

Oral Submission on Traffic Resolutions – Manners Mall and Surrounding Area

I have so far prepared 18 pages of material, without coming to the end, on matters directly or indirectly related to traffic resolutions. Clearly I have insufficient time to go through it here. You will be provided with copies later. I hope that, as would a lawyer, you put aside sufficient time to work your way through the material, because, without bragging, no-one else involved in this current matter knows as much as me about driving buses through Manners Mall and all the ramifications and consequences, and no-one else has analysed this matter to the extent that I have.

As I understand it, **traffic resolutions** involve bus stops, various types and sizes of parking areas including loading zones, traffic lights, bus shelters, street furniture, support poles for the trolley bus over-head, and of course traffic flows. I intend to focus mainly on matters affecting traffic flow, and the place and operation of traffic lights efficiently and appropriately according to traffic and pedestrian flow and demand, about which I have advanced knowledge.

I can start by asking eight Councilors to accept a challenge – the eight who voted for this proposal. After spending a great amount of time considering all the facts, considering all the genuine evidence and applying my analytical skills and my own intelligence to the material, there is only one possible logical conclusion and that is that **there is no traffic resolution possible** and my material will graphically explain why. I make no apology for my material having an emotive content, because that is the way it has made me feel and I believe in being honest and 'calling a spade a spade'. When I say there is no traffic resolution possible, I am referring of course in relation to the claim that this proposal is going to greatly enhance public transport through the city. That is, it is going to be more efficient, trips will take less time than what is possible at the moment – and more on that later – passengers will get to their destination more quickly and everybody will be happy. Of course if you facetiously said that a traffic resolution was possible for getting from Courtenay Place to the Rail via Manners Mall, then Victoria Street to the Brooklyn shops and then back down to the Rail, within an hour, you would probably be right.

But for the 'Golden Mile', nothing is further from the truth. Trips will be slower, delays and hold-ups will be more frequent, long-suffering passengers will be more stressed, more petrol and diesel fuel will be used, more pollutant, environment-and-health-affecting exhaust gases will be produced – the list goes on.

And what is the basis and background of this? You have been misled – seriously misled. I will show you why and what the effect of this is on traffic resolutions. Over and over, from WCC staff like Teena Pennington to Councilors, the word Opus has been dominant in the paperwork. Opus said this, Opus said that, the Opus report stated this, the Opus report stated that. The Opus report appears to have been hugely influential in persuading people to support or vote for revocation.

Sadly, the Opus report is seriously corrupted. Engineering diagrams are false and appear to have been produced through unintentional or deliberate corruption of computer software. I was going to show the Environment Court and Judge Jeffreys in particular why this is so, but for some unexplained reason he prevented me from doing so and also cut short the cross-examination of Wayne Stewart of Opus who is principally responsible for the report. This cross-examination would have further demonstrated that the report on which the eight Councilors appear to have based their vote, was false and misleading. In other words, the Opus report would have been discredited and of course this would have completely undermined and destroyed the case of those who supported the Manners Mall proposal based on the material in the Opus report.

I now ask you to turn to the Supplementary Evidence of Wayne Stewart dated 19 March. This 21 page item was specifically produced as an attempted rebuttal of my evidence. Please turn to page 21 – Attachment Three. It is self-explanatory. Wayne Stewart has produced a coloured 'computer-generated' engineering diagram supposedly proving that he – and therefore his whole case, his whole report – is right and I am wrong. It shows the amount of road surface covered as a large GoWellington bus commences passing another bus in the 6.5 metre wide roadway of 'Manners Mall' from a distance of 3.2 metres behind. You will note that the absolute minimum of the 4.25 metre footpaths are encroached on by the bus. Well let's see.

Demonstration. Opus not to scale; deliberately misleading re widths, etc.

The conclusion is obvious. The Opus material is, for whatever reason, corrupted and must be discarded. This raises major questions about the remainder of the Opus material. For instance, if you refer to Attachment 2 on page 20, currently drivers are not willing to drive around the corner from Manners Street West into Willis Street side by side, **when they are going in the same direction** for fear of a collision. Wayne Stewart claims there is absolutely no problem doing it driving towards each other. He should have asked the drivers. You will appreciate that his Attachment two proves nothing. Not only could it have been drawn by a school child, it was supposedly produced by the same software programme that was used to produce the totally false diagram we have just dispensed with.

I also believe grave doubt can be placed on the also oft-repeated economic benefit of 2.3 that Wayne Stewart produced. Not only do I believe it would not stand up to any rational, practical, commonsense analysis, but it was supposedly based on all the time savings that putting buses through Manners Mall was going to achieve. What would be the economic benefit ratio if the real significant time losses or delays that will result from this proposal were substituted in Wayne Stewart's formulae? A negative figure no doubt. In other words, if trips take longer, financially we're talking about losses.

Let us move on to the no doubt hugely influential claim by Wayne Stewart and Opus that no operational problems or difficulties were identified. His/their failure to identify these problems says much about their level of expertise. All this means is that, trying to analyse and assess how large buses behave in a narrow, restricted environment with large numbers of pedestrians and passengers very close by, can't be done by sitting at a computer doing a 'desk-top' exercise. There is no excuse for not identifying major operational difficulties which have to be part of traffic resolution considerations.

These operational problems are so significant that I will have to refer you to my written material. Perhaps I can simply draw your attention to the chaos that will result from this proposal in the Manners Street West/Victoria Street intersection, Manners Street West itself and Manners Street West/Willis Street.

Brief coverage of 7's, 8's and 9's plus general traffic, including increase in light phases. Further delays.

Similar problems with right-turning traffic and service vehicles at Manners Street/Cuba Street. Extra light phase. Further delays.

This will not work, or at least it will not work and achieve time savings as in the main there will be significant time losses.

Concrete Culture – Kerb Widening

Off-Route Buses

Of course, as there are multiple sets of traffic lights malfunctioning in the 'Golden Mile' every day, let alone further afield, not operating according to traffic flow, or operating to slow traffic flow because of what can only be described as the 'whims and fancies' of the traffic light management group, and as some of these problems have existed for weeks, months or even years, what chance is there that these traffic light problems would be resolved, let alone any new ones?

In connection with traffic resolutions and efficient public transport in central Wellington, I recommend that Councilors attempt to answer the following questions and also determine who was responsible:

- Why was the footpath at the north end of Lambton Quay widened so excessively that it created a bottleneck on the road which causes traffic congestion and holds up several thousand people per day?
- Why was the footpath at the 'Cable Car' stop similarly excessively widened causing regular delays to public transport and for a long time, even widespread damage to Council concrete, gardens and plantings?

- Why are the relatively new pedestrian traffic lights at the St James Theatre stop, consistently phased to go red and stop all traffic including a large number of buses and their passengers, when no pedestrians are any where to be seen?
- Why do the pedestrian lights at Grey Street and Lambton Quay frequently operate for hours or days despite complaints to the WCC, going red and stopping public transport after only 5, 8 or 13 seconds of green when no pedestrian is present and no button or sensor has operated? (I phoned WCC 5 times in one day about these lights.)
- Why do lights such as Brandon Street and Willeston Street have green phases for no traffic and thus hold up the main public transport route?
- Why do lights such Lambton Quay/Bowen, Courtenay Place/Cambridge Terrace, Manners/Willis, etc have inordinately long green phases with little if any traffic, while the main bus route has a much shorter phase?
- Why does the main bus route, despite literally hundreds of complaints over several years, repeatedly have a green phase that frequently only allows one or two buses through when there may be 5 or 6 in the queue? This applies to Mercer/Victoria – which WCC staff can observe on CCTV but still won't fix, and Manners in to Willis.
- When a street is closed for a day, such as Brandon, why is it's green phase still included in the phasing so that public transport is repeatedly stopped for 'nothing'?
- Why was a bus lane painted in on Lambton Quay between Stout Street and Waring Taylor Street that is too narrow for buses and results in traffic slowing to deal with a two-lanes-into-one situation?
- Why has a bus lane been painted on the road surface in Lambton Quay from Farmers towards the rail, when it is too narrow for buses?
- Why was the kerb extended past the Farmers stop to produce an obstacle for buses, forcing them in to the right-hand lane and often necessitating other vehicles taking urgent evasive action?
- Why was the St James Theatre to Taranaki Street section altered in such a way that there are regular occasions when traffic is blocked off from getting from the St James to the right or left-turning lanes at Taranaki?
- Why was the extremely convenient lane that allowed traffic from Courtenay Place to turn left in order to go south up Taranaki, removed?
- **Why has the Council totally failed to monitor and enforce, or work with the Police to monitor and enforce the no-right-turn from Dixon in to Victoria? This failure has, for several years, had a major effect on slowing public transport through Wellington.**
- **Why has the Council not blocked off turning right from Victoria in to Manners Street West years ago? This failure has also had, and continues to have, a major effect on slowing public transport in Wellington.**
- Etc, etc.

