the registered owner).

13 Exemptions from paying tolls

- (1) Transit may, for promotional or sponsorship or traffic management purposes, grant exemptions from the obligation to pay tolls for motor vehicles generally or any class of motor vehicle—
 - (a) using ALPURT B2 during the times on the day or days specified in the exemption;
 - (b) using ALPURT B2 on the day or days specified in the exemption;
 - (c) travelling on ALPURT B2 in the direction, during the times or on the days, specified in the exemption.
- (2) An exemption may be amended or revoked in the same manner.
- (3) An exemption has effect according to its tenor.
- (4) Transit must publish every exemption, variation, and revocation under this clause, and Transit's reasons for granting, varying, or revoking it,—
 - (a) in at least 1 daily newspaper circulating in the Auckland and Northland regions; and
 - (b) on its website.
- (5) Unless it is impracticable to do so, Transit must publish every exemption, variation, and revocation at least 28 days before it takes effect.

Information disclosure

14 Transit to provide forecasts to Minister

Transit must prepare a forecast of the traffic volumes and toll revenues for ALPURT B2 for each financial year, and must provide a report of its forecast to the Minister as soon as practicable after the start of the relevant financial year.

15 Disclosure to Minister at 6-monthly intervals

For every 6-monthly period after the date on which tolling starts, Transit must, as soon as practicable, provide to the Minister the following details:

- (a) actual traffic volumes for each class of motor vehicle that uses ALPURT B2 compared to forecast traffic volumes;
- (b) actual toll revenue for ALPURT B2 compared to forecast toll revenue;
- (c) the following additional financial information regarding ALPURT B2:
 - (i) Transit's statement of financial performance;
 - (ii) Transit's statement of financial position;
 - (iii) Transit's statement of cash flows;
 - (iv) Transit's actual performance against any covenants or other guidelines in relation to the debt or other financing associated with ALPURT B2, and forecast performance against these measures in the following quarter.

16 Disclosure to Minister at 12-monthly intervals

In addition to the requirements of clauses 14 and 15, for every 12-monthly period after the date on which tolling starts, Transit must, as soon as practicable, provide to the Minister the following details:

- (a) confirmation that a feasible, un-tolled, alternative route remains available to road users;
- (b) a network utilisation performance report that includes all the following:
 - (i) an analysis of the response of traffic to tolling;
 - (ii) the traffic management method (if any) used to vary that response;

- (iii) the steps (if any) taken to implement the demand management plan (if any);
- (c) confirmation that Transit continues to offer at least 1 method of paying tolls that does not record personal information in relation to the person who pays the toll;
- (d) if there has been a significant change to the method of payment that does not record personal information, since Transit's last annual report was provided to the Minister, a description of the new method.

17 Disclosure to public

Transit must make a summary of the information specified in clauses 14 to 16 available to the public by—

- (a) including the information in its annual report; and
- (b) publishing the information on its website.

Schedule 1
Legal description of land within
ALPURT B2 designation

cl 3

Reference on plan	Legal description	CT or other title reference (if any)	Owner
1a	Lot 4 DP 310813	42576	Her Majesty the Queen
1g	Lot 9 DP 310813	56953	Her Majesty the Queen
1i	Lot 8 DP 310813	56953	Her Majesty the Queen
1j	Lot 7 DP 310813	56953	Her Majesty the Queen
1k	Lot 5 DP 310813	56953	Her Majesty the Queen
2a	Section 1 SO 69952	No reference	Her Majesty the Queen
3a	Lot 4 DP 203050	131D/39	Her Majesty the Queen
3b	Section 1 SO 314445	88277	Her Majesty the Queen
4b	Allotment E229 Parish of Waiwera (SO 1095)	37D/1078	Her Majesty the Queen (compensation certificate)

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Reference on plan	Legal description	CT or other title reference (if any)	Owner
5b	Allotment W229 Parish of Waiwera (SO 6663)	382/159	Her Majesty the Queen (compensation certificate)
6a	Part Allotment 227 Parish of Waiwera (SO 1095)	<i>Gazette</i> Notice 1998 p 4706 Road purposes	Her Majesty the Queen
8b	Allotment 280 Parish of Waiwera (SO 6450)	97B/405	Her Majesty the Queen
9b	Part Allotment 11 Parish of Waiwera (SO 893)	No reference	Colin James Wech
10a	Lot 1 DP 76513	77277	Her Majesty the Queen
11a	Lot 7 DP 61445	GNC641986.3	Her Majesty the Queen
12a	Lot 2 DP 167491	101C/610	Her Majesty the Queen
13a	Lot 6 DP 61445	<i>Gazette</i> Notice 2001 p 1956 Road purposes	Her Majesty the Queen
15a	Part Section 1 Block III Waiwera Survey District (SO 984/A)	88C/695	Her Majesty the Queen
15b	Section 20 Block III Waiwera Survey District (SO 28311)	88C/695	Her Majesty the Queen
16b	Lot 2 DP 96268	52A/1048	Her Majesty the Queen (compensation certificate)
16e	Part Lot 1 DP 55676	20C/488	Her Majesty the Queen (compensation certificate)
17a	Section 71 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17b	Section 72 Block III Waiwera Survey District (SO 44907)	55B/1020	Her Majesty the Queen
17c	Part Lot 3 DP 55676	20D/1470: cancelled <i>Gazette</i> 1998 p 1117	Her Majesty the Queen
27	Section 54 Block III Waiwera Survey District (SO 32831)	<i>Gazette</i> 1998 p 2207	Her Majesty the Queen

