



Chris Steel MLA
Minister for Transport and City Services
Minister for Skills
Special Minister of State

Member for Murrumbidgee

Mr Tom Duncan
Clerk
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Mr Duncan


Thank you for your letters of 16 September 2021 regarding petitions 31-21 and 38-21, lodged by Mr Mark Parton MLA. These petitions have requested the fines and penalties incurred in the month of July 2021 in the new 40km zones in Civic to be waived, and for the Government to take action to make clear where the speed limits apply.


As reflected in the Government's submission to the Public Transport and City Services Committee Inquiry into 40km/h zones in Civic, the Government will not be automatically waiving the fines and penalties incurred in the revised speed zones during the month of July 2021. ACT Government ministers are not empowered to waive individual fines under legislation; this is an important integrity measure for ensuring public confidence in the ACT's enforcement framework.

The policy rationale for the introduction of 40km/h speed zones in the city is based on protecting the safety of Canberrans, particularly vulnerable road users. The ACT Government undertook extensive communication activity leading up to the implementation of the new speed zones, throughout the subsequent three month grace period during which no enforcement was undertaken, and throughout an additional two-week warning period. Communication remains ongoing, including through large and prominent physical signage, on-road markings and the use of variable message boards in the revised speed zones in Civic.


I have provided further detail on both the policy rationale for this change and the communication activity supporting the revised speed zones below.

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Canberrans who wish to query or dispute a speeding fine are able to do so by contacting Access Canberra via: <https://www.accesscanberra.act.gov.au/s/article/traffic-and-parking-infringements-tab-overview> or by calling 13 22 81.

Background

As Canberra has grown, more streets have evolved to be not only places to move through, but also places for people to stop and spend time. The City and Braddon have changed remarkably in the past decade, with a large increase in the number of people living in these areas. They have become hubs for dining, cultural events and other recreational activities, as well as for public transport use. This has resulted in more public transport users, pedestrians and cyclists using the area than ever before, who have to safely navigate the presence of motorists still using these roads to commute.

As a result, the streets in the City and Braddon have a changed function. Reducing speed limits reflects the changed use of streets by making the road system safer for all road users, particularly vulnerable road users such as pedestrians and cyclists.

In 2013, Roads ACT implemented 40km/h speed limit areas in all town centres within the ACT. This program was extended to include all group centres in 2015. Evaluation of this program found the community were broadly supportive of the reduced speed limit, including in the City and supported the expansion of the 40km/h speed limit to other adjacent streets in town centres.

The ACT Government has since implemented 40 km/h zones in all 18 ACT group centres. The extent of these speed limit zones has been reviewed for five group centres and the expansion of the Belconnen town centre was completed in 2019.

Lower speeds in the City and Braddon, including a 'people first' focus on Northbourne Avenue, formed a key part of design guidance for streets developed with community consultation as part of the *City and Urban Gateway Design Framework* in 2018. This framework set the principles for development and growth in the city centre and along the gateway corridor of Northbourne Avenue including in relation to access and movement. Further extension of 40km/h zones in these areas also then formed an explicit action under the *ACT Road Safety Action Plan 2020-23* supporting our commitment to *vision zero*, the *safe system* approach and *safer roads*.

The ACT Government has particularly recognised that the commencement of operations for the first stage of light rail from Gungahlin to the City in 2019 led to a change in the road environment and function. We saw an increase in pedestrian movements in the city, particularly around Northbourne Avenue near the Alinga Street light rail terminus. Following the commencement of light rail operations, it was considered an appropriate time for the implementation of a permanent reduction to speed limits from 60km/h to 40km/h across the city, including the section of Northbourne Avenue between Barry Drive and London Circuit.

During 2019, Ministers from several portfolios worked together to consider the impacts of this measure on traffic, public transport, active travel, emergency services, ACT Policing and enforcement activity associated with the permanent speed cameras installed in the area.

The speed limit reduction was intended to be implemented in 2020 but was delayed due to the impact of the COVID-19 pandemic on traffic and pedestrian volumes and public transport patronage.

It was agreed to postpone the implementation until all traffic and pedestrian movements were normalised.