Each and every point listed above can be remedied or improved and every single one would result in improved efficiency and shorter trip times for public transport buses in Wellington. Combined, in time savings and improved efficiency, they would vastly have exceeded any claim, despite now being shown to be false, for an improvement by going through Manners Mall.

So my submission is two-fold. Firstly show the potential in the status quo for major improvement and secondly, show that there is overwhelming evidence that the Councilors who voted on the revocation of the pedestrian status of Manners Mall were misinformed by false information from Opus International, who also failed to recognize and advise Council that major and insurmountable operational problems would be created and result in time losses rather than time savings. Following this, have the SPC of the WCC now admit a mistake has been made and take whatever action is necessary to remedy it.

Jamie Linton

Matters Relating to Traffic Resolutions re Central Wellington Public Transport

Lawyers, police, judges, researchers, etc, can be required to read 100's or 1000's of pages of documents, evidence, papers, etc in the course of their work or investigations. This includes local body officials such as City Councilors. It is therefore completely appropriate that Wellington City Councilors put time aside, no matter what other issues may be on their minds or on their desks, in order to carefully read, study and think about the relatively modest amount of material being provided by me at this time. This is particularly relevant and appropriate as it involves the planned irresponsible and unjustified wastage of around \$11 million of Wellington ratepayers rates money.

The 8 Councilors who voted to put buses through Manners Mall need to read this!

Councilors, Council staff and others consistently and repeatedly quoted Wayne Stewart/Opus International comments, statements and conclusions – often with no evidence of their own – as their basis for supporting or voting for putting buses through Manners Mall. I maintain that Wayne Stewart/Opus statements such as, “Opening up Manners Mall to buses is the single most significant change that could be made to improve the reliability of bus services through the central city,” have been hugely influential. It is therefore of the utmost importance for the above individuals to learn that some of the most crucial and influential material from Opus is false and misleading. More than that, it appears that a case of either deliberate or unintentional corruption of computer software has produced grossly false material, some classified as 'engineering drawings', which all of the above appear to have accepted as true and accurate, when it is not. In addition, despite the proposal having glaring major and easily identifiable operational problems, none of these were even recognised by Wayne Stewart/Opus. This provides grounds for leveling an accusation of serious incompetence.

My name is James Alexander Linton, called Jamie. I have been a resident of Wellington City since January 1969, except for two years in Canada, the USA and Europe from December '72 to January '75. I have had the opportunity of spending much of my working life in an environment where I was able to develop and use analytical skills and use logic and deduction to reach appropriate conclusions. This was as a Secondary School Mathematics teacher for close to 30 years. In this role I worked briefly for the deputy Mayor when he was the Headmaster of Scots College and taught the brother and sister of the Mayor. I have exemplary credentials as a 'descendant' of Wellington as three of my Great, Great, Great Grandfathers landed at Petone in the 'first nine ships' 170 years ago. As a home owner and in particular a rate-payer in Wellington for almost 40 years, I have earned the right to not only have an informed opinion, but to cast judgment on the words and actions, or lack of them, of Wellington's elected Councilors and Council officials.

When the Wellington City Council announced it was planning to put buses back through Manners Mall, my initial reaction was one of concern and I determined to investigate it. The more I looked at this proposal the more problems and difficulties I identified until I reached a point where I knew that all the claims being made about a faster and more efficient passenger transport service by some Councilors, other parties, but particularly WCC consultants, Opus International, were seriously misleading and at times downright false.

I became involved with a small group of dedicated people making great sacrifices in terms of time, effort and money, to try and convince the Council and proponents of the revocation of the pedestrian status of Manners Mall to abandon the proposal, not only for a number of especially sound reasons identified by CIO, but simply because the proposal was seriously flawed, unsound, inappropriate and unsupported by any solid or convincing evidence and in fact would lead to even greater delays and inefficiency in public transport in central Wellington than what the current and previous Councils have created and overseen. I saw my responsibility to Wellington as an opportunity to educate and enlighten Councilors et al as to why their proposal could only be described as a foolish and irresponsible waste of ratepayers' money. My involvement would be from my position of having over-whelming relevant knowledge and experience. I was later in a state of shock and disbelief to discover that 8 Councilors and their 'supporters' rejected my information because, without any basis to do so, they thought they knew better. I found this arrogant in the extreme.

As Councilors already know, I have spent an estimated well over 20,000 hours driving through central Wellington and the immediate suburbs, the last 8 years as a professional, full-time bus driver. I know what works and what doesn't, what works and what doesn't. Strategy and Policy Committee - Meeting of Thursday 20 May 2010 (Reconvened Friday 21 May 2010) Reference: 119/09P(A) Mostly six days per week I have to manoeuvre large

'tag-axle' buses around the narrow confines and corners of the city's streets, attempting to avoid collisions with stationary or parked vehicles and obstacles often placed in the way of buses by successive Councils and their staff, such as City Engineers Steve Spence and Steven Hart. When the Council and its staff, or Opus Consultants, state that something will work or something will be successful or be an improvement, and I immediately can ascertain that they are wrong, it is my duty to the people of Wellington to say so. So I have been in a state of disbelief as to how eight Councilors have clearly been totally dismissive of all my evidence, totally dismissive of all the issues and problems I have identified and particularly all relevant matters pertaining to improving the efficiency and time taken for public transport to move through central Wellington using methods that would result in far greater time-savings than even those falsely claimed to be created by putting buses through Manners Mall. The SPC ignored and dismissed the evidence of the only real expert on these issues who appeared before it on two previous occasions.

Instead, whose evidence and submissions did they accept instead? Mostly young, desk-bound, female policy and urban planning staff who had zero knowledge or experience of driving buses, let alone through the narrow confines of 'Manners Mall', together with the desk-bound, computer-programme-focussed Opus International personnel such as Wayne Stewart who produced their report without, I believe, any actual practical measurements, observations, etc in the essential areas and matters I had identified, until their report was challenged by me and CIO in the Environment Court. The eight Councilors rejected practical trials and instead used a desk-top exercise to support their decision to spend \$11 million of Wellington rate-payers' money. It is safe to say that voting to put buses through Manners Mall cannot have been based on the real evidence – because all genuine evidence is contrary to this proposal – it must have been based on personal agendas, political considerations or reasons not known or understood by the public and ratepayers or myself.

It is therefore appropriate to request the eight Councilors to consider the following:

In view of what has gone before and my experiences in the supposed **consultation process** relating to matters associated with Manners Mall, I believe it is necessary and appropriate to remind the members of the SPC of the WCC, especially the eight Councilors who voted for the revocation of the pedestrian status of Manners Mall, of the following matters regarding the consultation process for Local Bodies:

- The consultation process has statutory and legal requirements.
- Consultation includes listening to what others have to say and considering their information and responses relating to their submissions.
- The consultation process must be genuine and not a 'sham'.
- The party obliged to consult, ie. the WCC/SPC, **must keep an open mind and must be ready to change and even start afresh.**
- Consultation is the statement of a proposal not yet fully decided upon.

The above summarizes some of the particularly relevant aspects to consultation applicable to the current issue, as stated by the **Court of Appeal** in its dealing with a case involving **Wellington International Airport**, and hence the Wellington City Council. As the Mayor is an income-receiving director of this Company, she should be especially well-informed of these matters.

