

12 August 2024

Geoff Edwards

fyi-request-27619-b5b3deec@requests.fyi.org.nz

REF: OIA-15893

Dear Geoff

Request made under the Official Information Act 1982

Thank you for your email of 15 July 2024 requesting information under the Official Information Act 1982 (the Act) regarding the NZ Transport Agency Waka Kotahi (NZTA) obligations with respect to roadside litter.

I will answer each of your questions in turn below:

Policies/procedures as to how the agency meets its obligations under the NZ Litter Act 1979 to ensure roads are cleared and kept clear of litter.

Under the NZ Litter Act 1979 (the Litter Act), litter control powers and duties are upheld by public authorities. NZTA is recognised as one of the public authorities alongside territorial authorities such as district, regional, and city councils.

Under Section 5 of the Litter Act, public authorities (such as NZTA) are able to appoint litter control officers and litter wardens independently or in partnership with other public authorities to uphold these powers and duties within a designated district or area.

Public authorities have responsibilities to undertake litter control through various mechanisms such as providing receptacles for waste in public places, standards/requirements for landowners to clear litter, and the ability to implement by-laws to uphold litter standards. Further responsibilities upheld by public authorities include infringement notices, offences & penalties, and special powers of convicting court.

The purpose of the act is to make better provision for the abatement and control of litter. However, it does not place a responsibility on government organisations to collect litter.

NZTA contracts out the litter collection work as a part of the total network maintenance activities which are delivered under our Network Outcomes Contracts. Within these contracts, litter is defined in the following extract from one of our standard maintenance specifications:

Litter

Litter is defined as any single item, regardless of visibility or size, located within the road reserve that is maintained by the Principal, including, but not limited to, paper, refuse, rubbish, glass, metal, garbage, drink bottles, cans and other consumer type objects, and any objects that are not required by the Principal for the functioning of the road. A Litter item is defined as one being visible to anyone who is travelling at normal operating speed. On Motorways and expressways there is a tolerance of 75 items of litter within a 5-kilometre audit section and 100 items per 5-kilometre section for other highways. This latter standard equates to one piece of litter every 100 meters on both side of the road.

Please note that if the litter is not visible from the road, then it is not classified as a defect. For a visual understanding of what is considered acceptable and defect, please refer to the extracts of the Visual Audit Guideline examples on page 5 and 6 of the response.

What standards the Agency uses to determine whether a road is adequately cleared of litter or not.

Where the agency has contracted out litter picking to sub-contractors, I would like all available information as to who these contractors are around NZ, what expectations/obligations are placed on them by the Transport Agency and what measures the Agency has in place to ensure these contractors are meeting their end of the contract.

The standards used to determine the degree of litter collection for NZTA contractors is implemented through NZTA's Network Maintenance contracts. Within these contracts, litter is defined as any single item with a dimension greater than 100mm, within the road reserve that is maintained by the contractors. NZTA ensures that a road is adequately cleared of litter through Operational Performance Measures (OPMs), which takes a monthly audit in each network, sampling 10% of the area. This is scored against all other OPMs within the site.

Failure to comply with these requirements incurs penalty points for the Contractor. These are aggregated with points scored against other maintenance activities and if the total breaches contractual thresholds lead to significant payment deductions for the contractor.

For a map of our Maintenance Contractors according to region/area, please refer to the link attached. <https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/network-outcomes-contracts/resources-and-manuals/noc-supplier-maps/>

Please note that these organisations may collect the litter themselves or they may, at their discretion, engage subcontractors to do it on their behalf. Should you have specific concerns with litter in a particular area, please contact the NZTA Contact Centre on 0800 444 449.

Besides the appointment of litter control officers and litter wardens, NZTA does not contract out litter maintenance activities. However, through our Network Maintenance contracts, NZTA contractors are expected to pick up litter from roadsides and rest-areas. Often, other public authorities will also pick up litter on behalf of NZTA in urban areas of the State Highway Network through a Memorandum of Understanding as upheld by NZTA's regional Maintenance and Operations teams.

For example:

NZTA 1878 Taranaki NOC v3, showing the maintenance specification of 6.6.1.3 Litter Specification.

6.6.1.3 Litter

Litter is defined as any single item, regardless of visibility or size, located within the road reserve that is maintained by the Principal, including, but not limited to, paper, refuse, rubbish, glass, metal, garbage, drink bottles, cans and other consumer type objects, and any objects that are not required by the Principal for the functioning of the road.