Once traffic and pedestrian movements had largely returned to pre-COVID-19 levels, the expansion of 40km/h zones across Northbourne Avenue between McKay Street to Vernon Circle, sections of Barry Drive and Cooyong Street with high pedestrian activity; and a large section of the Braddon commercial precinct was approved for implementation in December 2020 and executed in March 2021. Low speed zones were also expanded in March 2021 around the Tuggeranong Town Centre and Kingston Foreshore precincts.

Policy rationale

Research shows that the introduction of 40km/h zones significantly reduces the risk of death for vulnerable road users like cyclists and pedestrians. The risk of death for a vulnerable road user drops from approximately 80 per cent when a vehicle is travelling at 50km/h to 50 per cent when the vehicle is travelling at 40km/h.

This evidence has underpinned a number of strategies and frameworks developed by the ACT Government and other Government which support the implementation of reduce speed limits in the city and other town and group centres, particularly in locations where there are high volumes of vulnerable road users. I have included the key excerpts of these documents below.

ACT Road Safety Strategy 2020-2025

Safe System

The Safe System approach provides the technical methodology and policy framework for achieving Vision Zero. The Safe System approach means that efforts must be made to manage the combined effects of the speeds at which we travel, the safety of the vehicles we use, and the level of protection provided by our roads – not only to minimise the number of crashes, but to ensure that when crashes do occur, they do not result in death or serious injury.

Traditionally the Safe System approach to road safety focuses on four pillars: safe speeds, safe roads and roadsides, safe vehicles and safe people and behaviours.

Safe Roads

The standards of the ACT's roads, the appropriateness of speed limits and the effectiveness of the road environment are critical to road safety. Safe roads, including safe road environments need to be designed to improve safety for all users. This includes ensuring speed limits are set appropriately for the conditions of the road environment (for example, the design and function of the road) and road rules and road signage are appropriate.

ACT Road Safety Action Plan 2016-2020

ACTION ITEM – CONSIDER FURTHER EXPANSION OF 40KM/H SPEED LIMIT AREAS

JACS will undertake community consultation to determine the community demand for lower speed limits, and will consider further expansion of the reduced 40km/h speed limit areas. This could include other areas which have high numbers of cyclists, pedestrians and other vulnerable road users.

ACT Road Safety Action Plan 2020-2023

Focus Area: Speeding

The setting of appropriate speed limits that consider the road design, surrounding environment and road conditions is critical to improving road safety. In making decisions about setting speed limits, the ACT Government will apply the Safe System approach outlined in the ACT Road Safety Strategy 2020-25 and the Movement and Place framework which recognises that road environments cater to a wide range of users and often have dual purposes.

The ACT Government has implemented 40 km/h precincts in all 18 ACT group centres. A review of existing boundaries in the 5 town centres has been completed. An expansion of all existing boundaries has been designed and will be implemented in stages. The Belconnen town centre expansion was completed in 2019. Other town centres will be progressed in 2020 with planned expansion in the City, also including parts of Braddon.

City and Gateway Urban Design Framework December 2018 (ACT Government and National Capital Authority)

Strategic walking network

Strategic areas of focus for pedestrian facility improvements are:

- Lowering traffic speed in appropriate locations to promote place making outcomes, particularly in relation to improving safe pedestrian and cycling conditions.

Design criteria

- Implementing lower speed environments on targeted city and gateway corridor streets to support more pedestrian activity, cycling and to improve safety for all road users

Strategic cycling network

Design criteria

- Improvements to intersections, line marking indicating bicycle use, speed limit reduction and street car parking changes are among the measures to be implemented as part of defining active travel streets in the short term.

Opportunities

Transform Northbourne Plaza

Design criteria

- The completed plaza will feature new street trees and plantings, furniture, paving, lighting and public art, creating an attractive setting for this important civic, gateway

and transit location. The improvements will reflect the 'people first' focus for this priority space, which connects the city centre's eastern and western activity zones.

ACT Planning Strategy 2018

Actions

2.3.1 Establish an approach to the urban design of the city centre that focusses on interconnected precincts, and considers matters relevant to the city centre location including:

- implementation of the City Plan and the City and Gateway Urban Design Framework
- contribution to the 'place' experience of the city

5.2.1 Apply the Movement and Place Framework in future precinct planning to recognise people and place in the design and function of precincts. Include the following principles:

- permeable street layouts
- safe and efficient active travel routes connected to centres, schools, public transport and local activities

Transport Strategy 2020

Policy response

The ACT Planning Strategy 2018 introduces the concept of 'Movement and Place' for the first time to Canberra. This is a framework for integrating land use and transport. It recognises that roads and streets have dual purposes, they are both places for people to move through and places for people to stop and spend time.