What conclusions can be drawn and what interpretation can be made, when on a proposal for which Wellington City Council is lawfully and constitutionally bound to have a consultative process, Councilors – possibly three or more – for their own personal and political agendas – regardless of the facts, the rationale, the information, the logic, etc, had already determined the way they would vote? Whose status was that their minds were already made up **prior** to the completion of the consultative process, if not before it even commenced? Whose minds were closed to any and all information or argument that contradicted the position they had already assumed or adopted? **Would this not be considered as a totally unacceptable corruption of the consultative and democratic process?** Because there has to be some reason, some explanation as to why this matter has progressed to the current point against the genuine facts of the matter.

I want you all to put on your biological caps at this time and imagine, if you will, the process of digestion. There is one difference. On this occasion it is 'mental' digestion and this 'digestive' process has proved helpful in the learning process for many of my previous mathematics students. It involves the acronym,

RAID. ie, Read, Absorb(the information) and Inwardly Digest it(in the mind).

In relation to putting buses through Manners Mall, I believe it is an irrefutable fact that the eight Councilors whose votes have brought us to this point, neither at the time of voting, nor since, had then, or have acquired since, any of the specific and relevant information and knowledge that I and others have identified and that I am including here, that they should have obtained and understood so that they could study it, consider it, analyze it and evaluate it **PRIOR TO CASTING THEIR VOTE!**

Accordingly I challenge the eight Councilors to go carefully and meticulously through the material in this document relating to matters associated with **traffic resolutions** and ask yourself this question on each matter: "Do I have now, or more relevantly did I have at the time of voting, the faintest idea about any of this crucial and relevant information? Did I cast an informed vote based on this knowledge?" One does not have to be a 'rocket scientist' to be certain of the response.

By doing what I have been doing on the issue of Manners Mall, I must state that the **opinions I hold are my own**, even if they are agreed with by others who are knowledgeable, or experienced or who are intelligent and have analytical ability. Despite being employed as a bus driver, I am not expressing the views of my employer, nor am I speaking on behalf of my employer. If my views coincide or differ from those of my employer, that is simply co-incident or chance. **My position is as a long-standing resident and rate-payer in Wellington who loves his city and wants the best for it and who happens to have more relevant and appropriate knowledge and experience in relation to putting buses through Manners Mall, than probably any other person who has been involved in, or who has publicly supported, the decision of the 8 Councilors.** Accordingly my opinion should carry extraordinary weight, and I find it unbelievably arrogant for the eight councilors and their supporting staff, let alone all those possibly well-meaning but sadly uninformed or misinformed others, to assume the position that they know better.

In the Environment Court last month, Chief Judge C J Thompson, for reasons unknown but suspected, adamantly refused to let me demonstrate to the Court that assertions, comments and conclusions presented to the SPC of the Wellington City Council – ie the elected Councilors – by the Consultant company Opus International, chosen by the Council to receive a large sum of Wellington ratepayers funds for producing a report on the proposal, were gravely misleading and contained material that was not only false or unsubstantiated, but apparently involved the use of accidentally or deliberately corrupted computer software programs. Had the Judge allowed me the opportunity to use my scale model to prove that the Opus International material was grossly in error, the ramifications would have been profound because this would have meant that **Opus International would have been discredited and their material shown to be false and misleading. As the Wellington City Council had repeatedly made it patently clear that effectively their whole case for digging up Manners Mall and putting buses through was based on and supported by the Opus report, this would have completely undermined and demolished their case – or at least the case of the eight out of fifteen Councilors whose votes 'carried the day'.**

It is astonishing to find that this Company on whom the 8 Councilors have over-whelmingly relied, could not even identify the several major operational problems and difficulties that are immediately apparent to even the casual observer. Opus has been presented as a Company with expertise in relation to public transport. Clearly the eight Councilors believes this is the case. But what Opus has stated and also what it has failed to identify appears to support an allegation that it is incompetent. Playing with figures and mathematical models sitting at a desk in front of a computer obviously doesn't 'cut it' when dealing with large, moving vehicles in restricted operating space with a large number of vulnerable pedestrians in the 'mix'. A claim could be made that the Council has wrongly spent precious rate-payer funds and that the company in receipt of those funds appears to have received them under false pretences.

As I understand it, **traffic resolutions** involve bus stops, various types and sizes of parking areas including loading zones, traffic lights, bus shelters, street furniture, support poles for the trolley bus over-head, and traffic flows. I intend to focus mainly on matters affecting traffic flow, and the place and operation of traffic lights efficiently and appropriately according to traffic and pedestrian flow and demand, about which I have advanced knowledge, which I assume the SPC would want to know about, but I have other comments with which I will deal first:

- The proposed replacement bus stops are outside Arty Bees Book Shop at the James Smiths Corner for 'west-bound' traffic, and within 'Manners Mall', near Burger King for 'east-bound' traffic.
- The current 'east-bound' bus stop is in lower Cuba Street approaching James Smiths Corner. There are bus shelters at this stop but there are few pedestrians other than those waiting for or alighting from buses and these passengers are not being subjected to heavy pedestrian traffic trying to move through and past them. (It should be mentioned here that there is certainly no case for increasing the size of lower Cuba Street footpaths to accommodate large numbers of pedestrians walking down to the Michael Fowler Centre or beyond, as what exists at the moment is more than sufficient.)
- Such will not be the case with the new proposed bus stops. The 'east-bound' stop in 'Manners Mall' will have markedly greater pedestrian numbers because of the density of normal pedestrian traffic being added to by the previous bus passengers from lower Cuba Street getting on, getting off or waiting for buses. In addition, The Arty Bees stop for passengers involved with 'west-bound' buses', where the footpath is more narrow, as well as normal pedestrian traffic it will now have not only the large number of people who would previously have been involved with the buses in Dixon Street at the Cuba Mall stop, but also possibly half of all the bus passengers who previously used the Manners Street West bus stop which the Council, in an act already angering bus travelers who use this stop, is planning to remove and by doing so force those passengers to walk an extra 100 to 200 metres for their bus.
- Placing bus shelters in either of these two new locations, but particularly the one in Manners Mall, will seriously hinder, interfere with and impede normal pedestrian traffic flow. Wayne Stewart from Opus refers to the 'street furniture' zone and how this could be used for 'plantings, poles and seatings', but clearly this proposal is completely inappropriate here under these conditions. Again Wayne Stewart appears to have 'got it wrong'.
- This immediately causes two significant problems. The first involves treatment of the elderly, infirm, parents with babies or young children, the blind, together with people in wheel chairs. Where and how will they wait for a bus in an area where there will be nowhere for them to sit down and wait and they will be in the middle of heavy pedestrian traffic trying to get past throughout much of the day? Secondly there is the major concern about health and safety issues. As a result of the narrow roadway, buses will be driving very close to the often crowded footpaths, where waiting bus passengers will be trying to 'dodge' or avoid all the people walking by. This greatly enhances the likelihood of people inadvertently walking on to the roadway or losing their balance and stepping on to the roadway after being knocked or bumped by a passing pedestrian. One can only imagine the trepidation of a blind person or the stress to which they would be subjected attempting to catch a bus in such an environment.
- With the original 'Golden Mile' existing in a city with little inner-city housing and therefore few residents walking or moving to and fro, compared to the current situation where city-dwellers are approaching 20,000 with more major inner-city residential accommodation coming 'on-stream', there is no comparison with the current and future pedestrian traffic increasingly using Manners Mall.
- As Chris Laidlaw said on '60 Minutes' this week, "You can't just go back to the past." It is thus accurate to say that **the Wellington City Council's use of the expression, "Restoring The 'Golden Mile' is not appropriate. The 'Golden Mile' can not be restored to what it was. Times have changed. Wellington has 'moved on'. We are in a different era. The environment is significantly and irreversibly different with the vast increase in traffic and inner-city dwellers and the increased size of passenger transport vehicles being examples. Referring to restoring the 'Golden mile' is, unfortunately, just emotive nostalgia and 'playing with words'.**
- Of course the safety problem is seriously exacerbated and will be of major concern on a 'minute-by-minute' basis if the eight Councilors force bus drivers to be tempted, in desperation at the delays, to drive their very large vehicles on or over the footpath amongst heavy pedestrian traffic and bus passengers in order to try and pass a stopped or 'broken down' bus.
- Many times each day there are problems caused by a number of trolley buses 'breaking down', together with a number of problems with the trolley bus over-head wires and supporting structure and cables. There can be, and often is, considerable damage, frequently in at least two or more Wellington locations simultaneously. The 'over-head' crew and their vehicles have to have access to the problem which, once they get there, can take more than an hour to resolve. When the problem occurs on Manners Street between Taranaki Street and Willis Street, there is likely to be traffic 'gridlock' on such occasions, including many buses and their passengers 'backed up' and it is likely to

be very difficult for the 'over-head' crew to gain access at all to the site of the problem, let alone deal with it. The staff involved have estimated that it could easily take an hour to an hour-and-a-half to deal with the problem. This means that public transport in the 'Golden Mile' would almost certainly be at a standstill for that time, or at least seriously delayed, and large numbers of passengers would be disadvantaged, inconvenienced or devastated by their lateness.

