In Confidence

Office of the Associate Minister of Transport

Chair
Cabinet Economic Development Committee

ACCESSIBLE STREETS REGULATORY PACKAGE: PUBLIC CONSULTATION

Proposal

1. This paper seeks the Cabinet Economic Development Committee's agreement to proceed to public consultation on draft amendment rules and a new rule for the Accessible Streets Regulatory Package.

Executive summary

2. The Accessible Streets Regulatory Package (Accessible Streets) is a collection of rule changes designed to increase the safety and accessibility of our footpaths, shared paths, cycle lanes and cycle paths. It supports the strategic objectives of the Government Policy Statement on Land Transport 2018 (the GPS) to improve people's access to social and economic opportunities, and to increase people's safety when using the transport system.

3. Cabinet was informed about these potential rule changes in a March 2018 paper outlining a planned programme of key short-to medium-term initiatives to improve road safety in New Zealand [DEV-18-MIN-0025 refers]. This included proposed rule amendments to improve safety and accessibility for vulnerable users[1]. Accessible Streets is also identified in the 2018/19 Rules programme.

4. On 1 May 2019, Cabinet authorised Ministers to develop the package of draft amendments to land transport rules to give effect to the proposed Accessible Streets Package. I am now reporting back to Cabinet seeking approval to consult on proposed rules.

5. The proposed rules would:

    5.1. re-categorize the types of transport devices that are used on footpaths, shared paths, cycle paths and cycle lanes

    5.2. establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, while enabling localised decision making in regard to the use of these paths

    5.3. clarify rules and road controlling authority powers in relation to berm parking

[1] By vulnerable users, the package refers to pedestrians, cyclists, wheeled device users, and the mobility impaired.

5.4. enable transport devices[2], including e-scooters, to use cycle lanes

5.5. improve the safety of vulnerable users at intersections and in traffic through a variety of give way rule changes

5.6. mandate a minimum overtaking gap for motor vehicles when passing vulnerable road users

5.7. establish reflector requirements for users of transport devices at night time

5.8. give public transport buses priority when exiting bus stops.

6. The proposed rule changes respond, in part, to cyclists being disproportionately killed and injured on our roads. By increasing pedestrian and cyclist safety and priority, the proposed changes support the Government's focus on increasing the uptake of active transport modes.

7. The rule changes also respond to the increasing use of different vehicles on our streets and paths. The increased use of these vehicles comes with significant transport benefits. However, there are also risks, as these vehicles are operated in contested space on the footpath and roadway.

8. The proposed rules create a national framework where wide vehicles and fast-moving users are prohibited from using the footpath, and users of these vehicles have a safe alternative in shared paths, cycle lanes and cycle paths. The safety and priority of cyclists and users of transport devices is also increased at intersections and in traffic, further encouraging these users to avoid footpaths.

9. Alongside this national approach, I propose to consult on an enabling framework that supports localism by allowing road controlling authorities to vary the speed limits and vary the permitted users of footpaths, shared paths, and cycle paths.

10. In addition, the proposed rule changes support more efficient provision of public transport, and would help resolve ongoing disagreement about the powers of road controlling authorities to regulate berm parking.

11. Most of the proposed changes are intended to support new behavioural norms on our roads and paths. To support these changes a national information and education campaign would be developed by the NZ Transport Agency. Significant changes may be required as a result of consultation. I will return to Cabinet before finalising the rules. I anticipate any rule amendments coming into force in June 2020.

Background to the Accessible Streets package

12. In March 2018, I sought Cabinet's agreement to a paper *Improving Road Safety in New Zealand* [DEV-18-MIN-0025 refers]. Along with seeking agreement to the development of a new road safety strategy, the paper set out a planned programme of key short- to medium-term initiatives to improve road safety.

[2] Transport devices are a new vehicle category outlined in 37.4 that replaces the current category of wheeled recreational devices. The category includes both unpowered devices such as skateboards, and powered devices such as e-scooters.

13. One of the initiatives identified in the March 2018 paper was a package of amendments to land transport rules to help make walking, cycling, and public transport safer and more accessible.

14. On 1 May 2019, Cabinet authorised a group of Ministers comprising the Minister of Finance, Minister of Transport, Attorney General, Associate Minister of Transport (Hon Shane Jones) and the Associate Minister of Transport (Hon Julie Anne Genter) to finalise the proposed draft amendment rule and associated materials for public consultation. I have issued drafting instructions to the Parliamentary Counsel Office. This paper seeks agreement to undertake public consultation on draft rules attached as Appendix C to give effect to these proposals. Associated materials (Overview, Communications Plan and Preliminary Regulatory Impact Assessment) are also attached as Appendices D-F, for your consideration.

15. Accessible Streets is a collection of rule changes that support the new focus in the GPS of improving New Zealanders' safety and access to economic and social opportunities. In particular, it aims to support a mode shift for trips in urban centres from private vehicles to more energy efficient, low-cost and healthier modes like walking, cycling and public transport. In doing so, it will help achieve the goal of reducing harmful transport emissions. It will also support other government agencies, such as the Ministry of Health, to increase value for money and reduce overall public spend, by increasing the uptake of transport modes that improve health and wellbeing.

16. We know that cyclists are being disproportionately injured and killed on our roads. Approximately three percent of on-road fatalities over the last decade were cyclist deaths. However, cycling only contributes 1.5 percent to total time spent travelling. Approximately 10 percent of on-road fatalities and 11 percent of serious injuries over the last decade were pedestrians. Walking comprises 10 per cent of the total time spent travelling.[3]

17. These statistics indicate that the current settings are not supporting walking and cycling as accessible and safe forms of travel. Internationally, greater priority is provided for users of active modes, and steps need to be taken in New Zealand to shift the culture to achieve greater priority for these users. Since the Government is focussed on increasing uptake of active modes, there is an opportunity to support this shift by changing the road rules.

18. Alongside addressing safety and priority issues for cyclists and pedestrians, the rule changes also respond to the increasing use of different vehicles on our streets and paths. These vehicles, including mobility scooters, e-bicycles and e-scooters offer significant transport benefits. They provide low-cost forms of mobility for short trips, often require minimal parking space and complement public transport. When used as an alternative to a private car their use has a public benefit of reducing both congestion and harmful vehicle emissions.

[3] Ministry of Transport (2019) *Household Travel Survey, 2015-2018*. https://www.transport.govt.nz/mot-resources/household-travel-survey/new-results/.

19. Growth in the use of these vehicles, however, comes with risks as these vehicles are operated in contested space on the footpath and roadway. For example, pedestrians can be at risk from the higher speed of vehicles on the footpath, while people using these vehicles can be at risk from larger, faster moving motor vehicles on the road.

20. I want to ensure the Government supports increased mobility in our towns and cities and makes them more liveable and vibrant, while ensuring that safety is paramount. The proposed rule changes strike a balance between supporting the use of different transport devices, increasing the safety and uptake of active modes, and ensuring pedestrians continue to have priority on footpaths.

