

QUESTIONS & ANSWERS FOR THE ACCESSIBLE STREETS REGULATORY PACKAGE

The package

Why is the Accessible Streets Regulatory package needed?

The Accessible Streets Regulatory Package aims to improve safety and accessibility for people walking, cycling and using other forms of transport, such as mobility scooters and transport devices on footpaths, shared paths, cycle lanes and cycle paths, through a collection of changes to land transport rules.

The proposed changes respond in part to the increasing use of new types of vehicles being used on our streets and the need to ensure we create safe environments and clear rules for their use. It also supports a move away from private vehicle use in urban centres to more energy efficient, low-cost and healthier transport options like walking, cycling and public transport.

Why does the Government want people to walk, cycle and use public transport more?

The 2018/19-2027/28 Government Policy Statement (GPS) on land transport encourages a shift away from private vehicles to accessible and affordable modes of transport, such as walking, cycling and public transport that are more active, energy efficient, and lower cost.

The Accessible Streets Regulatory Package supports the GPS to improve people's access to social and economic opportunities, and to increase people's safety when using the transport system. The transport network shapes our urban areas, and how we get around. We want urban areas that are well connected, safe, accessible and liveable.

Making it easier to walk, cycle or use public transport in our urban areas provides people with more efficient, low-cost alternatives to private car travel.

These active modes of transport will also support improved health outcomes. New Zealand has the third highest obesity rate in the world, and with rising public health spending, increasing active transport options such as walking, cycling and scootering, has the potential to impact these figures in a real and positive way.

Several transport rules, however, currently deprioritise the movement of these active modes and the safety of people using them. The Accessible Streets Regulatory package supports a move away from private vehicle use in urban centres to the more energy efficient, low-cost and healthier transport options like walking, cycling and public transport.

How will the public understand the proposed changes on using the footpath, shared paths, cycle paths, cycle lanes and road if they go ahead?

An implementation plan, including any transitional arrangements, would be prepared. A key part of the implementation plan would be a national public information and education campaign to raise awareness and help support people through the changes.

When will the changes be implemented?

Following consultation all submissions will be reviewed before any final decisions are made.

Any rule amendments are anticipated to come into force in mid to late 2020. An implementation plan, including any transitional arrangements, will be prepared, along with a national public information and education campaign to support any changes.

How will people know what category their 'vehicle' fits into hence what rules apply?

A framework is being developed to help users understand what category their device fits into. The framework will explain what areas of our road, footpaths, shared paths, cycle lanes and cycle ways each device can go on.

Questions for the new category of powered transport device:

What issues exist with low-powered wheeled recreational devices?

Currently, a range of low-powered wheeled recreational devices (e.g. e-skateboards, powered unicycles, and hoverboards) are also considered motor vehicles under the current definition and are not technically permitted on the footpath, and when used on the road are subject to extra requirements such as registration and licencing.

This can be confusing for users who expect that devices that fit the definition of a wheeled recreational device could be used on the footpath.

How are these devices also considered motor vehicles?

A motor vehicle is defined as "a vehicle drawn or propelled by a mechanical power" and is only permitted on the road. While this definition typically applies to larger vehicles like cars, it is broad enough to include smaller, low-powered WRDs like e-skateboards, powered unicycles, and hoverboards.

Are any devices excluded from this shared definition?

The definition of 'motor vehicle' excludes vehicles or devices that have been declared by the NZ Transport Agency not to be a motor vehicle. So far, the NZ Transport Agency has made declarations for e-bikes, yikebikes and e-scooters. All other low-powered wheeled recreational devices are considered both motor vehicles and WRDs.

What definition applies to these devices? Are they permitted on the footpath, or are they excluded?

The definition of motor vehicle supersedes the definition of wheeled recreational device. This means that all low-powered WRDs (except for yike-bikes and e-scooters) are treated as motor vehicles and are not lawfully permitted on the footpath – unless the NZ Transport Agency declares they are not motor vehicles.