- Any time, and this will occur regularly, there is any need for any maintenance, repair or service vehicles and crew to work on any part of the 6.5 metre 'Manners Mall'/Manners Street roadway, or on any building within this section of the 'Golden Mile', when this work cannot be done between midnight and 5.30am chaos will reign supreme because public transport will either come to a halt during this period, or have lengthy delays, probably angering and delaying literally thousands of people. The problem will be compounded by the Council's intention to block off the Mercer Street/ Wakefield Street/lower Cuba Street route as an alternative emergency back-up route. **So what are the efficient, alternative routes, north and south, that the Council has organised or planned for buses and their passengers on the occasions these major blockages, delays or hold-ups occur, as they will?**

Kerb widening!

For some years now, City Engineers Steve Spence and Steven Hart, and I assume other Council staff as well as elected Councilors, have had what appears to be a total obsession with putting thousands of tonnes of concrete around Wellington city and suburbs. This has been in the form of kerb extensions, medians, speed humps, obstructions in the road at, and associated with, intersections, etc. An accusation could probably be supported that, in view of the Council allocating over \$20 million of precious ratepayers' funds to these people to spend over, I believe, an eight-year period, on a 'Traffic Calming' programme, this group have worked tirelessly to find ways to spend other people's money.

What have they achieved?

- Tens of thousands of dollars or more damage to the tyres and wheel alignments of Wellington road users' vehicles.
- Tens of thousands of dollars or more damage to the tyres, wheel alignments and particularly the rear bodywork of long vehicles such as trucks and public transport buses.
- An unknown amount of on-going damage to the obstacles themselves, especially the metal poles and signs that are regularly placed in the concrete. **This is ratepayers' money!**
- An unknown but large extra unnecessary usage of non-renewable petrol and diesel fuel.
- An unknown but large extra associated cost to vehicle owners.
- An unknown but large extra unnecessary production of health damaging, ozone depleting, global warming poisonous vehicle exhaust fumes .
- The placing of concrete obstructions in the path of passenger transport vehicles and others.
- Resulting increased delays for passenger transport vehicles and others.
- Passenger transport timetables becoming even more unreliable and unpredictable than previously.
- Tens of thousands of Wellington workers, residents and visitors effectively being abused each and every day because of having their personal time unnecessarily wasted, with all the consequences of that, because of the unnecessary time lost through buses and other vehicles attempting to circumnavigate all the 'Traffic Calming' obstacles placed by WCC staff and contractors.
- Thousands of people every day having health-affecting enhanced stress and tension levels from the above.
- More accidents – personal, vehicle and pedestrian - as a result of the stress, tension, frustration, anger etc caused by the above.
- The opinion of Wellington as a desirable tourist location affected negatively as a result of traffic delays.

Attempting to explore the rationale, logic, common-sense and appropriateness of the above on numerous occasions with those involved, such as Steve Spence and Steven Hart, has met with an arrogant, dismissive, "I know best – get lost", response and has even included the receipt of abusive, insulting and rude treatment because of 'daring' to question or challenge their actions. **Despite having some positive aspects in certain locations, much of this 'Traffic Calming' programme is a total farce, doing more harm than good, and**

appears to be the result of Councilors believing they can spend almost unlimited amounts of Wellington's ratepayers' funds on their 'political agendas'.

What is the relevance of this to the current **traffic resolutions**? Considerable, because this obsession with concrete has been maintained and continued in to the plans published for Manners Mall and nearby streets. This means that the continued unjustified blocking and obstructing of vehicular traffic, including passenger transport vehicles, causing further delays for everyone involved, is continuing unabated. Why does it appear that no Councilor or staff member has had the courage to issue a serious challenge on these Traffic Calming issues? Too scared? Too much power and control? Personality clashes? Sense of futility? Knowledge that the challenge would be ignored or dismissed? All of these? **Has the Council and its staff forgotten who pays their salaries? Do they feel they are not accountable to Wellington's ratepayers? Which Councilor is responsible for the major problems created for public transport over recent years? Is it the whole Council? A voting majority of the Council? Or is it Infrastructure manager Stavros Michael? He certainly appears to have a major responsibility for all the obstructions the Council has placed in the way of buses, as well as over-all responsibility for the appalling state of Wellington's traffic light operation. Why has he failed to remedy these problems despite knowing about them?**

Kerb widening Contd.

Kerb widening, or in other words footpath extension, has been responsible for an increasing amount of delay to all traffic around Wellington in recent years. Despite the Council 'maintaining' that it has a policy of efficient (ie quick but safe) public transport services through Wellington, what it has accomplished is quite the opposite. It has achieved this particularly in two ways. Firstly it has caused increasing delays to vehicular traffic, especially buses, by progressively using concrete to place obstructions in the way of that traffic. Secondly, it has continued to employ several individuals who have overseen the most appallingly inefficient, non-properly-managed, wrongfully phased and constantly malfunctioning set of traffic lights one could almost imagine, with a major negative effect on public transport. What is worse, is that all of this has been forcefully brought to the Council's attention over a period of several years. The Council's response has been to immediately 'leap to the defence' of themselves and staff involved and retreat in to a 'denial' mode. They have been totally dismissive and have done nothing about the problems. Only very recently, Steve Spence has overseen putting concrete on the roadway in Kilbirnie that has totally prevented the GoWellington shiftmen from using their traditional and most efficient route for arranging to do a bus replacement for an 'in service' faulty bus. They are denied access to the street because of all the new completely unjustified 'traffic calming' concrete. Calming so successful it actually stops the traffic! Of course **Steve Spence was reported in the newspaper many years ago stating something along the lines that he wanted to make it so unpleasant for people to drive their vehicles in to Wellington, that they wouldn't! Does he still have this personal agenda? Is what he is doing and has what he has done all part of that agenda? Does the public know about it? Do the Councilors know about it?**

The SPC/WCC have all previously received documents outlining in some detail some of the more major problem areas to which I am referring. Have any of the Councilors read it, either then or now? At this juncture I could simply make reference to the 'Cable Car stop, the end of Lambton Quay opposite the new Supreme Court, Kilbirnie shops, Tinakori Road and Hawkestone Street, etc.

I will now draw your attention to what I have as A3-sized diagrams produced by CPG and ask that you scrutinize them carefully to see how many times you can note 'kerb widening'. I now challenge you to consider each one in turn and see if you can 'come up with' a genuine, rational and necessary reason why the kerb at that point needs to be widened. Chief City Engineer Steve Spence, during conversations with me, falsely used pedestrian safety as the reason for widening the kerb so much in Kilbirnie that it completely blocks what should be a bus lane, delaying literally thousands of bus passengers every day. He explained that by extending the kerb on to the previous roadway, this reduced the length of roadway on which pedestrians had to walk. Walking across the road for less time meant those pedestrians were less at risk from accidents with moving vehicles – it was safer he claimed. Absolutely astounded at the nonsense he was saying and to which I was listening, I pointed out succinctly that what he was saying was totally irrelevant, as this Bay Street/Rongotai Road intersection was a 'Barnes Dance'. All pedestrians crossed simultaneously at the same time – no vehicles were moving at all and thus there was zero danger of the

potential accidents and injuries to which he had referred. In other words, as I have said, he was talking nonsense. What he was saying was plainly untrue. His reasons and statements were knowingly false. And he justifies spending ratepayers money by false pretences? He also used false reasons to me in justifying why he has used a massive amount of concrete and has closed a lane in Tinakori Road, successfully blocking off access to the motorway and Thorndon and causing delays, often extensive, to literally hundreds of people every day.