Wider benefits of Accessible Streets

21. An important part of making our streets safer and more accessible is ensuring that our design standards and guidelines support this. I expect the actions in the new road safety strategy to enable this, specifically in our urban areas where lower speed and lower risk environments should allow more trialling and innovation.

22. In the long-term, changes to street design will allow us to reap the benefits of vehicles like e-scooters and e-skateboards, and mitigate their risks. For example, greater provision of wide shared paths or bike lanes on busy streets will separate people using these types of vehicles from fast-moving car traffic, as well as people walking on the footpath. The Government's increased investment in walking and cycling infrastructure in the GPS will help to facilitate this outcome over time.

23. The proposed changes are intended to give effect to recommendations from the 2014 Cycling Safety Panel's report *Safer journeys for people who cycle,* and respond to the report from the Transport and Industrial Relations Select Committee on the petition of Joanne Clendon in May 2016 [2014/59] on children cycling on the footpath.

24. I expect these changes will collectively improve access and safety, especially for people cycling, people using transport devices such as e-scooters, and other path users.

Defining what is meant by different types of pathways

25. The proposed rule changes will affect the use of footpaths, shared paths, cycle lanes, cycle paths, and the roadway. These different terms are defined in the Road User Rule as follows.

26. A *footpath* is a path or way principally designed for, and used by, pedestrians. It can currently be used by mobility devices and wheeled recreational devices and by particular other vehicles in the course of making deliveries. Very small cycles with a wheel circumference less than 355mm are also able to use the footpath – the largest wheel size that fits that measurement is about the size of cycle a five- or six-year-old child would typically ride.

27. A *shared path is a path*, which may be used by pedestrians, cyclists, riders of mobility devices and users of wheeled recreational devices. Road controlling authorities can use a sign or marking to give priority to a particular user (e.g. pedestrians or cyclists).

Road controlling authorities also have the ability to restrict the use of shared paths to certain users.

28. A *cycle lane* is a longitudinal strip within the roadway (often painted) designed for the passage of cycles, meaning users are in a separate lane from other traffic. They can be located next to parking, next to the kerb, and between two traffic lanes (for example, when approaching an intersection). Currently cycle lanes can only be used by cyclists.

29. A *cycle path* is a part of the road that is physically separated from motor traffic. They are generally next to the roadway, usually within the road reserve. They are intended for the use of cyclists, but may also be used by pedestrians, users of wheeled recreational devices and users of mobility devices, unless signed and/or marked otherwise.

30. The *roadway* is the part of the road generally used by vehicles. Motor vehicles and cycles can be used on the roadway, as can wheeled recreational devices as long as they are used as far to the left as practicable. Pedestrians and mobility device users may use the roadway where there is no footpath provided.

31. A *berm* is a plot of grass, dirt, or cultivated garden located beside the roadway. They are typically located on raised kerbs but can be located beside a roadway without a kerb.

32. The road is a broad term, including the road margin[4] as well as the part of the road that motor vehicles use, cycle paths, cycle lanes, and footpaths.

Regulatory changes will be made through land transport rules

33. The primary changes are amendments to the Land Transport (Road User) Rule 2004 (the Road User Rule), the Land Transport (Traffic Control Devices) Rule 2004 and the drafting of a new Land Transport: Paths and Road Margins Rule 2019 (Paths Rule).[5] Consequential amendments to other land transport rules including the Transport Rule Setting of Speed Limits Amendment (No 2) 2019 and to the Land Transport (Offences and Penalties) Regulations 1999 will also be required.

34. Accessible Streets is comprised of eight components and will amend rules to:

    34.1. re-categorize the types of transport devices that are used on footpaths, shared paths, cycle paths and cycle lanes

    34.2. establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, while enabling localised decision making in regard to the use of these paths

[4] This includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

[5] The original Road User Rule was drafted prior to the existence of many of the vehicles currently allowed on footpaths. the proposed Land Transport: Paths and Road Margins Rule has been drafted to give effect to a national framework to govern which vehicles can be used on paths under what conditions and provides a mechanism for road controlling authorities to vary this national framework.

34.3. clarify rules and road controlling authority powers in relation to berm parking

34.4. enable transport devices, including e-scooters, to use cycle lanes and cycle paths

34.5. improve the safety of vulnerable users at intersections and in traffic through a variety of give way rule changes

34.6. mandate a minimum overtaking gap for motor vehicles when passing vulnerable road users

34.7. establish consistent reflector requirements for users of transport devices and cyclists at night time

34.8. give buses priority when exiting bus stops

Components of the Accessible Streets package

Re-categorise vehicles and transport devices allowed on paths

35. I propose to consult on the new Paths Rule and amendments to the Road User Rule to redefine the categories of vehicles and transport devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes.

36. The current rules governing the use of these paths have not easily accommodated the growth of vehicles and transport devices like mobility scooters and e-scooters. The vehicles referred to in this paper, such as mobility devices[6], e-scooters, e-skateboards, e-bikes, cycles and push scooters are illustrated in Appendix A. In attempting to regulate new and emerging vehicles like e-scooters, it has become clear that the categories we use need to be updated to accommodate new and emerging technology.

37. I propose to create new categories of path users (Appendix A)[7] to better regulate new and emerging transport devices. These categories will include:

37.1. pedestrians (people on foot, unpowered and powered wheelchairs)

37.2. powered wheelchairs (has its own category but is counted as a pedestrian)

37.3. mobility devices (retaining the definition in the Land Transport Act 1998) are vehicles designed and constructed for use by people that require mobility assistance

37.4. transport devices (replaces wheeled recreational devices) will refer to the same devices, consisting of two categories:

- unpowered transport devices (small unpowered devices propelled by human power or gravity like skateboards, push scooters and roller blades)

[6] 'Mobility devices' are currently allowed on the footpath. These devices must meet specified maximum power requirements and be designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment. Currently, the user does not need to meet any criteria.

[7] See Appendix A for an illustration of the types of devices and how they will be treated under the proposed changes.

- powered transport devices (small electric devices like e-scooters and yike bikes)

37.5. cycles and e-bikes (bicycles, tricycles and electric bikes).

38. I also propose to clarify that powered transport devices will be limited to those devices declared not to be motor vehicles by the NZ Transport Agency, and these devices will be allowed on the footpath. This reflects the current situation[8], where the NZ Transport Agency undertakes a safety investigation focussed on the impact of allowing a device on the footpath before declaring it not to be a motor vehicle.

39. I am conscious that a complaint regarding the decision to declare e-scooters not to be motor vehicles was brought to the Regulations Review Committee. As a result, I am consulting on whether the current provisions that allow these declarations are appropriate.

40. I am aware that there are other vehicles that do not fit within these definitions that are currently in use in New Zealand. These include vehicles that are neither a mobility device or a transport device. These vehicles sometimes resemble small cars. The use of these vehicles is not addressed by Accessible Streets, and will be dealt with by a more comprehensive review of vehicle classifications.

