



**association** of  
**consulting** and  
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Kia ora John

Thank you for the opportunity to make a submission on the draft New Zealand Guide to Temporary Traffic Management (NZGTTM), which is intended to replace the Code of Practice for Temporary Traffic Management (CoPTTM).

ACE New Zealand represents over 240 consulting and engineering firms, ranging from large global firms to employee-owned SMEs, that employ over 14,000 staff working across the built and natural environment. Designing for and/or working with Temporary Traffic Management (TTM) is an everyday activity for many of our members. The involvement and commitment of ACE New Zealand members to improving safety for everyone involved with TTM has been demonstrated through their work developing the CoPTTM (dating back to the first edition in 2000), significant input to the CoPTTM review working groups in 2020 and 2021, and daily work through roles such as network TMCs.

We will limit our comments to the high-level aspects of the draft NZGTTM that concern our members. Some of our members are making submissions of their own on topics that particularly concern them.

## **We support the objective of the NZGTTM**

We support the fundamental objective "All road workers and road users go home safe every day", the total risk minimisation philosophy that the NZGTTM is pursuing, and the goal of making practitioners more risk-aware in their activities, rather than just following guidance by rote.

## However, we have concerns

While we support the objective and philosophy of the NZGTTM, our members are concerned about the lack of detail in the NZGTTM and the lack of clarity around the change management aspects of the shift to a NZGTTM that could affect its ability to deliver safer outcomes than that already addressed with the CoPTTM.

While we consider there is significant scope for improving the provision of CoPTTM compliant TTM on our road networks, we are not yet convinced that replacing the CoPTTM with the current proposed NZGTTM would result in any tangible improvement in TTM safety.

Our concerns are detailed more specifically below.

### There is a concerning lack of detail in the new guide

We support the objective of revising the current approach to TTM to create a risk-management focus, rather than a 'tick-box' exercise. We also consider it desirable for TTM documents to be less complex; if this is practicable. However, there is an inevitable trade-off between prescriptive, rote instructions (CoPTTM) and principles-based guidance that requires significant interpretation (NZGTTM). A balance needs to be struck and we don't think that balance has yet been achieved.

Our members are concerned that the NZGTTM doesn't offer sufficient guidance for what to do in given situations. At the Road Worker Safety Governance Group meeting report on the implementation trial with Higgins it was noted that there was still significant reference back to the CoPTTM, which supports our concern. Our members do not want to see the significant work they have undertaken over the life of the CoPTTM to develop that clarity of guidance lost through the move to the NZGTTM.

Notwithstanding the clarity of guidance provided in the CoPTTM, there is presently significant variability in the delivery of TTM on our road networks. Our experience is that this is largely due to the inconsistent approach followed by practitioners, rather than a flaw of the CoPTTM itself. Because of the lack of guidance in the NZGTTM, we are concerned there is a greater risk with the NZGTTM of inconsistency and poor practice, leading to worse safety outcomes.

The reality is that codes of practice and standards will still be needed to underpin the NZGTTM. It appears that Waka Kotahi is moving away from this role and putting the responsibility on industry to develop these. But there is currently a lack of clarity about what this looks like, and a concern from our members that it is unrealistic to expect industry to produce and maintain guidance to effectively replace material that is presently readily available. It is not clear to us how best practice will be developed, agreed, and disseminated, who will be responsible, how will we ensure common and consistent practice, who will own the updates, and who will bear the cost of this work. The other issue that arises in this regard is the significant uncertainty related to the methodology that would need to be followed to develop and then try and achieve agreement regarding what constitutes "best practice". Even among our members, what one organisation regards as TTM best practice is not necessarily accepted as being best practice by another organisation.

It has been suggested that ACE New Zealand take an active or lead role here to develop these and ensure consistency across our members. This would be a big ask for ACE New Zealand, and not clearly within our ambit – our role as an association is to support our members in the business of consulting, not technical guidance. If we were to take this role on, we would need funding and resource to support this. It would not be something we could deliver in time for a launch of the NZGTTM this year.

At the heart of our concern is the risk that a centralised code of practice is ultimately replaced by an ad hoc set of codes of practice developed and maintained by individual road controlling authorities, companies and

organisations like ACE New Zealand. This would increase total costs, lead to even greater inconsistencies in practice, complicate procurement, and blur the lines of liability and culpability. Differing practice across organisations would also make it harder for road users and people working on sites to know what to expect. The CoPTTM creates a 'language' for TTM across the country that everyone who interacts comes to understand. The NZGTTM risks creating a series of dialects that surprise users. That seems like a suboptimal outcome and a significant issue to work through before the NZGTTM is adopted.

### Training needs to be well thought through

The move to a risk-based approach as anticipated by the NZGTTM requires a big jump in education and knowledge to enable contractors to appropriately adopt and implement design intent. We appreciate this is part of the intent of the 'everyone is responsible for risk management' approach.

We understand the accountabilities and roles described in the NZGTTM are likely to have training, competency and qualifications associated with them. How this is worked through will be critical for the success of the NZGTTM. Our members invest a lot in training and developing our people and capability in this space, and to see wastage of training dollars is a key aspect. Members agree we need to raise capability/competency in this space, but through our experience with the recent TTM planners qualification we are concerned about the lack of mechanism for recognition of prior learning. It's not clear how prior training will map on to the presently undefined training involved with the NZGTTM. Having experienced practitioners out there who could perform a lot of these roles, but no mechanism other than them sitting the courses again is wasteful. There needs to be an alternate route to prevent the loss of experienced people who will not spend time relearning what they already know.