What are the current vehicle categories, and what will they become?

| Current categories | Proposed categories |
|---|---|
| <p>Pedestrian</p> <p>A pedestrian currently includes people on foot, un-powered wheelchairs and everyday items such as prams and shopping trolleys when used by a person walking.</p> <p>Pedestrians are the primary users of the footpath. But they are also able to use shared paths, as well as the road, cycle lanes and cycle paths when footpaths are not available.</p> | <p>Pedestrian</p> <p>We propose to include powered wheelchairs in the definition of pedestrian. This intended to reflect that powered wheelchairs are crucial to the movement of the people using them.</p> |
| <p>Powered wheelchairs</p> <p>A powered wheelchair is generally considered a mobility device (see below for definition of mobility device) but is not defined in legislation.</p> <p>As a mobility device, a powered wheelchair can be used on the footpath. They are also able to use shared paths, as well as the road, cycle lanes and cycle paths when footpaths are not available. Interestingly, while an un-powered wheelchair is characterised as a pedestrian, a powered wheelchair is not. This is inconsistent as both powered and unpowered wheelchairs are around the same size and share the same purpose.</p> | <p>Powered wheelchairs</p> <p>The change will create a category just for powered wheelchairs. A powered wheelchair will be defined as a wheelchair propelled by mechanical power and operated by a joystick or other software. The change will include powered wheelchairs under the definition of pedestrian (which currently includes unpowered wheelchairs). This means a user of a powered wheelchair will always be a pedestrian and will be able to use the same spaces as pedestrians.</p> <p>This change helps to recognise the similarities in risk between powered wheelchairs, unpowered wheelchairs and pedestrians and sets them apart from a person using a much larger, faster, and higher risk mobility device, like a higher speed mobility scooter.</p> <p>Powered wheelchairs will be able to travel on the footpath and shared paths. They will also be able to travel in cycle paths, cycle lanes or on the road if there is no footpath available.</p> |
| <p>Mobility devices</p> <p>Mobility devices are a defined group of devices intended for those who require mobility assistance due to a physical or neurological impairment. They are powered by a motor that has a maximum power output of up to 1,500 watts.</p> | <p>Mobility devices</p> <p>None, other than powered wheelchairs will no longer be categorised as a mobility device.</p> <p>The mobility device category will be reviewed as part of future vehicle classification work.</p> |
| <p>Wheeled recreational devices</p> <p>Wheeled recreational devices (WRDs) are defined as a device with wheels, propelled by human power, gravity or a small auxiliary motor with a maximum power output of 300 watts. It excludes cycles with a wheel diameter greater than exceeding 355mm. This means that most bicycles</p> | <p>Transport devices (powered transport devices <i>and</i> unpowered transport devices)</p> <p>The proposed change will replace wheeled recreational devices with two new categories. These will be:</p> <p>Unpowered transport devices (e.g. push-scooters, skateboards)</p> |