A nationally consistent regulatory framework for footpaths, shared paths, and cycle paths

41. I propose to consult on establishing a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths. This framework is comprised of rules that:

41.1. clarify what and how vehicles can be used on footpaths

41.2. provide for the creation and regulation of shared paths and cycle paths

41.3. govern what and how vehicles can use shared paths and cycle paths

41.4. enable local decision making in regard to what and how vehicles use footpaths, shared paths, and cycle paths.

<u>Clarifying what and how vehicles use footpaths</u>

42. The current rules governing our footpaths did not fully anticipate the growth of vehicles like e-scooters and e-skateboards. While these vehicles offer significant accessibility benefits, their use on footpaths needs to be managed to ensure pedestrians feel safe and their access is prioritised.

43. I propose to consult on a framework of new rules in the Paths Rule to govern how vehicles can be used on footpaths[9]. Under this framework vehicles being used on footpaths would:

[8] Under the Land Transport Act 2002 powered transport devices are motor vehicles and under the Road User Rule motor vehicles are prohibited from using the footpath.

[9] Non-powered wheelchairs, prams, baby buggies and similar devices are not legally "vehicles" and would not be affected by any of these requirements. Existing provisions that prevent vehicles that can be registered for use on the road, such as motor bikes, mopeds or cars, from using the footpath would continue.

43.1. have to be operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right-of-way to pedestrians[10]

43.2. not be allowed to travel faster than 15km/h (to ensure the safety of others sharing the footpath)

43.3. not be wider than 750mm.

44. The framework outlined above comprises general and easily understood requirements that are designed to promote behaviour change. Under this framework wide vehicles and fast moving device users will not be permitted on footpaths. This will help manage the possibility of new and emerging technologies including, for example, small driverless delivery vehicles that might operate on footpaths for some, or all, of their journey. All permitted vehicle users will need to give way to pedestrians, in addition to the existing requirement to be courteous, considerate, and not constitute a hazard to other users. This recognises that with new and emerging vehicles in use, such as e-scooters, pedestrian use of footpaths needs to be protected.

45. The 15km/h speed limit was chosen as it aligns with the speed restrictions on e-scooters that have been trialled in Auckland. The outcome of that trial will help inform consultation on whether this limit is too high or too low. Although NZ Police have noted the challenges of enforcing a speed limit, a maximum speed is more enforceable than current requirements around wattage and power outputs of transport devices on the footpath.

46. The maximum width limit will ensure that multiple users can still access the footpath. I will also maintain existing exemption powers that allow the NZ Transport Agency to exempt certain classes of vehicles from specific legislative requirements. In addition, I will consult on whether there are certain classes of vehicle that should be automatically excluded from the width requirement. The NZ Post's Paxster small electric delivery vehicles currently operate under a provision that allows mail delivery services to operate motor vehicles on the footpath. They are expected to be exempted from any maximum width limit under the proposals, but would still need to comply with the proposed speed limit of 15km/h when on the footpath.

47. Powered wheelchairs will be excluded from the maximum width limit as they are defined as a pedestrian. All other vehicles that are wider than 750mm will not be permitted on the footpath, including mobility devices unless an exemption is granted. This is because a mobility device that exceeds 750mm is considered a mini-vehicle, not a mobility device. Devices such as pushchairs, manual wheelchairs and shopping trolleys will not be impacted by this width limit as they are not considered vehicles.

48. I am conscious that these changes may impact owners of mobility devices[11] that are over 750mm wide that are currently unregulated. Owners of these devices would not be (legally) able to use them on the road either. This restriction may have a negative impact on public accessibility, participation and independence of some users. These concerns will need to be balanced against the potential for improved safety for other users of the footpath.

[10] Users of powered and non-powered wheelchairs will be legally considered pedestrians.
[11] Ibid 2.

49. It is unclear what number of vehicles that currently use the footpath would be impacted by the proposed width restriction. Officials will seek feedback on this through the consultation process. I will consider whether there needs to be any special transitional arrangements for these users.

50. Public understanding of these rule changes will be supported through an information and education campaign that will be undertaken by the NZ Transport Agency before any rule changes are enacted. This campaign is explained in more detail in the publicity section below.

Allowing people to cycle on the footpath under the proposed restrictions

51. I propose to consult on allowing people to cycle on the footpath under the proposed restrictions discussed above.

52. The intention is primarily to accommodate children cycling at slow speeds in places where cycling on the road would put them at risk.

53. The current rule that restricts cycling on the footpath is inconsistent and confusing for children. For example, children can ride a push scooter on the footpath but cannot legally ride a normal sized bicycle. Under current rules very small cycles with a wheel circumference less than 355mm are also able to use the footpath[12] – the largest wheel size that fits that measurement is about the size of cycle a five- or six-year-old child would typically ride.

54. Most children are unaware that it is illegal to ride any bike larger than this on the footpath and the vast majority (86 percent of child cyclists between 7 and 15) have ridden on the footpath.[13]

55. Anecdotal evidence suggest that bad experiences cycling on the road deters children from cycling and parents from letting children do so. Submissions on Joanne Clendon's petition to Parliament in 2017 to allow children to cycle on the footpath also confirmed this view.

56. While this rule change would effectively allow anyone to cycle on the footpath, my expectation is that the proposed speed limit of 15km/h would deter the vast majority of adult cyclists, who travel at higher speeds, from doing so as a matter of course.

57. The associated information and education campaign would emphasise the message that this change is being made to keep children safe and that confident cyclists should continue using the road, cycle lanes, and cycle paths.

Providing for the creation of shared paths and cycle paths

58. I propose to consult on a framework in the Paths Rule that allows road controlling authorities to create shared paths and cycle paths. Currently shared paths are supported by provisions in the Traffic Control Devices Rule, but otherwise only exist in bylaws. There are no other empowering provisions in land transport rules. Meanwhile

[12] Because they come within the current "wheeled recreational device" definition.
[13] This is according to a 2016 survey by the Office of the Children's Commissioner: http://www.occ.org.nz/assets/Publications/Children-Riding-Bikes-on-Footpaths-submission2.pdf, August 2016.

cycle paths are created under the Local Government Act 2002 or the Land Transport Act 1998.

59. This proposal would establish a single rule to empower the creation of these paths, alongside a national framework to regulate their use. Road controlling authorities would be able to establish shared paths and cycle paths by resolution and through registering these paths with the NZ Transport Agency. In creating this framework, the status of existing paths would not be affected.

Clarifying what and how vehicles can use shared paths and cycle paths

60. I propose to consult on a framework in the Paths Rule that governs what and how vehicles can use shared paths and cycle paths by:

    60.1. defining what vehicles can use shared paths and cycle paths, and what priority rules exist by default

    60.2. establishing default speed limits for these paths that is the same as the adjacent road, or if there is no adjacent road, 50km/h.