After your close inspection of each planned kerb extension, ask yourself these questions: "Can I identify any genuine and appropriate reason why the kerb must be extended at this point? Am I aware of a previous serious safety issue at this point that would be significantly improved by the extra concrete? Can I envisage that as a result of these extra tonnes of concrete being on the roadway there is a possibility of it slowing or delaying vehicles traveling along the road? Is this necessary? Will this save pedestrians from injuries previously experienced at this point? Might the concrete protruding on to the road cause any damage to vehicles? Could vehicles hitting the concrete be thrown off line and potentially have a vehicle or pedestrian accident? Will this make traffic flow more efficient or possibly cause problems? Can genuine evidence, not false, fabricated and concocted claims, be produced to justify this kerb widening, or is it simply part of a personal, long-term crusade?" And finally, "Have I identified any evidence that would contradict an assertion that the City Engineer has an obsession for spending ratepayer money on concrete whenever and wherever he has the opportunity?" For starters I refer you to the kerb extensions planned for the bottom of Cuba Street, Dixon Street at Cuba Mall, Dixon Street at Victoria Street, Victoria Street south of Manners, Dixon at Taranaki and Taranaki north of Manners. In other words, do we really need these kerb extensions and all the extra tonnes of concrete, or is it just a fetish or obsession? The reason the question needs to be asked is because there have been several kerb widenings in the past few years that have had a major detrimental effect on public transport in Wellington. Why was it allowed? Was no-one in the Council capable of analysing what was proposed, identifying the consequences and 'putting a stop' to it? No-one?

Off-route buses: Because driving their shifts requires drivers to be constantly changing their routes and because there are matters or incidents consistently distracting drivers, it is perfectly normal for drivers to suddenly discover they have taken the wrong route, such as the route of their previous trip. With over 300 drivers, it happens at least several, if not many times each day. One problem area is a 7, 8 or 9 bus that is supposed to go up Victoria Street, instead going straight ahead towards Taranaki Street. I ask you to consider how this bus will quickly and efficiently 'get back on track to go up Victoria Street, based on your current proposal? Have you left sufficient roadway and 'turning radius' roadway for a long vehicle to successfully turn 'off-route' in order to minimize delay for passengers, get back 'on-route', keep the transport schedule operating as best as possible, and not inconvenience later passengers? Or have you planned to put kerb extensions, concrete at intersections, poles, signs, seats, etc in such positions that that part of the day's public transport schedule is effectively wrecked?

The Council and its staff, against strong advice, have created significant problems and unnecessary and avoidable delays for public transport at the Courtenay Place/Taranaki Street intersection north-bound, commencing from the St James Theatre. The Council is now planning to narrow the roadway at the entrance to Taranaki Street from Courtenay Place by yet more concrete kerb extensions, when the three lanes outside Molly Malones are barely sufficient now. Are we going to have a repeat of the farcical, totally inadequate **7.84 metres for three lanes situation** that causes delays for hundreds of passengers northbound every evening opposite the Supreme Court at the end of Lambton Quay? Both sides of Taranaki Street on the harbour side of the intersection with Manners/Courtenay are frequently used by large buses now, especially when there are road blockages elsewhere. This can even include buses turning left from Taranaki Street outside Molly Malones, heading to Courtenay Place. **Is this yet another example of the Council and/or its staff, putting in place changes to the infrastructure of central Wellington that proves they haven't the faintest idea about what they're doing? That proves they have no knowledge or understanding of the practical consequences for public transport in Wellington? Similar to the whole plan of putting buses through Manners Mall?**

I would now like to refer to the many operational problems that **will negatively affect traffic flow if buses are directed through Manners Mall**. These will all consistently result in delays of varying lengths for public transport and result in increased unreliability of bus services, trips taking longer and bus passengers having even more delays in getting to their destination. It is clear that eight Councilors, for reasons unknown, appear to have had closed minds on these issues up to when they cast their votes but perhaps even more seriously have since kept them closed as more and more operational difficulties have been brought to their attention. I know of no excuse for elected Councilors behaving in this manner. In other words they are blindly following the corrupted and discredited Opus material or using it as an excuse if they have other motivation. Well now is the time to 'put it right'. Now is the time to swallow hard and admit you 'got it wrong'! Do you have the courage and intestinal fortitude to do so?

For the WCC to be continuing to spend vast sums of precious ratepayers' funds working on the details of a plan that is doomed from the start because 8 Councilors totally failed to recognize major difficulties and operational problems, is bizarre and unacceptable. These problems will unarguably prevent the proposal being a success. They will not only prevent increased efficiency and time-savings in passenger transport through the central city, they will make it considerably worse! And yet the Council wants to 'push on'? Why do these 8 Councilors and the Council staff who have bent over backward to create or concoct material that supposedly supports the view and stance of those 8 Councilors, believe that they have 'got it right' and I and my colleagues – the experts on these matters – have got it all wrong? What is going on?

In an attempt to discredit me and others, Council staff – mostly women – and the Council lawyers, DLA Phillips Fox, have gone out of their way to state that we are not qualified urban planners, urban policy makers, urban designers, etc. Frankly, when it comes to knowing whether I and my colleagues can drive buses safely and efficiently through the proposed Manners Mall, when it comes to knowing about traffic flows, dealing with breakdowns, assessing time frames, assessing likely delays, understanding the incompetence in traffic light management constantly on display in Wellington, etc, etc, etc, a Degree in urban planning, policy or design has absolutely nothing to do with it and these staff have behaved in an outrageous fashion attempting to fabricate their own alleged expertise and ridicule ours.

So let's get down to some specifics which makes the current traffic resolution process inappropriate in the extreme. Let's deal with matters that are involved with and associated with traffic flow in this part of the city – matters that would have a major effect on traffic flow.

The Apparent Deliberate Misleading of Wellington City Council by Dr Wayne Stewart and Opus International

In Particular, Pg 21 of 'Supplementary Evidence of Dr Wayne Gavin Stewart' dated 19 March 2010 from DLA Phillips Fox

In the supposed computer-generated diagram on this page using 'Opus' tracking software, Wayne Stewart and his engineer(s) have 'created' a diagram that falsely and misleadingly attempts to create the impression that there is sufficient width in the proposed 6.5metre roadway through the current Manners Mall to allow buses traveling in the same direction to safely pass each other starting from only 3.2 metres from the rear of the front bus, without any encroachment on to the footpath to the right. They are claiming that this manoeuvre is not only possible, it is safe for the buses and safe for all the pedestrians. This claim is blatantly false.

He has informed the Council that his diagrams are drawn to scale. As his evidence must relate to buses used in Wellington, I have assumed therefore that his rectangles representing large 'tag axle' buses are drawn to scale and include the essential dimensions of side mirrors. If not, we have an even greater problem.

However, from his diagram:

- His tag axle buses are drawn 1.2 metres too long to correctly represent the length of a 'tag axle' GoWellington bus.

- For the purpose of this exercise that has no particular relevance, other than to exaggerate the misrepresentation of fact even further. Had his diagrams otherwise been valid or correct then that would have been an issue, but as they're not, it is not a major problem but needs to be noted.
- On page 21 the space drawn between the left-hand side of the bus and the kerb represents only about 35 centimetres. This is probably not a sufficient space to allow a safety margin for pedestrians in such a heavily congested area in case one is knocked off balance by another pedestrian and steps off the footpath, or is simply not paying attention. If so there is a serious risk of being injured or worse.
- The space Wayne Stewart has shown between buses represents only about 30 centimetres. Clearly this is not a sufficient recommended space to guarantee no contact or collision between buses as the drivers try to pass whilst coping with all with which they have to cope under such conditions. No driver would be prepared to accept that 30 centimetres was a sufficient margin of safety.
- On this diagram, without doubt Wayne Stewart has falsely 'created' a space drawn to the right-hand side of the front of the passing bus, shaded pink, in an attempt to persuade viewers that there is 'plenty of room' to pass another bus according to his scenario. He has actually labeled this area as that which is needed by the rear bus for the manoeuvre. Using his scale, this space represents about **1.07 metres**.
- The overall effect is to seriously misrepresent the width of available roadway in 'Manners Mall'. If each bus is up to **2.98 metres**, the space between the left-hand bus and kerb is **35 centimetres**, the space in the middle between the buses is **30 centimetres**, and the space shown on the right-hand side to the passing bus is **1.07 metres**, we have: $0.35\text{m} + 2.98\text{m} + 0.30\text{m} + 2.98\text{m} + 1.07\text{m} = 7.68$ metres! - **not 6.5 metres**. **After previous protest to the Council, the carriageway has already been extended from the planned 6.0 metres to the current 6.50 metres, but it is not 7.68 metres.**
- **In other words this diagram does not represent the true situation as it falsely represents a roadway 1.18 metres wider than currently planned!** This is a blatant falsification or exaggeration of the width of roadway by over **18%**, or nearly one fifth greater than the truth.
- **Again, had the diagram been drawn honestly and properly to scale, there would have been no pink-shaded' area whatsoever to the right of the passing bus. (WCC and GWRC comment?)**