| | |
|--|--|
| <p>are excluded from this definition. But, bicycles and e-bikes with a wheel diameter less than 355mm are both a cycle and a wheeled recreational device.</p> <p>Typical examples of wheeled recreational devices include push-scooters, skateboards, and in-line roller skates and more recently includes low powered the motorised versions of these devices (like e-scooters and e-skateboards).</p> <p>A WRD is currently permitted on the footpath and the road. They can also be used in, shared paths if permitted by road controlling authorities.</p> <p>The definition of WRD includes several very diverse devices. For example, roller blades, push scooters and e-scooters are both WRDs, yet considered part of the same group even though travel at different speeds (some privately owned e-scooters can reach speeds up to 70km/h) and are used in different ways (it is rare for roller blades to be used on the road, but common for riders of e-scooters).</p> <p>Wheeled recreational devices as a category of devices also poses challenges for road controlling authorities who wish to regulate spaces like the footpath. For example, if a council wants to ban the use of devices like e-scooters and e-skateboards on a footpath, that council would either need to specifically list the types of devices that are banned (This list could unintentionally exclude devices that are similar in speed and use) or ban all wheeled recreational devices entirely.</p> <p>Currently, a range of low-powered wheeled recreational devices (e.g. e-skateboards, powered unicycles, and hoverboards) are also considered motor vehicles under the current definition and are not technically permitted on the footpath, and when used on the road are subject to extra requirements such as registration and licencing.</p> <p>This can be confusing for users who expect that devices that fit the definition of a wheeled recreational device could be used on the footpath.</p> | <p>Powered transport devices (e.g. e-scooters, yike bikes)</p> <p>Together, unpowered and powered transport devices will be referred to as transport devices.</p> <p><u>Unpowered transport devices</u></p> <p>The proposed change will create a category that includes small unpowered devices like skateboards, push scooters and roller blades. The device must be propelled by human power or gravity. The new definition will remove wheel diameter requirements.</p> <p>Unpowered transport devices will be used on the footpath, cycle paths and cycle lanes (unless a road controlling authority excludes them). They will also be allowed on a shared path, if a road controlling authority permits it.</p> <p><u>Powered transport devices</u></p> <p>The proposed change will create a category for low-powered devices that are propelled by a motor and have been declared by the NZ Transport Agency not to be a motor vehicle. The new definition will remove wheel diameter requirements.</p> <p>The Transport Agency can declare a device not to be a motor vehicle, if it meets the criteria set out in the Land Transport Act 1998:</p> <ul style="list-style-type: none"> • Devices with a maximum power output of 300 watts or, • Devices with a maximum power output between 300 and 600 watts. <p>Powered transport devices can be used on the footpath, in cycle lanes and cycle paths (unless a road controlling authority excludes them). They can also be used in a shared path if a road controlling authority permits it.</p> |
| <p>Cycles and e-bikes</p> <p>Cycles (which includes adult tricycles) and e-bikes are treated as their own vehicle category. However, cycles with a wheel diameter of 355mm or less (typically a cycle ridden by six-year-old) is considered</p> | <p>Cycles and e-bikes</p> <p>Cycles and e-bikes will continue to be a separate category of vehicle. Under the proposed changes, cycles will be allowed to use the footpath under certain conditions.</p> |

| | |
|--|---|
| <p>a wheeled recreational device and a bicycle. Those on cycles and e-bikes are not permitted on the footpath but can be used in cycle paths, and cycle lanes and on the road. They are also allowed on shared paths if permitted by a road controlling authority.</p> | <p>Cycles and e-bikes will still be able to ride in cycle paths, and cycle lanes and on the road. They can also be used on shared paths if a road controlling authority permits it.</p> |
|--|---|

What devices has the NZ Transport Agency currently declared not to be motor vehicles?

In 2014, yike bikes were declared not to be motor vehicles with conditions imposed on use. This required riders to wear an approved cycle helmet.

In 2018, e-scooters (with a maximum power output of 300 watts) were declared not to be motor vehicles.

Has there been any complaints about these declarations?

Yes. On 26th March 2019, a complaint regarding the decision to declare e-scooters not to be motor vehicles was brought to the Regulations Review Committee. The complaint called the decision a significant shift in policy and footpath use and criticised the Transport Agency for not properly considering the people it would affect. In particular, the complaint criticised the decision not to consult with the disability sector, or the public, and the short span of time it took the NZ Transport Agency to make the declaration. The Regulatory Review Committee received two further complaints which expressed similar views.

Who responded to this complaint?

The Transport Agency, the Ministry of Transport and the Associate Minister of Transport responded to the complaints, noting that the decision was taken in light of the existing land transport rules that applied to these devices and the extensive rule-making powers in the Land Transport Act 1998. The proposed rule changes in Accessible Streets are designed to manage the risks associated with new and emerging technologies that are, or might in future, operate on a footpath.

However, the Associate Minister of Transport also acknowledged there is a lack of statutory guidance in section 168A for exercising this delegated legislative power, and a lack of ability to impose conditions on vehicles with a power output below 300 watts.

These are issues we would like your feedback on.

What will the NZ Transport Agency do if these proposals are introduced?

The Transport Agency proposes to wait until the Accessible Streets framework is introduced before proceeding with any declaration decisions regarding devices currently defined as motor vehicles.

The Transport Agency will need to undertake a safety investigation which considers the impact of permitting a device on the footpath, before deciding whether to declare a device not to be a motor vehicle. A safety investigation could include but is not limited to: reviewing crash and incident statistics, a review of how it will impact users and non-users, and how other countries have regulated the device.

What will this mean for Segways?

Segways typically have a maximum power output of 1500 watts. Their power output is too high for a declaration to be made for use on the footpath as a powered transport device.