61. Under the proposals the permitted users of shared paths would be largely the same as footpaths, except the speed limit and width limit would not apply. Currently shared paths do not have a default priority hierarchy, unless one is provided by a sign or marking. I intend to consult on establishing a default priority for shared paths where:

    61.1. cyclists and transport device users give way to drivers of mobility devices, and pedestrians

    61.2. drivers of mobility devices give way to pedestrians.

62. This matches the current priority hierarchy of footpaths, and reflects the expected travel speeds of the different user types.

63. Meanwhile, transport devices, such as e-scooters, would be permitted to use cycle paths by default. Cycle paths would not have a default priority hierarchy, but users would be required to be courteous and considerate.

64. I don’t expect this proposal to substantially alter the use or regulation of shared paths and cycle paths. However, it would clarify what rules apply to these spaces and ensure there is still a distinction between the different path types and the expected behaviours on each. It would also address an apparent oversight where, in some cases, councils have specified that cycle paths are only to be used by cycles.

Enabling local decision making

65. I propose to consult on a local decision-making framework in the Paths Rule that allows road controlling authorities to adopt variations to the national framework to account for local conditions and community views.

66. Road controlling authorities will be able to vary the default speed limits and the types of vehicles that may use footpaths, shared paths, and cycle paths. The road controlling authority will make the variation by registering it with the NZ Transport

Agency through the National Speed Limit Register. A speed limit set by the road controlling authority would apply and be enforced under the rule in place of the default speed limit.

67. I envisage that road controlling authorities that are local authorities will vary the default speed limit or permitted users by making a resolution, rather than by making a bylaw. Resolutions are a more efficient and effective means of enabling local authorities to vary national rules for local conditions, and enable the power to be delegated within the local authority. To support this, the draft rule does not specify that the local authority makes its decision by resolution. However, the overview document that will accompany the draft rule for consultation seeks feedback on whether this should be stated to provide certainty to local authorities.

68. We will also consult with road controlling authorities on whether the proposed decision making framework will meet their needs and support their existing processes.

Clarifying rules and road controlling authority powers in relation to berm parking

69. I propose to consult on rules that would clarify that road controlling authorities can restrict motor vehicle parking on berms and the restrictions are enforceable whether signs are installed or not.

70. There has been ongoing disagreement on the ability to restrict berm parking between road controlling authorities. In particular, Auckland Transport has a bylaw that prohibits parking on berms but it considers it unenforceable unless signs are erected every 100m. This would be costly and Auckland Transport has suggested the signs could create visual amenity issues.

71. Meanwhile, Christchurch City Council has a bylaw that prohibits berm parking that it considers is enforceable without the use of signs.

72. At the Local Government New Zealand (LGNZ) conference in July 2019, Auckland Council proposed a nationwide ban on berm parking as a mechanism to resolve the issue. The proposal was not supported by the LGNZ conference, with provincial councils speaking against it. As a result, I am proposing to retain the current rule, that motor vehicles can be parked on berms unless a road controlling authority makes a restriction.

73. Under the proposed change road controlling authorities will not be required to install signs to notify the public of berm parking restrictions. I am aware that the enforcement of parking restrictions in the absence of signs could be seen as unfair, since some people, such as visitors, may not be aware of a local restriction. To mitigate this, the rules will require these parking restrictions to be registered with the NZ Transport Agency, which will be recorded on a national register that is available to the public.

Enabling safer and more accessible use of cycle lanes

74. I propose to consult on amendments to the Road User Rule to enable transport devices[14], including e-scooters, to be used in cycle lanes[15], to improve the safety and accessibility of vulnerable users.

75. Currently, only cycles are allowed to use on-road cycle lanes. Along with the restrictions on footpath use, this rule change will encourage faster transport devices to move off the footpath, and onto parts of the road where they are less likely to come into conflict with either pedestrians or fast-moving motor vehicles. This will enable the accessibility benefits of transport devices to be better realised and improve the safety of other path users, especially pedestrians.

Removing barriers to walking and cycling through 'give way' rule changes

76. I also propose to consult on rule changes to address situations where people walking, cycling, using transport devices, or taking public transport are given lower priority than people using cars, and to allow existing road user behaviour that is safe but currently illegal. Together with the proposed rules for footpaths, these changes will make it more appealing for users of transport devices, including e-scooters, to use roadways when other options are not available.

77. I propose to consult on amendments to rules to:

    77.1. *Legitimise the practice of cyclists and users of transport devices riding straight ahead from a left-turn lane*: the left turning lane can be a safer option when cycle lanes are not available, as the lane usually has less traffic and slower travel speeds. As cyclists and transport devices need to ride as far left as practicable, left turning lanes can unfold beneath them on the approach to an intersection and it may be difficult to find a gap to move safely into the straight through lane in traffic.

    77.2. *Allow cyclists and users of transport devices to carefully pass slow-moving motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn)*: undertaking allows cyclists and users of transport devices to maintain a safe, steady speed past slow-moving and stop-start traffic, while following the rule requiring them to ride as far left as practicable. This contributes to shorter travel times for active and low emission transport modes, and helps cyclists and users of transport devices to access advanced stop boxes. It also helps them avoid the risks associated with moving between lanes of faster traffic. This change will legitimise already widespread practice by cyclists and allow this practice by users of transport devices.

    77.3. *Give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where the required traffic control devices are installed:* this change will mean path users going straight ahead through an intersection are treated consistently with other road users going straight through where appropriate traffic control

[14] Ibid 3.
[15] By definition, cycle lanes are a longitudinal strip within the roadway designed for the passage of cycles. Cycle paths are defined as a part of the road that is physically separated from the roadway.

devices are installed. This will reduce delays to path users and help to make active modes more attractive, without Road Controlling Authorities needing to resort to the expense of installing signalised crossings or full pedestrian crossings across more minor side roads.

78. In addition, Accessible Streets will clarify that cyclists, users of transport devices, and buses have priority over left-turning traffic when they are travelling straight through an intersection from a separated cycle or bus lane respectively. Officials have advised that this give way rule already exists. However, a clarification of the existing rule will allow road controlling authorities to design better infrastructure and ensure the give way rule applies whether the cycle or bus lane is marked through an intersection or not.

79. Attached as Appendix B are graphic descriptions of the above proposed rule changes.

80. Again, public understanding of these rule changes will be supported through the information and education campaign.

Mandating a minimum overtaking gap for vehicles passing vulnerable road users

81. I propose a rule change to require minimum overtaking gaps for vehicles passing vulnerable users, including cyclists, pedestrians, horses, mobility device users and users of transport devices.

82. I propose to mandate a 1 metre minimum overtaking gap where the speed limit is 60km/h or less, and 1.5 metres where the speed limit is over 60km/h.