As Canberra becomes denser more streets will evolve to have both a high movement and a high place function. The streets of Civic and our town centres are good examples of this.

Walking and cycling for a liveable city

The Safe Systems approach will be used to assess safe speeds to support vulnerable road users walking and cycling in Canberra's town, group and local centres and school environments.

Safe System Approach

The Safe System Approach recognises that safe speeds, safe roads, safe vehicles and safe behaviours, all go together to create a safe system for road travel. Safe System is compatible with Movement and Place and we will implement it on road design projects through the Safe System Assessment Framework.

Communication

The ACT Government has been transparent at all times in introducing lower speeds in the City and on Northbourne Avenue. This policy implements direct actions from two major Government strategies which have previously been announced and consulted on; the Road Safety Action Plan and

the City and Gateway Urban Design Framework. A range of important steps were also put in place to inform Canberrans about the change in speed limits prior to and during implementation.

A Ministerial media release was issued, and media interviews were conducted in March 2021. There were over 20 media articles including ABC News, Canberra Times and the Riot ACT as well as most major radio stations and via radio ads across multiple time slots, and either side of the news during peak hour, including either side of the news, to alert motorists to the speed zone changes. The radio advertisements ran on AM and FM radio. Advertisements also included social media posts, which were run across ACT Government Facebook, with more than 170,000 impressions, over 1500 reactions and almost 1500 comments. Updates were also provided through the digital Our Canberra newsletter, and ministers and officials from Transport Canberra and City Services and Access Canberra also gave multiple media interviews.

To provide guidance and inform all motorist about the changes in speed limit, large Variable Message Signs (VMS) were installed in the area two weeks prior to the 40km/h zones being introduced in March 2021. The VMS signs remained in place for an additional two weeks after the completion of the signage installation to reinforce the speed limit for motorists. Additional VMS were put in place on 11 May until 4 June 2021 to remind motorists of the reduced speed limit, then again on 21 June 2021 and are still in place.

A letterbox drop of 2,000 letters was undertaken in March 2021 to businesses and residences in the Braddon and Civic areas.

While the speed limit in this zone was changed in March 2021, the fixed road safety cameras were adjusted to capture vehicles driving above 40 km/h on 21 June 2021. In addition to the three month period this gave Canberrans time to adjust to the new speed environment, a further two week warning period was provided between 21 June and the commencement of enforcement on 5 July 2021. During this time Ministers and ACT Government officials publicly announced the intention to commence enforcement from 5 July and encouraged Canberra drivers to adapt to the new speed limits.

As our city continues to grow, the Government is not ruling out additional communications and educational activities to inform Canberrans on reduced speeds in the city, town and group centres.

The amount of public information over a sustained period relating to the new 40km/h speed zone change significantly exceeds that for any other change of speed limit implementation in the ACT.

Warning signage

It is the responsibility of each motorist to be aware at all times of the speed limits in the location they are driving in accordance with *Road Transport (Road Rules) Regulation 2017 SL2017-43* made under the *Road Transport (Safety and Traffic Management) Act 1999*.

The extension of the City area 40km/h zone to include parts of Northbourne Avenue, Cooyong and Barry Drive was designed in accordance with *Australian Standards (Australian Standard AS1742.4 Manual for Uniform Traffic Control Part 4: Speed Controls)*.

The permanent warning signage installed in March 2021 when the new speed limit came into effect included:

- a pair of 40km speed zone signs of standard sizing at each entry point into the speed limit zone;
- repeater signs following each major road that intersects with the zone. A key design constraint to the location of the start and end of the 40km/h zone was ensuring that entry point signs are visible for approaching drivers at distances that exceed the minimums required by the Australian Standards. Sign locations also considered the spacing relative to other road signs so that the entry speed limit signs are not obscured;
- additional 40 km/h 'roundel' road markings . These are not required by standards but do assist in making the speed limit more visible to motorists;
- additional repeater speed limit signs prior to each of the camera sites to assist driver awareness; and
- large pavement markings on Northbourne Avenue, Barry Drive and Cooyong Street.

