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16 August 2021

s 9(2)(a)

REF: OIA-8555

Dear s 9(2)(a)

Request made under the Official Information Act 1982

Thank you for your email of 28 July 2021 requesting information regarding occupancy protection and protection of cab cut out vehicles under the Official Information Act 1982 (the Act).

I will respond to each of your questions in turn.

1. *NZTA has stated that a risk to Occupancy Protection has been identified where a cab cut-out is present. Please provide evidence of such risk and how a cab-cut is shown to directly increase that risk.*

I am refusing this part of your request under section 18(d) of the Act as the information is publicly available.

The information can be accessed here:

<https://vehicleinspection.nzta.govt.nz/virms/hvsc/tb/modifications-to-trucks-cabs#heading4-for-tab1>.

2. *Upon what basis is a bus certified and NZ compliant with regards to Occupancy Safety?*

Commercial buses in New Zealand fall within the large/heavy Passenger Service Vehicles (PSVs) category. All PSVs must meet the requirements of the Land Transport Rule: Passenger Service Vehicles 1999 (the PSV Rule).

The purpose of the PSV Rule is to ensure that all PSVs meet general safety requirements and vehicle standards, for example: stability and strength requirements. As per section 7.2(1) of the PSV Rule, *"The structural strength of a passenger service must be sufficient to provide reasonable protection for the occupants in the event of roof or wall deformation resulting from the vehicle rolling over"*.

PSVs must be inspected to make sure they meet the requirements of the PSV Rule and have on-going regular checks, namely the Certificate of Fitness (CoF) inspections. All PSVs are required to have a current CoF.

The PSV Rule includes some requirements for specialist certification. For instance, the roll-over strength requirement and the safety of any equipment for people with special mobility needs must be checked by specialist certifiers appointed by Waka Kotahi NZ Transport Agency.

Why is a motorhome with a cab cut-out deemed of greater risk when there is considerably greater protection around the cab?

In addition to the above explanation, Waka Kotahi does not have evidence that indicates motorhomes present any greater risk than PSVs and is currently working with industry to determine what the appropriate level of occupant protection is for modified vehicles.

3. *Why is Occupancy Safety relating to cab cut-outs only deemed relevant in heavy and not light vehicles?*

Occupant protection is important for both heavy and light vehicles. However, there are often different legislative and standards requirements between heavy and light vehicles due to differences in their construction and use. If a light vehicle's structure is modified, that vehicle would need to be certified by a low volume vehicle (LVV) certifier and if significant strength was removed then it would need to be reinstated in some way.

4. *What are the statistics gathered by NZTA and NZ Police relating to injuries and accidents involving cab-cut vehicles?*

When a cab is modified, there is a possibility of a reduction in cab structural strength which creates an increased level of safety risk to occupants. Waka Kotahi is not aware of any known Death and Serious Injuries on record where poorly executed or uncertified cab modifications were recorded as a contributory factor, and throughout consultations within Waka Kotahi and with industry anecdotal evidence of harm caused by this risk has not been found. Therefore, I am refusing this part of your request under section 18(e) of the Act because the information requested does not exist.

5. *Have comparable tests been carried out where steel is present reinforcing the cab cut-out VS fibreglass or wood?*

Waka Kotahi has not carried out such tests.

6. *In many cases, the only difference between light and heavy motorhomes, is the suspension and carrying capacity (ie 3.5tonne GVM and 4.5t GVM). Otherwise, the vehicles are identical, including the manufacturing and structure around the crawl-through. How can occupancy protection be a concern in one and not the other?*

Please refer to answer number three.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse parts of this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact Robbie Stephen, Senior Engineer Vehicle Standard, by email to robbie.stephen@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'H' followed by a long horizontal stroke.

Hayley Evans
Senior Manager Systems Integrity

PROACTIVELY RELEASED BY WAKA KOTAHI NZ TRANSPORT AGENCY