83. Nine percent of cyclist crashes in New Zealand between 2008 and 2017 involved overtaking vehicles. These types of crashes are much more likely to be fatal than other types, with 20 percent of crashes that result in a cyclist fatality involving overtaking vehicles. The proposal is consistent with the Cycling Safety Panel's 2014 report, which made a recommendation that New Zealand should introduce a trial of a minimum overtaking gap rule change.

84. Vulnerable users other than cyclists are equally exposed to risks from overtaking vehicles, and hence I am proposing to extend this proposal to a variety of users that could be using the roadway.

85. A rule change would help to clarify the current legal situation where cyclists and other vulnerable users are involved in accidents with overtaking motor vehicles, by providing an explicit offence. A mandated minimum overtaking gap rule may also, arguably, make a stronger case for the prosecution of individuals for dangerous driving in relation to vulnerable user fatalities, if it can be proven that the closeness of the vehicle passing the user was a cause of the crash.

86. This change would set a clear expectation about what a safe minimum passing distance is, by legitimising what is currently a guideline and by raising awareness of this practice. I note there is existing guidance for passing horses in the New Zealand road code, which suggests (among other things) slowing down and passing carefully, giving the horse and rider plenty of room. My intention is that the minimum passing distance will not replace this guidance, but will establish a legal minimum alongside it.

87. While a number of other jurisdictions mandate minimum passing distances, such as most states in Australia, parts of the United Kingdom, and many states in the United States of America, there is only a small amount of research on the safety benefits of the policy. Some international evidence shows that mandatory minimum overtaking gaps lead to safety benefits for cyclists by reducing the number of dangerous close passes.

88. NZ Police have noted that mandatory passing distances would be difficult to actively enforce. However, these rules have been successfully enforced and prosecuted by police in other jurisdictions. For example, the West Midlands Police force in the UK run a ‘close passes’ operation where plain clothes police cyclists identify and radio in the details of close-pass drivers for in-car colleagues to stop. They have also used videos recorded by drivers and cyclists as an enforcement tool.

89. Public understanding of these rule changes will be supported through the information and education campaigns, explained in the publicity section below.

Consistent reflector requirements for users of transport devices and cyclists at night time

90. I propose to consult on a rule change that would require users of transport devices to meet similar reflector requirements to those for cyclists.

91. The Accessible Streets rule changes prohibit wide vehicles and fast moving transport device users from the footpath and encourage users of these devices to use alternative paths or the road if no other path exists. To help ensure the safety of these users, and ensure that they are visible to other road users, I propose to require the use of reflectors or the wearing of reflective material at night time.

92. I anticipate there will be some users that will now need to use reflectors or wear reflective material, who did not previously, as a result of this change. This could have a cost impact on these users, but in my view the safety benefits are likely to outweigh this cost.

93. In particular, I will consult on whether the proposed requirement is practical for all users of transport devices and what impact there could be for existing share schemes for transport devices, such as e-scooters.

Giving buses priority when exiting bus stops in urban areas

94. I propose to consult on a change to a rule that would give buses legal priority when leaving a bus stop on a road with a posted speed limit of 60km/h or less. Currently, motorists do not have to give buses priority when they are pulling out from bus stops and back into the flow of traffic. The delay that this causes has become an increasing problem in Auckland but a law change would also benefit other urban centres. Bus drivers would still be required to indicate for three seconds and otherwise behave in a safe manner before pulling out.

95. Giving way to buses leaving a bus stop is currently only considered a courtesy. When this courtesy is not extended, it creates delays for buses as they must wait for a suitable break in traffic before merging back into the traffic flow. If this delay is

repeated many times on a bus route, it significantly impacts on travel time reliability, and the efficient operation and perception of public transport.

96. This rule change would come at a small cost to other motorists, in time lost. It has a low safety risk, would provide a time benefit to bus passengers and operators, promote public transport and reduce confusion over who should give way. The change is intended to signal that public transport has priority in traffic flows, as buses are carrying more people than cars.

97. This rule demonstrates the Government's broader support for the increased use of public transport to reduce congestion in urban areas. In addition, this rule change would assist with the full implementation of the Employment Relations Amendment Act 2018 provisions concerning rest and meal breaks, which will take effect for bus drivers from 6 May 2020. Reducing time spent at individual bus stops along routes would improve reliability and thereby make it easier to accommodate breaks within drivers' shifts.

Matters out of scope of rule changes

ACC and infrastructure levies

98. A number of Mayors and other commentators have questioned whether the users of new vehicles, such as e-scooters, should contribute to the cost of providing transport infrastructure and ACC levies. I have therefore directed officials to consider the current situation regarding ACC and infrastructure levies, and how they might apply to transport devices.

99. ACC is considering how it might respond to the emerging transport-related technology and business models, such as e-scooter sharing schemes. ACC is already working on injury prevention strategies and is looking to better understand the incidence and severity of injuries caused by e-scooters. It notes that funding to cover treatment and rehabilitation for injuries from e-scooters is already provided for, primarily through the earner's and non-earner's accounts.

100. Councils already have the power to apply an infrastructure levy to a company operating an e-scooter or bike hiring scheme. This is enabled through the Local Government Act 2002. Sections 150 and 151 allow for the setting of fees via council bylaw.

Accessible Streets will not make changes to helmet wearing requirements

101. Several stakeholders, including the Mayor of Auckland, have raised the issue of whether helmets should be made mandatory for users of e-scooters.

102. In many respects, New Zealand is an outlier having previously made a decision to mandate helmets be worn by cyclists. Many other jurisdictions do not mandate helmet use by cyclists and the same requirement in New Zealand does not currently apply for users of skateboards or other transport devices.

103. I am aware there remain different views about the net safety benefits of helmet requirements. On one hand, it is clear that helmets provide a level of protection to

individual users in the event of some crashes. On the other, there is evidence that the mandatory requirement serves as a deterrent to the uptake of active travel, which is likely to reduce health and other benefits; although the magnitude of this is debated.

104. A full analysis of the effectiveness of mandatory helmet requirements has not been undertaken and therefore I do not propose any changes to these requirements as part of Accessible Streets. Nevertheless, I anticipate some submissions on this matter.

105. The NZ Transport Agency view is that e-scooter and other wheeled device users are vulnerable to high speed conflicts with vehicles of much greater mass when using on-road cycle lanes. Its preferred approach is that users of transport devices be required to wear a helmet in such situations.

106. While I encourage people to wear helmets when riding on the road, whether they are using a skateboard, push scooter or e-scooter, I have not asked officials to explore a mandatory standard.

107. It is my view that until such time as we provide safer, separated infrastructure for users of active modes it would be inappropriate to consider removing the mandatory requirement for cyclists to wear a helmet.

Legal status of Segways

108. In 2011 a Segway user was prosecuted by Police for using the device on footpaths on the basis it was a motor vehicle. However, in 2014 the Kaikohe District Court found that the Segway being used was a mobility device under the Land Transport Act, and was therefore permitted to use the footpath.

