

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

COMMENT FROM

ROAD CONTROLLING AUTHORITIES FORUM (NZ) INCORPORATED

INTRODUCTION

The Road Controlling Authorities Forum (RCA Forum) was alerted last week to a MBIE consultation process relating to electric vehicle charging infrastructure within the transport corridor. This was discussed by the Research and Guidelines Steering Group of the RCA Forum on Thursday and by members of the RCA Forum meeting on Friday last week. It was agreed that the RCA Forum has to record its concerns on behalf of its members, although we understand that the consultation period has closed.

The RCA Forum is a closed, non-political incorporated society of road asset managers and roading professionals from all territorial local authorities (except the Chatham Islands Council), the Department of Conservation and the New Zealand Transport Agency. It was established in 1996.

CHARGING INFRASTRUCTURE

We understand that publicly accessible charging infrastructure could be located on roads and off-street car parking places. The RCA Forum considers that road controlling authorities, collaborating closely with utility operators, are best placed to determine the location of charging infrastructure in these locations.

Charging infrastructure is likely to affect the use of the footpath adjacent to the parking area and potentially any adjacent cycle paths or other special vehicle lanes. The effect on pedestrian and vehicular traffic flow would persist for the duration of the presence of the charging infrastructure.

Use of charging infrastructure will require vehicles to be able to access the adjacent car parks to charge the vehicle. The car parks would need to be for this purpose only and accessible to electric vehicles only. Only road controlling authorities can prohibit, restrict and control the stopping and parking of vehicles within roads.

Road controlling authorities would need to assess safety concerns in relation to the location and use of charging infrastructure. Besides electrical safety, the presence of charging cords that may cross footpaths or cycle lanes would create a trip hazard. Appropriate considerations for events such as car accidents also need to be put in place.

Charging infrastructure may be underutilised, become surplus to requirements or become obsolete. Processes will need to be in place to ensure that such infrastructure is removed and the road reinstated.

TREATING CHARGING INFRASTRUCTURE AS “WORKS”

The RCA Forum believes that charging infrastructure should be classified as “electrical installations”, and the categorisation and classifications for such infrastructure should be clarified in the electricity legislation.

Any electrical infrastructure in a road reserve should be treated as an electrical installation for access right purposes and electrical safety purposes. It would not be appropriate to treat charging infrastructure as “works” within the road corridor. Works are an activity. This activity is temporary.

The safety regime for works assumes technically skilled parties are carrying out the works and are aware of any safety risks and understand how to minimise or mitigate those risks. Charging infrastructure is situated on footpaths and is designed to be used by consumers. The safety regime for electrical installations provides assurance for consumers that the installation is safe to use through the electrical certificate of compliance and electrical inspection regime.

Utility operators may access the road corridor as of right to undertake works, pursuant to section 24 of the Electricity Act 1992 for electricity works and in accordance with the National Code of Practice for Utility Operators’ Access to Transport Corridors (National Code).

A utility operator must request access. A road controlling authority may impose reasonable conditions pursuant to the Electricity Act and the National Code, but has only 15 days to consider an access request and impose reasonable conditions. No conditions may be applied after that period has lapsed and any conditions are likely to apply only for the duration of the installation works and the works warranty period, whereas the effects of the installed infrastructure would last for its lifecycle.

Conditions relating to works require temporary traffic management plans for the safe and efficient flow of traffic (National Code, 4.5.1 (2)(a)) whereas permanent traffic controls are required for effective access to the charging infrastructure.

Conditions designed to lessen the disruption to the local community from works in the road corridor are also only for temporary activities (National Code, 4.5.1 (2)(e)). Any disruption caused by installed charging infrastructure is likely to be more permanent.

Conditions relating to health and safety are to protect workers or road users likely to be directly affected by the work (National Code, 4.5.1 (2)(b)). It would not be ‘reasonable’ to impose such conditions beyond the duration of the actual works.

The National Code (4.5.1 (4)) provides that these conditions cannot prevent, frustrate or unreasonably delay works. Nor can they relate to the general appropriateness of works rather than the actual undertaking of the works proposed.

A road controlling authority could not, therefore, refuse the location of charging infrastructure treated as works, and such infrastructure could be permanently installed in places which are inappropriate for the stopping and waiting of vehicles so that potential users might not legally be able to access the charging infrastructure at that location.

NATIONAL GUIDANCE

While the provision of national information and guidance from the Transport Agency could be sufficient to clarify the access rights as they apply to charging infrastructure, it would need to recognise that local and special conditions may apply to access and that planning treatment and the requirement for resource consent for such infrastructure is likely to differ from region to region. Determining locations for the charging network, taking into account local traffic and land-use conditions, would need to be agreed between local road controlling authorities and utility operators.

Locations for charging infrastructure should be determined collaboratively between road controlling authorities and utility operators. Road controlling authorities could then impose the appropriate permanent traffic controls for safe access to this infrastructure and enforce them. Utility operators could use the National Code for the works needed to install and maintain the charging infrastructure.

CONCLUSION

The RCA Forum understands that the consultation on this matter has closed. It does not wish to respond to the specific questions asked in that consultation, but wishes to record its concern at the suggestion within the consultation documents that permanent electric vehicle charging infrastructure could be installed within the road corridor through inappropriate regulatory provisions.

On behalf of the Road Controlling Authorities Forum (New Zealand) Incorporated.

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