In 2011, a Segway user was prosecuted by Police for using the device on footpath on the basis that it was a motor vehicle. In 2014, the District Court ruled that the Segway being used was a mobility device and was permitted to use the footpath.

While this judgement clarified the legal status of the device in question, the judgement was also clear it did not mean all Segways were necessarily mobility devices since the design and power output 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

Clarifying the rules around who and what types of vehicles should be allowed on footpaths, and under what conditions

What's the current situation? Why does it need changing?

The proposed changes respond in part to the increasing use of new types of vehicles being used on our streets and the need to ensure we create safe environments and clear rules for their use.

It also supports a move away from private vehicle use in urban centres to more energy efficient, low-cost and healthier transport options like walking, cycling and public transport.

What changes are proposed?

The changes set out what types of vehicles will be allowed on footpaths and under what conditions.

The changes would require users riding on the footpath to:

- Operate in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians.
- Not travel faster than 15km/h (to ensure the safety of others sharing the footpath)
- not ride a device wider than 750mm [other than wheelchairs] (to ensure multiple users can still access the footpath)

Currently there is no prescribed speed limit for vehicles using the footpath, although they must have a maximum power output of 300W and if they are a cycle, have a wheel diameter of 355mm or less. None of the changes will apply to people on foot and the opportunity for people to walk or run on the footpath will remain unchanged. The changes are meant to assist a variety of users to access safe spaces to travel, while maintaining and prioritising the access of pedestrians.

The maximum width requirement will ensure that many device users can still access the footpath.

It may mean that some uncommon, larger mobility scooters are not allowed on the footpath, although unpowered and powered wheelchairs will be excluded from this width requirement.

Current rules already require all footpath users to behave in a courteous and considerate manner, in a way that does not constitute a hazard. The requirement that all other users must give way to pedestrians recognises that with more new and emerging vehicles like e-scooters in use, pedestrian use of footpaths needs to be prioritised.

Under the proposed changes, most cycles would be able to be used on the footpath, subject to the proposed speed limit and behavioural requirements. This is primarily to allow children to cycle on footpaths, which is currently illegal for most children over the age of six (when they begin to ride cycles with larger wheels). It would also allow adults to cycle slowly on the footpath in places where they feel the road is too risky. The proposed speed limit is expected to deter most adult cyclists, who generally travel at higher speeds, from riding on the footpath.

Councils would still be able to limit the use of some types of vehicles on footpaths in their areas. For example, councils may wish to exclude some powered devices from footpaths in busy urban areas, or in areas with especially narrow footpaths, or set a lower speed limit (opting for 5km/h or 10km/h) to suit their local conditions.

Existing provisions preventing vehicles that can be registered for use on the road from using the footpath, such as motor bikes, mopeds or cars, would continue.

What is the framework that vehicles using the footpath will need to follow?

The framework is based on specifying maximum speed and width limits for cycles, transport devices in order to use the footpath and requiring that people behave in a certain way when using them. As an increasing number of transport devices legally use the footpath at speed, there is a need to further define what courteous and considerate on the footpath looks like in practice.

Under this framework, users riding on the footpath will need to:

- Operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians.
- Not travel faster than 15km/h (to ensure the safety of others sharing the footpath)
- not ride a device wider than 750mm [other than wheelchairs] (to allow multiple users to share the footpath)

How do you define a 'courteous and considerate manner'?

Generally, this means that people are expected to be careful in how they use vehicles on the footpath so that they do not become a danger and risk the safety of other people. People using transport devices and cycles are always expected to give way to pedestrians.

Cycling

How will these changes affect people riding bikes?

Under the proposed changes, most cycles would be able to be used on the footpath, subject to the proposed speed limit and behavioural requirements. This is primarily to allow children to cycle on footpaths, which is currently illegal for most children over the age of six (when they begin to ride cycles with larger wheels). It would also allow adults to cycle slowly on the footpath in places where they feel the road is too risky. The proposed speed limit is expected to deter most adult cyclists, who generally travel at higher speeds, from riding on the footpath.

Is this change in response to a public petition, which called for children to be allowed to cycle on the footpath?

Ms Jo Clendon's petition to allow children to cycle on the footpath was considered as part of the initial policy investigation in the Accessible Streets Regulatory Package of changes. This proposal for cyclists is broader than envisioned in the petition as it would allow all cyclists on the footpath not just children.