109. While this judgement clarified the legal status of the device in question, the Court was also clear it did not mean all Segways should necessarily be considered mobility devices since their design and power output[16] may differ. As a result, there is still some uncertainty about the legal status of Segways. Resolving this uncertainty may require legislative change, and will be dealt with by a more comprehensive review of vehicle classifications.

Risks

110. Consultation on the Accessible Streets package is likely to create strong media and public interest (including potential diverse views from some sector groups). Issues around the use of the footpath and the equal treatment of people cycling are likely to be contentious among different interest groups, particularly those concerned about safety impacts for existing footpath users.

111. A communications package has been developed to support the consultation process and to manage the communications risks and is attached (see Appendix E). The

[16] Under the Land Transport Act a vehicle with a power output exceeding 1500 watts cannot be a mobility device.

communications package includes addressing the role of local government, particularly around e-scooter issues.

112. Most of the proposed changes are intended to support new behaviour norms, or in some cases, legitimise existing practices. Following consultation, a national public information and education campaign would be developed by the NZ Transport Agency to ensure that the desired behaviour changes actually occur.

Stakeholder views

113. This paper seeks agreement to consult on the Accessible Streets package of proposed rule changes. There has been no formal consultation with any groups so far. In some cases, targeted, initial consultation has been undertaken as part of research projects that ultimately led to the development of Accessible Streets and, where relevant, the views of stakeholders from this phase have been reflected in this paper and in the preliminary Regulatory Impact Assessment.

114. Diverse views are expected from consultation on Accessible Streets. I know that some stakeholders, such as some representatives of disabled people and pedestrian advocates may be opposed to changes regarding allowing cycling on the footpath. Heavy vehicle operators and representatives of private motorists may also oppose the minimum overtaking gap and give way rule changes as they may consider them impractical to comply with. However, I expect most groups are likely to react positively to most elements of Accessible Streets.

115. Police supports the principles of the proposed Accessible Streets package. However, Police notes that there are significant enforcement challenges associated with some of the proposed rule changes, specifically those relating to potential speed limits for vehicles using the footpath, and minimum overtaking gaps for vulnerable users. These issues are discussed in paragraphs 43 and 86 respectively. Furthermore, Police notes that the changes also create an expectation that the proposed rules will be enforced. While Police is committed to ensuring the safety of all road users, Police must continually prioritise enforcement to those behaviours with the greatest road safety risk.

116. Accessible Streets is intended to support new behavioural norms on our roads and paths. While enforcement will be part of achieving this, the associated offences and penalties will predominantly be for minor infringements. For more serious offences there are existing regulations to support enforcement. I am aware that recently a rider of an e-scooter was charged with careless use of a vehicle causing injury after colliding with a woman who was getting off a bus in Auckland. Accessible Streets will help change behaviour to reduce these sorts of incidents but the current regulations that allow enforcement of more serious offences will still remain.

Next Steps

117. I will return to Cabinet before making the rule changes to give effect to Accessible Streets. I will provide revised draft rules to Cabinet prior to signing. These will incorporate changes resulting from the consultation process.

118. Officials have prepared an overview of the draft rules, which seeks feedback on the proposals. I expect there will be media interest in the proposals and it is critical to send a clear message that the proposed changes to the rules are for consultation. Feedback will be taken into account to support any decisions on final rule changes.

119. A timeline will be developed for the preparation and delivery of an information and education campaign prior to the implementation of Accessible Streets. I anticipate that changes would come into effect in mid-2020.

120. Consequential changes to the Land Transport (Offences and Penalties) Regulations 1999 will be required to address any offences and penalties that need to be amended or prescribed. Once these have been identified, I will seek necessary policy approvals when returning to Cabinet with the revised rules. Subsequently a Cabinet paper seeking approval of any regulations will be prepared for consideration by the Cabinet Legislation Committee.

Consultation

121. The following departments were consulted on the development of this paper: ACC, LGNZ, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, New Zealand Transport Agency, Office for Disability Issues, Office for Seniors, Te Puni Kokiri, Treasury, and WorkSafe New Zealand. The Department of the Prime Minister and Cabinet (Policy Advisory Group) was informed.

122. All organisations consulted support the proposals being used as the basis for consultation and are generally supportive of their intent. However, the Ministry of Health and the Ministry of Social Development raised concerns about the lack of consultation with the disability sector. LGNZ raised a similar concern in relation to the local government sector. I have asked officials to undertake targeted engagement with the local government sector and disability representatives, including engagement with the Disabled Peoples' Organisations Coalition, during the consultation process.

Financial implications

123. There are no financial implications arising from Accessible Streets.

124. An education campaign is needed to support the implementation of parts of Accessible Streets. Implementation of the campaign is contingent on funding, which will be sought from the National Land Transport Fund.

Human rights implications

125. Any eventual proposals that impact on the ability of disabled people to use mobility devices they already own may have to be considered against the right of freedom of movement in the New Zealand Bill of Rights Act 1990 and the right not to be discriminated against on the grounds of disability in the Human Rights Act 1993.

Legislative implications

126. A new Land Transport: Footpaths, Shared Paths, and Cycle Paths Rule 2019 will need to be put into effect to implement the changes proposed in the Accessible Streets package. The Land Transport (Road User) Rule 2004 and the Land Transport (Traffic Control Devices) Rule 2004 will need to be amended.

127. Consequential amendments to other land transport rules including the Transport Rule Setting of Speed Limits Amendment (No 2) 2019 and to the Land Transport (Offences and Penalties) Regulations 1999 is also required to give effect to the proposals in this paper.

Regulatory Impact Analysis

128. The Regulatory Impact Analysis requirements apply to Accessible Streets, and a preliminary Regulatory Impact Assessment has been prepared and is attached as Appendix F.

129. The preliminary Regulatory Impact Assessment has been reviewed by the Ministry of Transport's Regulatory Impact Assessment Panel as partially meeting the quality assurance criteria. The Regulatory Impact Assessment demonstrates a clear problem definition and sets out an adequate range of options and evaluation criteria.

130. The initial analysis in the preliminary Regulatory Impact Assessment has been used to support rule drafting and will be tested throughout the consultation process.

131. A final Regulatory Impact Assessment will be prepared before any amendment to rules are signed. It will be published on the Ministry of Transport's website.

Transitional arrangements

132. Once Accessible Streets is agreed, transport officials will develop an implementation plan, to go along with the communications package, to identify any necessary transitional arrangements.

133. The implementation plan will map out the development and timing of education and information campaigns around rule changes. I anticipate that the Accessible Streets package will come into effect in mid-2020.

Gender implications

134. No specific gender implications have been identified by officials during the development of the proposals in this paper. However, we have invited feedback on this matter as part of the proposed consultation materials.

135. Officials will provide further advice on gender implications once feedback from consultation is known.

Disability perspective

136. I recognise that the proposed changes may disproportionately impact people with disabilities, whose reliance on the footpath is higher than other parts of the population. These proposals may affect current users of mobility devices, whose use may be constrained compared to under current legislation. It may also affect people with limited visibility or hearing, who may feel at greater risk if people are allowed to cycle on the footpath.