In addition, to assist drivers to understand that the speed limit had changed the permanent signage was augmented with mobile VMS on Northbourne Avenue, Barry Drive and Cooyong Street which inform motorists of the speed limit change and that the speed limit is now 40 km/h. VMS have been in place, and remain in place, on all approaches to speed cameras within the 40km/h zone. VMS informing drivers of changes to the traffic environment are typically only deployed for short periods of time, but have in this case been used for an extended period.

In response to community feedback during and after the grace period, further permanent signage has been installed, including:

- additional 40 km/h road signs immediately in advance/on the speed camera poles located on Northbourne Avenue southbound and Barry Drive westbound to remind drivers of the reduction in speed limits, installed in July 2021. This is beyond the minimum standard practice in the ACT; and
- additional pavement markings at mid-blocks on Northbourne Avenue, Barry Drive and Cooyong Street, installed in September 2021.

The ACT Government will continue to consider further additional measures as appropriate to continue to warn Canberrans to slow down in built up areas and high pedestrian traffic zones in the city, town and group centres.

Infringements

Between 5 July 2021 and 1 August 2021 over 20,000 infringement notices were issued to offending motorists. Given the passage of time since July 2021, many Canberrans have taken up the legislative options available to them including:

- paying or entering into a payment plan (accepting liability);
- seeking withdrawal; or
- disputing their infringement. These are now a matter for the court.

The *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019* (the Withdrawal Guidelines) sets the process under which Access Canberra can consider withdrawing infringements. One of the core provisions is that 'disagreeing with a law, or finding it inconvenient, to adhere to it, are not grounds for having an infringement notice withdrawn'.

In relation to the enforcement of the 40km/h zones, Ministers do not have the legislated authority to assess or grant applications for speeding fine waivers. This is an important safeguard against inappropriate intervention and supports the appropriate enforcement of the law.

Once a traffic infringement notice is issued, Access Canberra as delegate of the Road Transport Authority can only waive the infringements for reasons outlined in the Withdrawal Guidelines.

The ACT Government also provides a number of options for people experiencing difficulties as a result of having received infringement notices.

Infringement notice management plans

It is possible to pay off infringement notices in instalments via an infringement notice management plan. This involves agreeing a manageable amount for regular payments which can be debited from an individual's nominated bank account. Repayment amounts can be as little as ten dollars a fortnight depending on the circumstances of the customer.

Further information on how Canberrans can establish a management plan and apply for these arrangements is available at: <https://www.accesscanberra.act.gov.au/s/article/traffic-and-parking-infringements-tab-infringement-notice-management-plans>

Alternatives to licence suspension

The holder of a full licence may elect to serve a 12-month good behaviour period as an alternative to serving a demerit point suspension. This can be a useful option for people who need to use their vehicles for work or other essential transport reasons.

Throughout the duration of the good behaviour period, the licence holder's demerit point threshold is reduced to just two demerit points. A licence holder is suspended for double the original suspension period if they accrue two or more demerit points during the good behaviour period. Individuals are able to discuss and apply for these good behaviour arrangements by contacting Access Canberra by phone or emailing acinfringements@act.gov.au.

These measures are intended to ensure that individuals who have received an infringement notice as a result of breaking the law do not experience disproportionate hardship as a result.

Benefits already realised from the reduction in speed limits

In addition to the safety benefits, reducing the speed limit in town centres to 40 km/h helps to encourage active travel participation and the use of public transport a key objective of government. The reduced speeds can also lead to reduced noise levels and so can encourage greater activation of busy street frontages.

Pedestrian and cycle count data from December 2019 indicated approximately 14,000 pedestrians crossing Northbourne Avenue at the Alinga Street intersection. Research and evidence show that the introduction of 40km/h zones significantly reduces the risk of death for vulnerable road users like cyclists and pedestrians. The risk of death for a vulnerable road user drops from over 80 per cent when a vehicle is travelling at 60km/h, to 50 per cent when the vehicle is travelling at 40km/h significantly improving the risk to vulnerable road users.

Based on the preliminary reported crash data, there was a reduction in crashes of approximately 36% since the introduction of the 40km/h posted limit areas in Northbourne Avenue, Barry Drive and Cooyong Street.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Steel', written in a cursive style.

Chris Steel MLA
Minister for Transport and City Services

30/11/2021