Why are you proposing that adults can cycle on the footpath; why not just allow children to cycle on the footpath?

The proposal would allow adults to cycle slowly on the footpath in places where they feel the road is too risky. The proposed speed limit is expected to deter most adult cyclists, who generally travel at higher speeds, from riding on the footpath.

How many cyclists are currently using footpaths illegally?

It is estimated that 70 percent of children already cycle on the footpath and most do not know that this is currently illegal.¹ To most children and their parents, the footpath is seen as the safest option, and the New Zealand Police and the Transport Agency recommend that children under the age of 10 only ride on the road when accompanied by a competent adult rider.

Are electric cycles included in the proposed changes?

Yes, e-bikes are included as vehicles that would be able to use the footpath under the proposed changes.

¹ An Office of the Commissioner for Children survey found that of 86% of the school student respondents who had ridden a bicycle had ridden on the footpath (see page 11, <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Footpath-Cycling-Research-FINAL.pdf>)

Transport devices

What are transport devices?

The term transport devices refer to a category of devices that includes both powered and unpowered transport devices.

An unpowered transport device is a device that must be propelled by human power or gravity (e.g. a kick scooter or skateboard).

A powered transport device is a motorised device that has been declared by the NZ Transport Agency not to be a motor vehicle (e.g. e-scooters and yikebikes)

If the NZ Transport Agency decides to declare a device not to be a motor vehicle, it will need to fit one of the following criteria in order to be classified as a powered transport device:

- Be a device with a maximum power output of 300 watts or,
- Be a device with a maximum power output between 300 and 600 watts.

These devices can be treated as separate groups. For example, unpowered transport devices could be allowed on a shared path, while powered transport devices could be restricted.

How will these changes affect people using powered transport devices like e-scooters?

Powered transport devices, including e-scooters, would still be able to be used on footpaths and on the road (if they stay as far left as practicable). The proposed changes would further enable powered transport devices, like e-scooters, to also use cycle lanes and turning lanes at intersections to move straight ahead.

Councils would still be able to limit the use of powered transport devices on footpaths, shared paths, cycle paths and cycle lanes in their areas. For example, councils may wish to exclude some powered transport devices from footpaths in busy urban areas, or in areas with especially narrow footpaths, or set lower maximum speeds to suit their local conditions.

What guidance is available on the safe use of e-scooters?

Ride-share operators are making safety a priority, both for e-scooter users and pedestrians. With some operators there is compulsory on-board training for riders.

Safe speed limits are enforced using GPS and geofence technology, which allows the company to work with local councils to create low-speed zones and restrict riders from riding and parking in designated areas. If a user was to enter a no riding zone, the scooter's throttle would immediately disable and likewise, users are unable to end their rides inside no parking zones and will be informed to relocate their scooter elsewhere.

E-scooter operators collect them at the end of each day to avoid people using them in the dark.

One operator, Lime, has added a safety feature to its app for people using e-scooters at night. Using an e-scooter after 10pm requires confirmation that the user is capable of controlling it. A message pops up warning that drinking and riding is dangerous and illegal and calls for the user to confirm they are safe to ride. It requires the word "yes" to be typed in before the scooter will unlock.

The Transport Agency has also run a public information campaign to raise awareness of key road safety messages for e-scooter use on footpaths. Primarily that e-scooter riders:

- must give way to pedestrians and other footpath users
- must not ride at a speed that's a hazard to themselves or other footpath users
- should always wear a helmet
- need to be aware that other footpath users can't see or hear them coming
- should keep as far left as possible if they ride on the road.

The public can be further protected as anyone can report unsafe riding to police and councils, including in instances where scooter-users are not giving way to pedestrians. Each e-scooter has a unique registration number to do so.

Why don't people on e-scooters need to wear a helmet when cyclists do?

Currently users of skateboards, e-scooters or other transport devices are not required to wear helmets, although helmet use is advised and encouraged, particularly when they are being used in on-road cycle lanes.

We are aware there remain different views about the benefits of helmet requirements. On one hand, 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 this is debated.

Will the proposals mean e-scooters will be banned from using footpaths?