137. However, I also note that the proposal to allow cycling on the footpath will be implemented alongside an increase in cycling infrastructure and the introduction of a 15km/h speed restriction on the footpath, which will lower the risk to more vulnerable footpath users.

138. I will work with disability organisations (in a way or manner that is accessible to disabled people) and other stakeholders during consultation to ensure their feedback is appropriately incorporated and any identified risks are minimised. The Ministry of Transport will also prepare a disability impact assessment, that will be informed by feedback from this process.

139. If Accessible Streets is implemented, the Ministry of Transport will work with the NZ Transport Agency, the Office for Disability Issues, the Ministry of Health and disability organisations to monitor and respond to any change in the level of services for people with disabilities, should it be necessary.

Joint comment from Office for Seniors and Office for Disability Issues

140. The Office for Seniors and the Office for Disability Issues do not support the proposed 15 km/h speed limit for footpath users. We support a limit of 10km/h on a footpath. This is because many seniors/people with disabilities are likely to find it hard to react/adjust quickly enough to bikes and other mobility devices travelling any faster, which could result in higher levels of injury, or people feeling unsafe and not using footpaths, which will have adverse mental (as in social isolation) and physical (e.g. less exercise) consequences. We do not consider the fact that a speed limit of 15 km/h on footpaths aligns with that currently being trialled in Auckland as a compelling rationale in itself for this to be chosen as the proposed limit nationwide. Our understanding is the outcome of the Auckland's speed limit has been mixed at best, with a range of safety issues arising there to date. Where these modes of transport are used in cycle lanes or cycle paths we consider 15 km/h would be appropriate.

141. We also do not support the proposal to allow cyclists of all ages on footpaths. This would make pavements even more congested and would compound the risks for vulnerable pedestrians arising from the proposed 15 km/h rule change. We support cyclists being allowed to use the footpath being clearly defined (eg children under the age of 15 years) rather than allowing anybody to cycle on the footpath. This approach could be reinforced as part of the proposed information campaign for the package.

Response

142. As noted above, I have chosen to consult on a speed limit of 15 km/h because it aligns with the speed limit trialled for e-scooters in Auckland. In my view a lower speed limit, such as 10km/h, would also be too slow and could result in many users being non-compliant. I'm also aware that children under six cycle at an average speed of around 10km/h. I don't want to set the limit so low that it is illegal for kids to travel on footpaths at a safe, normal speed. Under the proposed framework road controlling authorities will be able to reduce the speed limit to 10km/hr or 5km/hr for areas of footpaths after engaging with their local community, such as during busy times or in high pedestrian areas.

143. In my view it is unnecessary to specify that only children will be permitted to cycle on the footpath. The proposal to allow cyclists of all ages on footpaths is unlikely to significantly change existing use, since most adult cyclists prefer to ride on the road. An age limit would also mean it is illegal for parents or caregivers to accompany children riding on the footpath. As described above, the associated information and education campaign will emphasise the message that this change is being made to keep children safe and that confident cyclists should continue using the road, cycle lanes, and cycle paths.

Publicity

144. The NZ Transport Agency have prepared a communications plan for the release of the draft amendment rule, as part of the normal rule making process.

145. A separate communications plan will also be developed for the final Accessible Streets package of changes once agreed.

146. I intend that this paper and the final Regulatory Impact Assessment, reflecting the feedback from consultation, will be publicly released on the Ministry of Transport's website.

Public information and education campaign

147. I intend to support the implementation of Accessible Streets with a public information and education campaign run by the NZ Transport Agency. This will help shape social norms around careful and considerate shared use of footpaths, shared paths, cycle lanes and cycle paths. The campaign will inform people about how to considerately share space and include basic information about the new principles-based framework. The campaign could include multiple channels, such as print newspapers, radio, and online.

148. The campaign will provide more information about how to be a considerate shared user of the footpath (for example, giving pedestrians right of way) and more detail about the types of vehicles that are allowed on the footpath, as well as the speed, width and behaviour requirements. It will also provide more information about what vehicles can use cycle lanes and paths.

Proactive Release

149. I intend to proactively release this Paper and associated papers within 30 days of the Cabinet decision.

Recommendations

150. The Associate Minister of Transport recommends that the Committee:

1. **agree** to proceed to public consultation on draft rules for the Accessible Streets Regulatory Package.

2. **agree**, subject to consultation, to re-categorise vehicles and transport devices allowed on footpaths, shared paths, cycle paths and cycle lanes.

3. **agree**, subject to consultation, to establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths that:

    3.1. clarifies what and how vehicles can be used on footpaths;

    3.2. provides for the creation and regulation of shared paths and cycle paths;

    3.3. governs what and how vehicles can use shared paths and cycle paths; and

    3.4. enables local decision making in regard to what and how vehicles use footpaths, shared paths, and cycle paths.

4. **agree**, subject to consultation, that the conditions under which vehicles operate on the footpath are that they:

    4.1. are operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians;

    4.2. do not travel faster than 15km/h (to ensure the safety of others sharing the footpath); and

    4.3. are not wider than 750mm (to enable multiple users to still access the footpath).

5. **agree**, subject to consultation, to clarify that road controlling authorities can restrict motor vehicle parking on berms and the restrictions are enforceable whether signs are installed or not.

6. **agree,** subject to consultation, that road controlling authorities can vary the default speed limits and permitted users of paths, and establish berm parking restrictions by resolution, and for these variations to be made by inclusion on a publicly available register maintained by the NZ Transport Agency.

7. **agree** subject to consultation, to enable transport devices, including e-scooters, to be used in cycle lanes and cycle paths.

8. **agree**, subject to consultation, to improve the safety of cyclists and other road users at intersections by:

8.1. allowing cyclists and users of transport devices to ride straight ahead from a left-turn lane;

8.2. allowing cyclists and transport devices to carefully pass slow-moving motor vehicles (‘undertake’) on the left (unless the motor vehicle is indicating a left turn);

8.3. enabling road controlling authorities to give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where the required traffic control devices are installed.

9. **agree,** subject to consultation, to mandate a minimum overtaking gap for motor vehicles when passing cyclists, pedestrians, horses, mobility device users and users of transport devices on the road. This will require a gap of 1 metre when the speed limit is 60km/h or lower, and 1.5 metres when the speed limit is over 60km/h.

10. **agree**, subject to consultation, to require users of transport devices to use reflectors or wear reflective material at night time, as is currently required of cyclists.

11. **agree,** subject to consultation, to give buses priority when exiting bus stops on roads where the posted speed limit is 60km/h or less.

12. **invite** the Associate Minister of Transport to proceed to public consultation on the draft rules.

13. **authorise** the Associate Minister of Transport to make any necessary editorial or minor policy changes that arise in between cross party consultation and prior to its release for public consultation.