In a congested pedestrian area, as this most certainly will be for many hours per day and will be increasingly so in the months and years ahead with thousands more people expected to move to inner-city accommodation, in order to minimize risks to those pedestrians and to minimize the chance of between-bus accidents – **and accompanying delays for all involved** - in my opinion there should be an allowance of at least **40+ centimetres** to the left, at least **60+ centimetres** between buses and another at least **40+ centimetres** to the other kerb. This is a minimum total road width for safety of **7.4+ metres, not 6.5 metres!** 7.3 metres was the recommended width of road for 2 bus lanes when buses were smaller, decades ago. **This is crucially important because even though the Opus diagram is only representing buses going in the same direction, the WCC is intending to have them driving towards each other in opposite directions, so safety margins are even more vital and important for drivers and pedestrians.**

Apparent Deliberate Corruption or Alteration of Tracking Software Used by Opus

Despite the fact that Environment Court Judge C J Thompson failed to understand or appreciate the problem – in fact he appeared totally dismissive of it, raising concerns about his competence and/or his motivation - it is a relatively simple matter to demonstrate that the coloured, computer-generated diagram on page 21, allegedly produced by Opus's 'Auto Turn' 6.1 tracking software programme and presented to the Council by Wayne Stewart as irrefutable fact, is false, distorted and misleading. It bears no resemblance to the truth or reality and appears to represent deviousness and corruption on the part of those involved. The diagram claims to prove or show that a large (tag-axle) bus can start a mere 3.2 metres behind another bus in the narrow confines of 'Manners Mall' on a 6.5 metre carriageway and successfully pass it without impinging in any way on the footpath on the right-hand side of the bus. The diagram appears to be an attempt to mislead the Council and all those supporting or involved in the decision of revocation of the pedestrian status of Manners Mall. It is blatantly and appallingly false. Far from what is 'alleged' by Wayne Stewart and Opus by means of this diagram, the truth or reality is vastly different and can easily be demonstrated. Even Judge Thompson admitted I may very well be right. There is no "may" about it as I have proven it in a practical trial. ~~As the stage did anyone from the Council/SRM, the GWRC or Council staff, etc, show any interest in actually finding out for themselves the truth of the matter.~~

Opus appears to have been shown to be corrupt or incompetent or both, because the only conclusion that appears able to be made is that Opus staff or consultants deliberately altered the computer programmes/tracking software in order to produce false diagrams that supposedly supported their claims. In addition, it was also Opus, using the same, now discredited, tracking software, that produced diagrams – strongly disagreed with by professional drivers and shiftmen from GoWellington, as well as Mana Coach Services – that attempt to demonstrate that 2 'tag-axle' buses going in opposite directions can pass each other perfectly comfortably, I assume they mean at normal pace, as they turn at the Manners Street West/Willis Street intersection, **something that no bus driver is currently prepared to do, side-by-side, when traveling in the same direction, due to almost certain collision.** Again, many months ago this claim was challenged before the Council/SPC which was asked to arrange a practical test to confirm or deny this Opus claim. The Council/SPC couldn't be bothered, again foolishly accepting the Opus claim at face value. In fact a majority of the Council appears to have irresponsibly and unacceptably accepted anything and everything Opus has said, including almost certainly false and unsupportable Economic Benefit figures and absolutely certainly false claims about improved efficiency and quicker trip times for bus services through 'Manners Mall'. Have eight Councilors simply accepted at 'face value' lines drawn in over a photo of the roadway at the Manners/Willis intersection when anyone could have drawn those lines to show whatever they wanted? Did none of those eight Councilors require any analysis, measurements or anything more concrete and persuasive than a few curved lines that a child could have drawn?

Then there is the, frankly ridiculous, Opus claim that no operational problems have been identified in changing the bus route to go through 'Manners Mall', when bus drivers involved, Mana Coach Services management, the GoWellington shiftmen, together with the lay people in the CIO group, have identified **major operational problems that without argument will regularly and consistently result in slower public transport movement through Wellington City and at times result in lengthy delays affecting literally thousands of Wellington people.** This leads to further allegations of corruption, or at the very least, gross incompetence in Opus International and blind faith from the Council/SPC, Council staff, GWRC, etc.

The only logical and valid conclusion that Judge Thompson should have arrived at is that the Wellington City Council's consultants, Opus, appear to be corrupt or incompetent and **appear to have deliberately mislead the Council.** This means that their report is discredited as it contains false and misleading material. Accordingly, as **the Council has effectively depended exclusively on the Opus report,** and made a majority decision accordingly, the Council's position is untenable and its decision regarding the Mall cannot be supported as it was based on false and misleading material which has been discredited.

So what is the truth, what are the real facts regarding matters wrongly and falsely presented to the WCC as fact by Opus International and Dr Wayne Stewart?

Let us consider their claim regarding a bus passing another bus starting 3.2 metres behind it in the 6.5 metre roadway planned through the previous Manners Mall.

- Opus claims that as a 'tag-axle' bus alongside the kerb turns sharply away to the right, its tail will encroach over the footpath less than 200 millimeters or 20 centimetres – that is 200 millimeters into the heavily pedestrian-populated footpath, although this is still unsafe for an unsuspecting pedestrian, let alone a child or an elderly or infirm person.
- GoWellington/NZ Bus is now starting to use buses that are known as 'twin-steer', meaning that the angle at which the bus turns out in to the roadway is considerably greater than normal front-wheel steering buses. The result of this is that the left-hand rear corner of the tail of the bus encroaches at a much faster rate, at a much greater angle and to a greater distance on to the footpath in amongst the pedestrians, I believe close to or even greater than 1 metre and certainly not the 'less than 200 millimetres' (or 20 centimetres) claimed by Wayne Stewart. GoWellington shiftman Peter Coventry has commented on the frequency at which those left-hand rear corners of the bus tails are damaged against poles, bus shelters and shop awnings or verandahs and even other buses as a result of this extra encroachment. This includes the smashing of the large rear window.
- The conclusion is obvious. In the confined, increasingly heavily populated pedestrian footpath area in 'Manners Mall', **there will be much greater danger for unsuspecting and probably inattentive pedestrians, with resulting safety and injury concerns. Are/were the 8 Councilors and their**

supporters aware of this significant operational and safety problem? Opus was not.