Notwithstanding the limitations with the training requirements described in the CoPTTM – particularly because of the relative lack of competency assessment – we are presently partway between the CoPTTM training system and the Training and Competency Model. We consider there are shortcomings with the Training and Competency Model and we support a move back to a training regime similar to what is in CoPTTM, but with competency assessments included. However, it appears that the NZGTTM requires our members to take large and uncertain steps to identify, and potentially develop, the TTM training needed for their staff.

### Liability is uncertain

There are also questions of liability when things go wrong. Without a government-mandated code of practice, determining whether the TTM actions applied for any given situation meet the standard of care and skill required will be much more difficult and may also be more costly. There may be an impact to the accessibility of insurance as insurers will need to be able to make assessments themselves and won't be able to rely on the CoPTTM. Any organisation that develops and publishes a code of practice or standards could find themselves liable if faults with those documents are found to contribute to adverse incidents. That is going to discourage anyone from taking on that role.

There is also the reality that any time there is an adverse incident, the fact an incident has happened will tend to promote the view that total risk minimisation was not achieved. Without an official set of best practice guidelines, what is and isn't total risk minimisation is very much subjective, and the fact an adverse incident has happened is inevitably going to skew subjective analysis, even though total risk elimination is often impossible.

The 'everyone is responsible for risk-management' philosophy is positive as a mode of practice, but the legal lines of liability and culpability need to be firmly established, and we are not confident they have been (or will be).

Our members are concerned that the lack of clear official guidance and liability risk will tend to encourage an attitude of total risk avoidance, rather than risk management. That is not practical in all situations. We are concerned this could see situations where no-one is willing to sign off on a TTM plan for fear of accepting liability and, as a result, work will not be able to proceed.

### Interoperability between NZGTTM and CoPTTM

If roading control authorities (RCAs) other than Waka Kotahi are not required to adopt the NZGTTM, as we understand may be the case, we question how the CoPTTM will interact with the NZGTTM when areas of responsibility border or overlap, or where Waka Kotahi and other RCAs are working in alliances.

The 2012 CoPTTM working group involved with development of the fourth edition of the CoPTTM went to considerable effort to incorporate the Local Road Supplement into the CoPTTM so there would be a single TTM document for New Zealand rather than two documents. Our members are concerned that the approach described in the NZGTTM has the potential to result in a plethora of TTM documents, which will take us back to a more confused situation than existed in 2012.

If RCAs elect to continue using the CoPTTM, it is not clear who will be responsible for maintaining and updating the CoPTTM once Waka Kotahi adopts the NZGTTM. It will add considerably to training complexity to have two or possibly three training systems in operation across the country (existing CoPTTM, Training and Competency Model, and NZGTTM training) and reduce overall productivity.

If NZGTTM is to replace the CoPTTM, then we recommend all RCAs are also required to adopt the new system - although we understand that there may be resistance from some local authority RCAs to do this.

### The CoPTTM isn't broken

Waka Kotahi concedes that the CoPTTM isn't broken. We agree there is need for a clear risk assessment and management approach to be incorporated into TTM in New Zealand. We also consider that there is widespread non-compliance with CoPTTM that needs to be addressed.

Rather than adopting the NZGTTM approach, we consider a better approach would be to build on the extensive work carried out by the CoPTTM review working groups in 2020 and 2021, add a risk assessment and management section to the CoPTTM, and overlay this on the solid foundation we have in the existing CoPTTM. We could then focus our attention clearly on addressing the compliance deficit.

To replace well understood (although not well followed) fundamentals with the significant uncertainty of the NZGTTM doesn't make sense to our members.

### Speed of change

Finally, we question the apparent rush for change. As we have noted, many elements of the NZGTTM remain unclear and while we have been assured they will be developed "over time", we question if it will be ready for implementation in mid-2022, as envisaged. For example, it is not clear on how the complex issues of practice notes and training will be resolved in time, or how insurance companies and users of the NZGTTM will be ready to deal with the more complex and uncertain liability situation created by this change in just a few months.

As noted above, there is nothing broken about the CoPTTM. Yet the process to replace it with the NZGTTM seems very rushed. We question the need for haste while there are still such significant implementation issues to work through with the sector, and a reasonable alternative option to still fully consider.

## Concluding comments

Our members support the risk assessment and management objectives of the NZGTTM and acknowledge the significant amount of work to date from the Waka Kotahi team to develop this proposal for discussion. However, we highlight that the implementation and change management process is key, and is currently too uncertain to give us confidence that this is the right path to follow for improving TTM in Aotearoa New Zealand.

At the moment, our members see a significant gap between where we need to be for this to be a successful guide for the industry, largely around the sufficiency of the guidance, education, knowledge and risks around the change management process. In our view, a preferred way forward is to reconsider revising the CoPTTM with a risk assessment and management overlay, as noted above.

We welcome further conversation with Waka Kotahi on our submission and the options for developing a strong basis for TTM in Aotearoa.

Nga mihi,

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

Helen Davidson  
Chief Executive