14. **invite** the Associate Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to develop a draft final amendment to the Land Transport (Road User Rule) 2004 and consequential amendments to regulations following consultation on the Accessible Streets Regulatory Package

15. **note** that work on standards and guidelines for our roads and streets is being progressed through the road safety strategy.

16. **note** that ACC is considering how it might respond to the kinds of emerging technology and business models seen in the micro-mobility sector.

17. **note** that councils are able to impose levies on e-scooter sharing operators through existing bylaw-making powers under the Local Government Act 2002.

18. **note** that the Accessible Streets Regulatory Package will not address whether helmets should be mandatory for transport devices nor whether helmets should continue to be mandatory for cycling.

19. **note** that the initial analysis in the preliminary Regulatory Impact Assessment was used to support the development of the draft amendment rules and will be tested through the consultation process.

20. **note** that a final Regulatory Impact Assessment will be prepared before any amendments to rules are signed and will be published on the Ministry of Transport's website.

21. **note** that a communication plan has been prepared for the release of the draft amendment rule and is attached to this paper. A final communication plan will also be prepared for the final Accessible Streets Regulatory Package of changes once agreed, as part of the normal rule making process.

22. **note** that an implementation plan will be prepared that will map out the timing for bringing the amendment rule into force and for the required education campaigns on rule changes.

23. **note** this paper, along with the Regulatory Impact Assessment, will be proactively released following Cabinet's approval of the paper.

Hon Julie Anne Genter
Associate Minister of Transport

Dated: _____

Appendix A: Summary of where different users can go under the current state and proposed changes

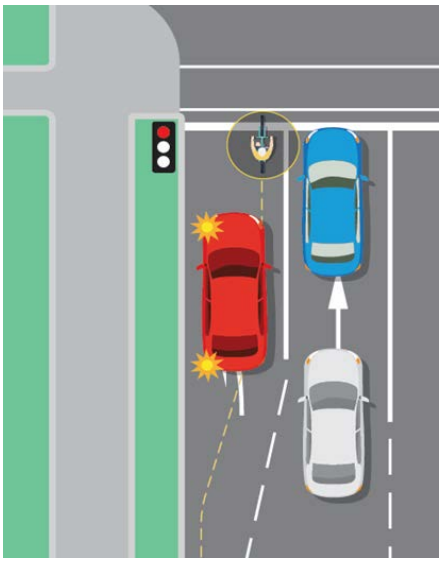
Category (Device/vehicle)	Footpath		Shared path		Cycle path		Cycle lane		Road	
	Current	**Proposed**	**Current**	**Proposed**	**Current**	**Proposed**	**Current**	**Proposed**	**Current**	**Proposed**
	Speed limit: **Matches adjacent roadway**[17] No width limit	Speed limit: **15km/h** Width limit: **750mm**	Speed limit: **Matches the adjacent roadway**	Speed limit: **Matches adjacent roadway or 50km/h**	Speed limit: **Matches adjacent roadway**	Speed limit: **Matches adjacent roadway or 50km/h**	Speed limit: **Matches adjacent roadway**	Speed limit: **Matches adjacent roadway**	Speed limit: **Signed speed limit**	Speed limit: **Signed speed limit**
Pedestrian (including unpowered wheelchair) 	✓✓	✓✓	✓	✓✓	✓	✓	✓ (If footpath is not available)	✓ (If footpath is not available)	✓ (If footpath is not available)	✓ (If footpath is not available)
Powered wheelchair (New Category) 		✓✓ (No width limit)		✓✓		✓		✓ (If footpath is not available)		✓ (If footpath is not available)
Mobility device 	✓	✓	✓	✓	✓	✓	✓ (If footpath is not available)	✓ (If footpath is not available)	✓ (If footpath is not available)	✓ (If footpath is not available)
Cycle and e-bike 	✗ (unless wheel diameter is 355mm or less)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wheeled recreational devices (Old Category) 	✓		✓		✓		✗		✓	
Unpowered transport device (New Category) 		✓		✓		✓		✓		✓
Powered transport device (New Category) 		✓		✓		✓		✓		✓
✓✓= Users have priority			✓= Users are permitted			✓✓= Users have priority subject to RCA restrictions				
✓ = Users are permitted subject to RCA restrictions					✗ = Users are not permitted			= No requirement (New or Old Categories)		

[17] Footpath users, other than pedestrians, must not operate their vehicles at a speed that constitutes a hazard to other users.

Appendix B: Graphic descriptions of give way rule changes

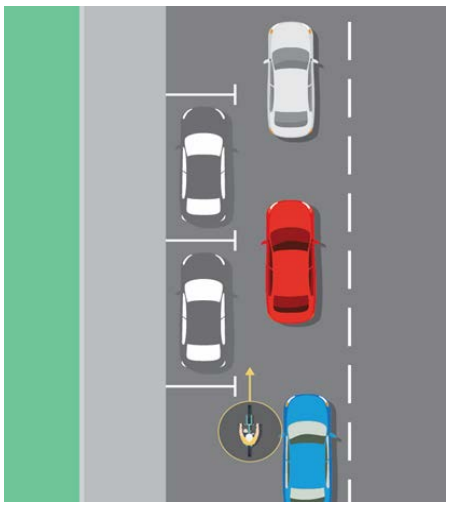
Legitimise the practice of cyclists riding straight ahead from a left-turn lane.

This is demonstrated in the picture to the right, and would allow a cyclist to ride straight ahead in the left-turn lane without the need for specific road markings.



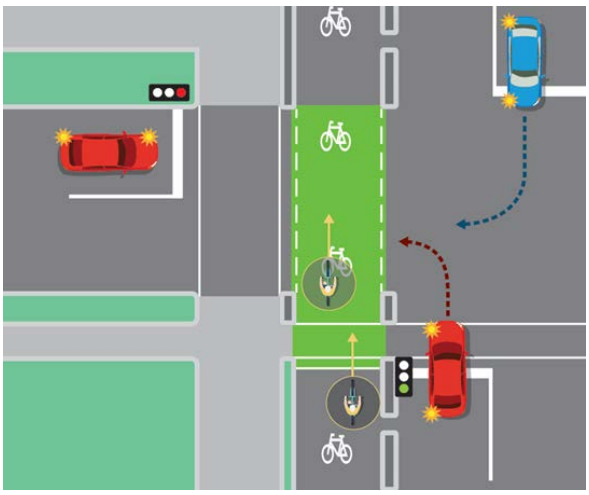
Allow cyclists to carefully pass slow-moving or stationary motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn).

This is demonstrated by the cyclist and yellow arrow in the picture to the right.



Give cyclists and buses priority over left turning traffic when they are travelling straight through an intersection on a separated cycle or bus lane.

This is demonstrated by the cyclist and the yellow arrow in the picture to the right.



Give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where required traffic control devices are installed.

This is demonstrated by the two white lines going across the side-road which signals that path users have priority over turning traffic in the picture to the right. These white lines are the minimum markings.