- When a bus moves out to pass a stationary bus the driver has to consider a number of operational matters. Firstly, almost the whole manoeuvre in relation to the bus being passed has to be undertaken through close observation in the left wing mirror, which can create serious difficulties. Are passengers preventing the driver from seeing it? Is the front door or left front windscreen 'fogged up' preventing proper visibility? Is there rain on the mirror affecting visibility? Are there any lights or reflections affecting visibility? Then the driver has the challenge of being able to see and judge that he is sufficiently clear of the right rear corner of the bus being passed in order to guarantee no collision, and he has to do so solely through the vision available in the wing mirror and by trying to see backwards around 12 metres. This is not an easy proposition. On Wednesday of this week I had almost zero visibility in my left wing mirror. The glass door of the bus was getting badly fogged up, there was rain all over the mirror itself, it was dark outside but headlights and reflections were everywhere. It would have been dangerous to even think of passing another bus. Had I been in 'Manners Mall', it would have been no different.
- When planning to pass at any time, but especially in the restricted area of 'Manners Mall' and doing so under conditions of two-way and hence approaching traffic, the passing manoeuvre can take some considerable time. The driver will firstly 'ease out' just enough to get a clear view. If the decision is made that no bus is approaching at a sufficient speed or is at a sufficiently close distance to make the manoeuvre doubtful or impossible, the driver will proceed, all the time checking in his left-hand mirror. When he has judged that his left-hand rear wheels are sufficiently outside the line of the right-hand side of the bus being passed, the driver will straighten up and continue parallel with that bus.
- Then, when the driver has judged that he is approaching 12 metres in front of the left-hand bus so that he is confident his left rear wheels are actually in front of the right-hand front corner of the bus being passed, the driver is then able to turn back to the left towards the kerb.
- Every day, probably countless times, an operational challenge and problem occurs that is even difficult enough to deal with in a two-lane, one-way traffic situation, such as Dixon Street and Manners Street West, but becomes a major problem in a narrow, two-lane, opposing traffic situation, as planned for 'Manners Mall'. I attempted to describe this problem to the Environment Court but **the Court has since proved that it failed to understand or appreciate the significance of this issue and ignored it, but it can not be ignored.** I refer to what consistently happens when in the process of passing another bus. On probably a majority of occasions, at some point during the passing manoeuvre the bus being passed starts moving forward again, including when the passing bus has almost drawn level with it. As buses are so often 'nose-to-tail', as the second bus pulls out to pass, especially if it has progressed well in to the outside lane or opposing lane as in this case, the third bus moves ahead to take its place behind the first bus and in turn the fourth bus moves forward, etc.
- The result is guaranteed delays to the buses and their passengers, possibly considerable, because the passing bus is now effectively 'trapped' in the opposing oncoming traffic lane and it may take some time, especially if a bus stop or traffic lights are part of the picture, before this bus is able to somehow find its way back in to its lane. **In the mean time it is totally blocking nearly half of the public transport route in Wellington** – all the Rail to Courtenay Place buses through the 'Golden Mile' or vice versa! This could easily be 10 – 20 buses in this vicinity with literally hundred's of passengers. **Are/were the 8 Councilors and their supporters aware of this major and significant operational problem and its consequences? If not, why not? Opus was obviously not capable of under-standing or identifying it.**
- I conducted a trial with a large 'tag-axle' bus at the Kilbirnie bus depot. I began from Wayne Stewart's 3.2 metres behind a bus parked in front. I commenced to pull out and pass. This was done slowly and carefully, stopping several times to ensure accuracy. My vision in my left wing mirror was as good as possible. I used a metal, 8-metre tape measure. When I had reached the safe and appropriate position to straighten up in order to drive alongside and parallel to the front bus I stopped and took relevant measurements. In a total exposé of Dr Stewart's '**doctored**' diagram, the front right-hand corner of the bus, far from being contained within the 6.5 metre carriageway, was **2.2 metres in to and over the 'Manners Mall' footpath.** As the footpath is planned to be about 4.25 metres in width, **this would be just over halfway across the footpath** and amongst all the pedestrians.

- To make matters worse, from the time the front right-hand corner of the bus encroached over the footpath until it left the footpath as the bus straightened up, **the bus had been driving on or over the footpath amongst all the pedestrians for a distance of 10 metres(+/- 50cm)**. **Are/were the 8 Councilors and their supporters aware of these major and significant operational problems and their consequences in relation to delays in public transport services, together with the extremely serious health and safety issues? If not, why not?**
- Despite Wayne Stewart actually making the valid and appropriate observation that buses need to be able to pass stationary buses, I can categorically state that on most occasions and under most circumstances, **bus drivers will be unable or unwilling to pass in the narrow confines of 'Manners Mall'**, both because of oncoming buses and also because of serious danger to pedestrians, especially when passing would necessitate driving all over the footpath amongst those pedestrians.
- Despite my best efforts to explain the difficulties and major problems associated with Wayne Stewart's, now shown to be false, claims, **astonishingly Judge C J Thompson simply dismissed my concerns and my evidence**, stating that buses, instead of starting to pass from 3.2 metres behind, could simply commence passing from, say, 10 metres behind. To the Court I indicated that that was not an option. Firstly it would mean traveling 'on the wrong side of the road' for much longer, potentially in to the path of on-coming buses. Secondly, as we would frequently be in a group of buses traveling 'nose-to-tail', under these circumstances our procedures require us not to pass another bus unless we have carefully checked that no body at the bus stop has indicated that they want to catch our bus, we have nobody getting off and crucially we are the 2nd bus in the 'convoy'. Any position further back means we are expected not to attempt to pass. Thirdly, with heavy pedestrian traffic, **accidents and injuries to pedestrians will be much more likely, because it can be guaranteed there will be pedestrians stepping out on to the roadway without looking appropriately because they would not be expecting a large bus to be approaching close to the kerb or even well over the footpath on the wrong side of the road!** As it is they step out without looking now on wider roads than 6.5 metres. Fourthly, we are talking about public transport buses where passengers have to get on and off, meaning that unless a driver could somehow guarantee that no passenger on the bus wanted to get off and that no passenger was waiting up ahead to get on, the driver would be in no position to even consider passing from a position well back.

I advised the Court that in reality this could only happen, providing a legal and safe length of the opposing roadway was guaranteed clear and would remain so for the entire distance of the passing manoeuvre - even forgetting about the major regular operational problem described **in the first two bullet points of page 11** - if the passing bus was 'Not in Service', had no passengers and had no reason to stop. Of course the number of 'Not in Service' buses passing through 'Manners Mall', especially during the 5-6 most busy hours each day, is negligible, confirming not only the inappropriateness of Judge Thompson's position, but his clear lack of knowledge and understanding of all these matters.

- It is appropriate to make further reference to the Environment Court and its apparent belief that trolley buses having auxillary battery power, although several do not, means that any problems with trolley buses or the main 500 volt overhead power supply will be short-lived and cause no significant delays to public transport. **It stands corrected.** Teena Pennington from the WCC was completely dismissive of all of these problems, making the astonishing claim that because the bus drivers had radios, because the ('shiftmen') had a truck and because trolley buses had batteries, effectively there would be no problem. She claimed that this would "ensure disruption is kept to a minimum." just ask the shiftmen!

It is necessary and appropriate to comment that in the SPC Report 2 of 10 December 2009, each and every problem or issue identified by opponents of the revocation, have been overwhelmingly rejected and dismissed under the category of 'Officer Comment'. Nowhere is the identity, experience, background, knowledge or qualifications provided regarding this 'Officer'. I believe that this, in fact was Teena Pennington, a WCC employee who, I believe, it is fair to say has absolutely no knowledge, experience, background or qualifications to make any analysis, any investigation, any assessment, draw any conclusions, apply any logic, or make any decision relating to all the material I have presented in this document. And yet she rejected everything without exception? It is also fair to say that all Teena Pennington apparently did was simply summarize what others said, **especially**

what was in the now discredited Opus report. Is this not an unacceptable farce?

Only this week I had a problem with a trolley bus in Cambridge Terrace approaching Courtenay Place. A retriever rope had become jammed between the bus and a pole resulting in not only the overhead power being unavailable, but the battery operation could not function either. Despite the fact that I was in the left-hand lane of three traffic lanes going in the same direction meaning two lanes were still available and, unlike 'Manners Mall' there was ample opportunity for the shiftmen and their truck to gain access to my bus, I still caused some traffic hold-ups and delays to buses and their passengers throughout a period of 20 minutes. In 'Manners Mall', with no free lanes at all, traffic in both directions would have been brought to a standstill and it would have taken much longer than 20 minutes to clear. (I wonder how this will affect the Opus/WCC claim of faster and more efficient travel? Totally undermine it?)