People will be able to use e-scooters on the footpath if they do not travel faster than 15km/h, do not exceed a maximum power output of 300 watts, do not exceed 750mm width restrictions and behave in a courteous and considerate manner, including giving way to pedestrians.

Currently, powered transport devices can also be used on shared paths, most cycle paths and on the road (if they stay as far left as practicable) – everywhere except in cycle lanes. The proposed changes would enable powered transport devices to be used in cycle lanes and in turning lanes at intersections when travelling straight ahead.

Councils will maintain powers to restrict or permit certain devices in particular spaces. This means that while devices like e-scooters will be able to be used on the footpath, if a council deems part of a footpath inappropriate for the use of those devices, they are able

to ban their use. Councils would need to follow some criteria and consult with parties that may be affected by the change before doing so.

Mobility devices

How will these changes affect people who use mobility scooters or wheelchairs?

The proposed changes will introduce a framework for vehicles that use the footpath; this means users riding on the footpath will need to::

- Operate in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians.
- Not travel faster than 15km/h (to ensure the safety of others sharing the footpath)
- Not ride a device wider than 750mm to allow multiple users to share the footpath (all wheelchairs are excluded from this width requirement)

The maximum width requirement will ensure that many users can still access the footpath. It may mean that some uncommon, larger devices are not allowed on the footpath.

Why is a width restriction of 750mm or less proposed for mobility scooters? How wide is the average mobility scooter?

The 750mm width requirement was chosen as it allows for most mobility devices while excluding very wide devices being used on the footpath. We are interested to receive feedback on this during consultation. A final decision on the specific width, which may include a wider or narrower option, will be made following consultation.

My mobility scooter/wheelchair is over the proposed maximum width, what will I do?

All powered and unpowered wheelchairs will be automatically exempt from the width requirement because users of wheelchairs are considered pedestrians.

Users of large mobility devices that exceed 750mm in width will not be permitted on a footpath. These devices can be used on the road and a road controlling authority may permit them in shared paths and cycle paths.

Will it be possible to get an exemption for my 'oversize' wheelchair, so I can continue to use it?

All wheelchairs will be automatically exempt from the width requirement.

Will mobility devices be exempt from width restrictions?

All wheelchairs will be automatically exempt from the width requirement. Users of mobility devices would have to comply with the proposed maximum width changes or successfully apply for an exemption.

How many mobility scooters/devices that currently use the footpath will be affected by this proposed change?

While we understand that most medical mobility devices will fall within the 750mm width requirements, there are already mobility devices for sale in New Zealand that exceed 750mm. Cabin mobility scooters (covered in mobility scooters), for example, have an average width of 800mm.

There are also oversized devices known as mini electric cars or 'twizys', which are enclosed four-wheeled electric devices with an average width of 1190mm. These devices are not viewed as mobility devices by the NZ Transport Agency but are owned by some New Zealanders.

Under the proposed changes, users who already own these types of devices and use them for medical or mobility purposes may be able to apply for an exemption with the NZ Transport Agency to continue using their device on the footpath.

How does the exemption process work?

Users need to apply for an exemption with the Transport Agency. Users will need to pay a fee of \$27.80 to apply.

To be granted an exemption, the user will need to show that risk to safety will not be significantly increased by being permitted on the footpath. The user will also need to show that:

- Requirements have been complied with and further compliance is unnecessary; or
- providing an exemption is as effective or more effective than actual compliance with the width requirements; or
- the prescribed requirements are unreasonable for the user or,
- events have occurred that make the width limit inappropriate for the user.

The NZ Transport Agency grants exemptions on a case by case basis.

These criteria are set in legislation and will need to be considered by the Transport Agency whenever an application for an exemption is made. This means that even if a wide mobility device was purchased before the introduction of the width limit, the above criteria would still need to be met for an exemption to be granted. The NZ Transport Agency grants exemptions on a case by case basis and may consider its own guidance on mobility devices before deciding to grant an exemption. Existing guidance about the importation of mobility devices suggests that mobility devices should not exceed 850mm.²

Are there alternative options to an exemption?

² General guidance about importing a mobility device can be accessed here: <https://www.nzta.govt.nz/assets/Vehicles/docs/General-guidance-on-what-to-look-for-when-importing-a-mobility-vehicle.pdf>

In addition to the existing exemption process, we are interested in feedback on whether other approaches should be taken to mitigate the impact on owners of existing mobility devices that are over 750mm wide.