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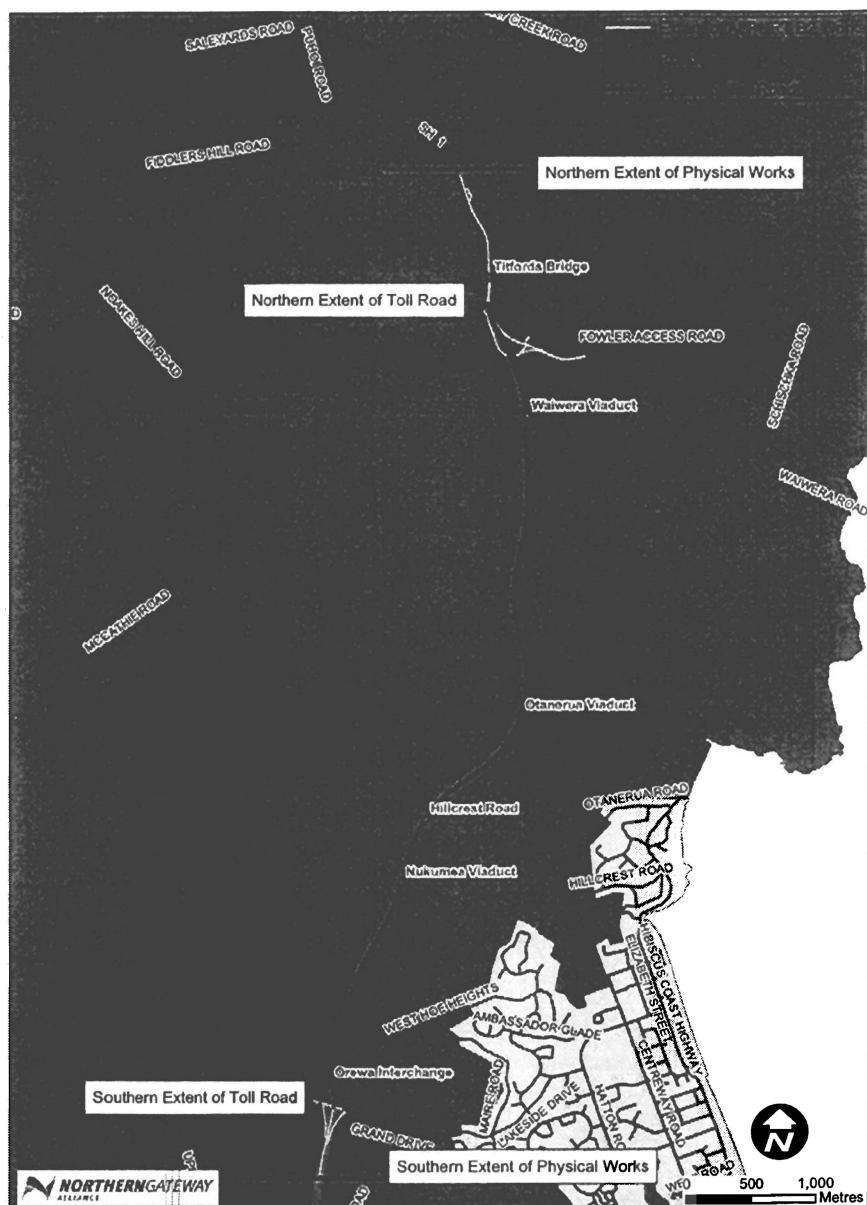
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Reference on plan	Legal description	CT or other title reference (if any)	Owner
28	Reclamation Deposited Plan DP 55676	No reference	Her Majesty the Queen
33	No description	No reference	Her Majesty the Queen
35	Part Okahu (shown on SO 44907)	No reference	Her Majesty the Queen
36	State Highway 1	No reference	Her Majesty the Queen
37	Road reserve	No reference	Rodney District Council local road
38	Coastal marine area	No reference	Her Majesty the Queen

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Schedule 2 Plan of ALPURT B2



SH1 NORTHERN MOTORWAY EXTENSION (ALPURT B2) SUMMARY PLAN

Map is for planning purposes and not to survey

GISPLAN046

**Diane Morcom,
Clerk of the Executive Council.**

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, establishes a road tolling scheme for ALPURT B2, which is the new Northern Motorway extension (approximately 7.5 km in length) that is to be constructed north of Grand Drive in Orewa and is to connect with the existing State Highway 1 route just south of Titford's Bridge at Puhoi.

The order—

- makes Transit New Zealand the public road controlling authority, toll operator, and enforcement authority for the road tolling scheme;
- provides that ALPURT B2 is the road that may be tolled and that the toll revenue may only be applied in respect of that road and for the purposes of this order;
- sets out the conditions that must be met to the satisfaction of the Minister before tolling starts, along with the process by which the Minister will confirm whether he or she is satisfied that those conditions have been met;
- empowers Transit to set tolls within maximum limits based on \$1.80 (including GST) per vehicle for vehicles other than heavy vehicles and \$3.60 (including GST) per vehicle for heavy vehicles. Within those limits, which are subject to inflation adjustment, Transit may set different tolls for different classes of person or motor vehicles, different times or days, or different directions of travel;
- provides for the publication and display of tolls;
- states how tolls are to be collected, which will be from the driver or by an agreed payment method;
- empowers Transit to grant certain exemptions;

- specifies the information that Transit is required to provide to the Minister and to make available to the public.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 April 2005.

This order is administered in the Ministry of Transport.