- Wayne Stewart also claims that buses will drive through Manners Street/Manners Mall in "platoons". I believe this means groups of 5 buses effectively traveling 'nose-to-tail'. He claims that these groups of buses will be created automatically by the traffic lights. Despite having had much opportunity to study written submissions received by Council on the long-standing, widespread, consistent malfunctioning of the traffic lights in Wellington City, Dr Stewart has obviously not 'taken it on board'. Had he done so he would have learned that a consistent and repeated problem with lights – and the Manners Street West/Willis Street lights – a crucial site in the Council plan - are the worst example in Wellington and have been so for several years with no evidence of ever getting any better – is 'short phasing' on the 'Golden Mile' route. This is where the green light phase is so short – only a few seconds – it only allows one or two buses through legally and perhaps the second bus only by 'running' the orange or red light. **This means that there can not be 'platoons' of buses traveling in convoy**, because with only one or two buses 'getting through' the lights per full sequence, it could take **3 complete sequences** to allow 5 buses through. So much for Dr Stewart's 'platoons'. His claim that having buses in these 'platoons' or convoys will allow substantial gaps in between 'platoons', thus allowing ample time and distance for an oncoming bus to pass another oncoming bus, is bizarre and is discredited by the operational facts.
- **His claim is patently false and ludicrous. Are/were the 8 Councilors and their supporters aware of this major and significant operational problem for buses and its consequences in a narrow, confined, two-way 6.5 metre wide roadway in 'Manners Mall'? If not, why not? Opus and Dr Stewart were not only obviously not capable of understanding or identifying this problem, it appears they have attempted to falsely portray the situation as being vastly different. This appears to be a serious example of dishonesty.**
- In relation to operating matters regarding buses through 'Manners Mall' and all other matters arising from them such as economic benefit, Dr Stewart has claimed that whether buses can pass or not has little effect (only \$160,000) on the overall economic benefit of \$19.8 million arising from buses driving through Manners Mall, despite him contradicting himself by also indicating that buses passing stationary buses was accepted as a necessary component of Opus's economic assessment. He and Opus appear to have based this claim on a false and unsupportable conclusion that buses through Manners Mall will result in faster and more efficient passenger transport, **but this claim is false!** As this route will result in slower public transport with its associated increase in fuel, pollutant exhaust gases, increased energy use, increased costs and loss of further time for the traveling public, **are the 8 Councilors able to explain how it could ever be possible for them to claim, as they have, why these increased operational problems and associated costs could ever result in any economic benefit at all, let alone a figure of \$19.8 million? Surely the consequence would have to be an economic loss?** It would be pertinent to ask whether any group of intelligent, analytical, logical, thoughtful, endowed-with-common-sense, not naïve or gullible, group of people has ever sat down and put a claim such as Opus's \$19.8 million economic benefit 'under the sword'? Are we expected to believe that Opus has claimed that, **despite it being totally false**, an average time-saving of say, 40–150 seconds, from buses going through Manners Mall, would result in extra income for bus passengers, extra turn-over and profit for businesses and retail outlets, extra productivity for companies, etc, in such a way that Opus can actually put a 'dollars and cents' value on it all and 'add it up' to give \$19.8 million? Really?
- **Statements of Policy follow that, as a result of all these operational problems described above, none of which was identified by Dr Stewart and Opus, the Opus, 'accepted-blindly-by-Council-as-valid-and-**

alone space for safe passing and manoeuvring, the Council has seen fit to have 3 traffic lanes, an essential requirement at this location, totaling only **7.84 metres** in width, rather than closer to 11 metres. 3+'s into 7.84 won't 'go' and all the delays for all concerned every day are stark evidence of the Council's unacceptable action. In addition we have buses and their passengers actually being blocked such as by the completely unwarranted and illogical kerb extensions at Kilbirnie, held up excessively by inappropriately designed traffic lights such as in Kilbirnie and Berhampore, together with the widespread, constant, apparently unmonitored malfunctioning of literally dozens of other traffic lights throughout the City, and, along with other traffic, continually slowed down by the City Engineer's installing of thousands of tonnes of concrete as kerb extensions, median strips and concrete at intersections, including on bus routes in the suburbs – all part of his spending of \$20+ million of rate-payers' money on his 'traffic calming' programme. The major amount of concrete unjustifiably placed around the Tinakori Road/ Hawkestone Street intersection is a case in point, especially as daily it causes blocks-long traffic jams down Tinakori Road because it has blocked off the left-turning lane for Thorndon and the motorway.

I could also refer to the installation of more 'revenue-gathering' parking at the expense of public transport, such as in Lambton Quay between Stout Street and Waring Taylor Street, where, after putting in the angle parking, the Council has painted a white line depicting a bus lane, thereby pretending to be making a two-lane roadway, when it is a farce as the supposed bus lane in no way could accommodate a regular GoWellington bus. This stretch of Lambton Quay is therefore really only one lane wide when a bus is passing through.

So the 8 Councilors who voted for the revocation of the pedestrian status of Manners Mall, claiming that this was to 'speed up' public transport through central Wellington, appear to have been proven totally insincere – they can't actually mean it, because closing the turn from Victoria into Manners West, together with actually monitoring and enforcing the no-right-turn/no entry from Dixon into Victoria and Victoria continuing on in Victoria towards Manners West, which they have totally failed to do for the entire several years that these signs have been in place, resulting in the drivers of literally hundreds of vehicles every day committing up to \$300 each of traffic offences and causing continuous delays to buses and thousands of passengers over a daily period of many hours, if they did it now would save Wellington's bus passengers far greater time than anything claimed by Opus and the Council relating to Manners Mall! **In other words, digging up Manners Mall is an abuse of power and is totally unjustified because there are much superior methods available this instant, such as recommended by Mana Coach Lines and myself, for achieving a much greater outcome without involving Manners Mall.**

Last Saturday I had a lengthy discussion on some of these issues with two very experienced GoWellington shiftmen – the staff whose job it will be to try and untangle the shambles that will be created when buses break down or are disabled in Manners Street/Manners Mall if the Council goes ahead with this irrational scheme. Amongst the discussion was referral to the fact that eight Councilors have refused to consider the evidence, have refused to consider the facts and have refused to accept the validity and accuracy of the information and material relating to all the implications and consequences arising from putting buses through the Mall, provided by the one real expert witness involved in the submissions.

Arising from this discussion came the following dramatic proposal. So that the eight Councilors can have a vivid demonstration of how wrong they are, on how they should have been prepared to investigate the matter properly and have a trial as recommended, on how false and misleading has been material provided to them by Opus International but which they have accepted at 'face value', and how any and all claims that putting buses through manners mall will 'speed up' and make more efficient public transport through the Golden mile is, frankly, nonsense, and in addition a major increase in danger to pedestrians will occur, arrangements will need to be made for the following practical demonstration:

- In the next few days, make arrangements for all Councilors, including Council Urban and Transport Policy Analysts and Planners, WCC Engineers and anyone who has produced submissions or material supporting putting buses through Manners Mall, to go to the

GoWellington bus depot in Kilbirnie. A car will be needed for the demonstration.

- Make arrangements with the Kilbirnie management to have part of one of the large bus 'barns' available, shiftmen Peter and Ray if possible, and at least one 'tag axle' bus.
- Set up a representation of the proposed 6.5 metre roadway through Manners Mall.
- Because the eight Councilors et al have accepted the Opus claim that when pulling away from the kerb, the tail of 'tag axle' buses buses will encroach over the footpath by less than 20 centimetres, allocate an additional 10 centimetres (for good will), and park a WCC car on the Manners Mall 'footpath', parallel to the kerb and 30 centimetres from it.
- On the opposite side of the 6.5 metre roadway, have all the WCC Councilors and staff spread out and stand on the other Manners Mall 'footpath' representing just a few of the large number of pedestrians that use the Mall.
- Position the 'tag axle' bus 3.2 metres, as stated by Wayne Stewart, behind the rear bumper of another bus.
- Now, as described by Wayne Stewart and supported by his coloured, 'computer-generated' diagram on pg 21 of his supplementary submission to the Environment Court, have the rear bus commence to pass the front bus on this 6.5 metre, 'representative of Manners Mall', roadway and observe what happens!

Anyone from the Council who wonders whether the side of the WCC car will be smashed by the rear of the bus or that in addition any WCC staff will be run over by the front of the bus, will be able to have their belief confirmed or negated!

My job and my wife's terminal cancer fight have prevented me from continuing this further because of insufficient time, but I know that if any of the eight Councilors who are responsible for the current predicament, read and thought about even a fraction of the material I have included in this document, they should feel overwhelmingly embarassed at what they have done and want to move 'Heaven and Earth' to remedy their mistake – the mistake of voting for something that they now realize they really knew little if anything about, let alone all the problems. Buses through manners Mall will just continue the long-running campaign by Wellington City Councilors and their staff to slow down and delay public transport services in Wellington City.

Jamie Linton