For example, we could make mobility devices purchased prior to the rule changes automatically exempt from the width limit. This would mean owners of existing mobility devices would not be unfairly disadvantaged. However, we recognise this could be difficult to enforce.

Alternatively, or in addition, we could introduce a change where devices that exceed 750mm and are declared a mobility device by the Transport Agency are exempt from this width restriction. Once declared to be a mobility device, devices over 750mm would be able to use the footpath. This could help mitigate the risks associated with vehicles that are being sold as mobility devices that resemble small cars.

Given we know there are existing mobility devices that are over 750mm wide, we could also consider whether a separate width limit should apply to these devices. However, we also recognise allowing wide vehicles on the footpath creates risks for other users and could make sharing some footpaths more difficult.

Pedestrians

How will the proposed changes affect pedestrians?

The proposed changes would mean that pedestrians will be sharing footpath space with additional vehicles. To ensure the ongoing safety of pedestrians, a new framework would be introduced. Under this framework, users riding on the footpath must::

- Operate in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians.
- not travel faster than 15km/h (to ensure the safety of others sharing the footpath)
- not ride a device wider than 750mm [other than wheelchairs] (to allow multiple users to share the footpath)

Current rules already require all footpath users to behave in a courteous and considerate manner, in a way that does not constitute a hazard. Under the current state, WRD users are required to give way to pedestrians – but this requirement is not extended to other users. The change will ensure this requirement to all other users on the footpath, like cyclists. The requirement for all users to give way to pedestrians recognises that with more new and emerging vehicles like e-scooters in use, pedestrian use of footpaths needs to be prioritised.

Other devices used on the footpath

How will these proposed changes affect prams, pushchairs and similar devices used on the footpath?

The definition of pedestrian includes items that are pushed along the footpath by a person on foot, like a pram. The width restrictions wouldn't apply to prams, pushchairs or similar devices on the footpath.

Speed limit

How did you choose a maximum speed of 15km/h?

The speed is slightly faster than twice the speed of walking and slightly faster than the average speeds that children currently cycle and scooter at on the footpath (10.2km/h and 10.9km/h respectively).

Will vehicles and transport devices be required to slow down if the footpath is crowded or will the 15km/h limit still apply?

Although the 15km/h limit would still apply, in practice the average speed would be slower on a busy footpath. In areas where footpaths are congested, councils would be able to limit the use of some types of vehicles and transport devices on footpaths or set lower maximum speeds to suit their local conditions. Councils have the option of choosing 5km/h, 10km/h or 15km/h as a speed limit. Councils cannot opt for a higher speed limit on the footpath.

How will the speed limit of 15km/h on the footpath be enforced?

There are a number of ways that the speed limit is expected to be enforced. E-vehicle share scheme providers can set speed limits on their devices using GPS and geofence technology, which allows them to restrict speed, and users will be expected to take responsibility for riding within the set speed limit. It will not be practical for the NZ Police to enforce most of the time as they must continually prioritise enforcement to the behaviours with the greatest road safety risk.

How fast can vehicles, such as mobility scooters, currently travel on the footpath?

Currently there is no prescribed speed limit for vehicles using the footpath. The only requirement is that they must have a wheel diameter of 355mm or less, and a maximum power output of 300W or less. This means that vehicles that can travel over 30km/h are currently allowed on the footpath.

Does this mean motorcycles will be allowed on the footpath if they go 15km/h?

No. The existing provisions that prevent vehicles that can be registered for use on the road from using the footpath, such as motorcycles, mopeds or cars, would continue.

Footpaths

What is a footpath?

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 other vehicles in the course of making deliveries. Very small bicycles with a wheel circumference of less than 355mm are also able to use the footpath – this is about the bike size a five or six-year-old child would typically ride.

How is a shared path different to a footpath?

A shared path is – a path that is physically separated from the roadway that is intended for the passage of pedestrians, cyclists, riders of mobility devices, and riders of transport devices. Councils can determine what users are permitted or restricted from using a shared path.

Some footpaths in city centres are very busy, others very narrow. Will these proposed changes apply to all footpaths regardless?