Litter in stopping places, such as rest areas, is excluded from this section, refer to rest area maintenance.

LITTER COLLECTION (10% SAMPLE SIZE, MEASURED MONTHLY)					
OPM	ROAD CLASS	CONTRACT STANDARD	DEFECT	WEIGHTING	CIP
74	NatHV(M&E)	≤ 150 defects per 5km carriageway section.	Litter item visible to anyone who is travelling at normal operating speed.	1	2 days
75	All Roads (except NatHV(M&E))	≤ 200 defects per 5km carriageway section.		1	2 days
76	NatHV(M&E)	≤ 75 defects per 5km carriageway section.	Litter item visible to anyone who is travelling at normal operating speed in the high-profile litter area (e.g. on and off ramps) as defined in Appendix 6.11.	1	2 days
77	All Roads (except NatHV(M&E))	≤ 100 defects per 5km carriageway section.		1	2 days

Any information pertaining to the health and safety policies that exist around the picking of litter on state highways.

To ensure that all road workers and users are able to have the best protection possible from workplace health and safety risks, NZTA currently requires its contractors to adhere to the Code of Practice for Temporary Traffic Management (CoPTTM). CoPTTM provides guidance to aspects of temporary traffic management. Section A, page 11 of the COPTTM notes the Litter Act 1979 as a relevant act to be adhered to. On Section D, page 49, the CoPTTM provides an outline of the basic requirements to carry out road maintenance activities, such as the removal of litter. NZTA has recently updated its temporary traffic management guidance and will soon be updating our contracts to refer to the NZ Guide to TTM (NZGTTM) in place of CoPTTM.

To read more about the CoPTTM, please refer to the link attached:

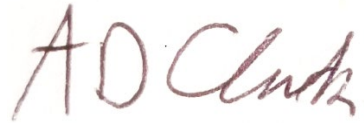
<https://www.nzta.govt.nz/assets/resources/code-temp-traffic-management/docs/2018/sections-a-to-h-combined-copttm-4th-ed-nov2018.pdf>

To read more about the NZGTTM, please refer to the link attached:

<https://www.nzta.govt.nz/assets/Roads-and-Rail/nzgttm/docs/New-Zealand-guide-to-temporary-traffic-management.pdf>

If you would like to discuss this reply with NZTA, please contact Ministerial Services by email to official.correspondence@nzta.govt.nz.


Yours sincerely

A handwritten signature in dark ink, appearing to read "AD Clark". The signature is written in a cursive style with a large initial "A" and "D".

Andrew Clark
National Manager, Maintenance & Operations



Litter collection

SECTION 6.6.1 - ROUTINE ENVIRONMENTAL MAINTENANCE				
OPM group 6.6.1.3		Sample size	Audit frequency	
Litter collection		10%	Monthly	
OPM	Road Class	Contract Standard	Defect	CIP
78	NatHV(M&E)	≤ 150 defects per 5km carriageway section.	Litter item visible to anyone who is travelling at normal operating speed.	2 days
79	All Roads (except NatHV(M&E))	≤ 200 defects per 5km carriageway section.		
80	NatHV(M&E)	≤ 75 defects per 5km carriageway section.	Litter item visible to anyone who is travelling at normal operating speed in the high-profile litter area (e.g. on and off ramps) as defined in Appendix 6.11.	2 days
81	All Roads (except NatHV(M&E))	≤ 100 defects per 5km carriageway section.		
Example Defects				
Any single item visible to anyone who is travelling at normal operating speed located within the road reserve that is maintained by the Principal, including, but not limited to; paper, refuse, rubbish, glass, metal, garbage, drink bottles, cans and other consumer type objects, and any objects that are not required by the Principal for the functioning of the road.				
Assessment Guideline				
Assessment by passenger, travelling the audit section in both directions at normal operating speed				
 Tip – check the local Memorandum of Understanding between the Transport Agency and local authorities for litter collection responsibilities in urban areas. The Transport Agency's responsibilities are generally only between the kerb and channel.				



Acceptable

Example - Litter not visible to motorist while travelling at normal operating speed



Defect

Example - Litter items visible to motorist while travelling at normal operating speed. (5 defects)



Defect

Example - Large litter items visible to motorist while travelling at normal operating speed. (5 defects)