Councils would still be able to limit who and what uses footpaths in their areas by restricting unpowered transport device, powered transport devices and/or cyclists. For example, councils may wish to exclude some powered devices (like e-scooters) from footpaths in busy urban areas, or in areas with especially narrow footpaths, or set different minimum or maximum speeds to suit their local conditions. Councils will not be able to restrict the use of the footpath for pedestrians, wheelchair users or mobility device users.

Will footpath widths or style need adapting to accommodate these proposed changes?

Not as part of this package of changes. Currently the Transport Agency is reviewing the Pedestrian planning and design guide. Additional funding for footpath maintenance has been included in the current GPS.

What are the Transport Agency footpath design guidelines?

The Pedestrian planning and design guide is New Zealand's comprehensive official guide to planning and design for walking. It sets out ways to improve New Zealand's walking environment. <https://www.nzta.govt.nz/resources/pedestrian-planning-guide/>

Providing a regulatory framework for shared paths and cycle paths

What's the current situation, why does it need changing?

The proposed changes respond in part to the increasing use of new types of vehicles being used on our streets and the need to ensure we create safe environments and clear rules for their use.

It also supports a move away from private vehicle use in urban centres to more energy efficient, low-cost and healthier transport options like walking, cycling and public transport.

The changes also clarify how road controlling authorities create shared paths and cycle paths. Currently, there are no specific enabling provisions for the creation of shared paths, except for those related to sign and marking requirements, meanwhile cycle paths can be created using requirements outlined in the Local Government Act 2002, or the Land Transport Act 1998, but it isn't clear which requirements road controlling authorities should follow.

What is a shared path?

A shared path is a path, which may be used by pedestrians, cyclists, riders of mobility devices and riders of transport devices. A sign or marking can be used to give priority to a particular user (e.g. pedestrians or cyclists) or to exclude some users.

What is a cycle path?

A cycle path is a part of the road that is physically separated from motor traffic. They are generally located next to the roadway, usually within the road reserve. They are intended for the use of cyclists but may also be used by pedestrians and riders of mobility devices when a footpath is not available.

What are the changes proposed?

The change will outline that the speed limit on a shared path or cycle path always matches the speed limit on the adjacent roadway. If a shared path is not adjacent to a roadway, these paths have a default speed limit of 50km/h.

What will road controlling authorities be able to do under the new changes?

The changes would allow road controlling authorities to declare any path a shared path or cycle path by passing a resolution.

Road controlling authorities will be able to alter the speed limit (the speed limit must not exceed 50km/h or be less than 10km/h) or restrict certain devices from using shared paths and cycle paths. To do so, the road controlling authority will need to consider:

- National guidance from the NZ Transport Agency,
- How restrictions will impact the availability of particular routes,

- Anything that could impact the safety of users.

Road controlling authorities will also need to consult with anyone effected by a change to the path, allow them time to respond and consider any submissions.

DRAFT

Clarifying road controlling authority powers around the restriction of berms:

What is a berm?

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,

What is the current situation and why does it need changing?

Vehicles frequently park on berms when there is no parking available on the road. In many instances, parking on berms can be a practical parking solution on narrow suburban streets to help improve access for traffic. Other times, parking on the berm can affect accessibility for pedestrians and device users by blocking their path and can cause visibility issues for drivers when exiting driveways (especially in areas with fast moving traffic). Parking on the berm can also damage underground infrastructure.

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

This suggests there is a need for greater clarity on whether signs are required for berm parking restrictions. We are also aware that some RCAs would like the explicit ability to impose a general prohibition on parking on grass berms, through a bylaw, without the use of a sign or other markings to notify the public of the restriction.

What are the changes proposed?

The proposed change would clarify road controlling authority's powers to restrict berm parking.

Road controlling authorities will be able to restrict parking on a berm or an area of berms by passing a resolution and registering the restriction with the Transport Agency. All restrictions that are registered with the Transport Agency will be available to the public via an online register. A register is currently being developed.

If a road controlling authority has passed a resolution and registered a berm restriction with the Transport Agency, they may install a sign to inform the public that parking on the berm is not allowed. However, a restriction is valid and enforceable whether or not signs are installed. This is similar to the approach taken for liquor ban areas.

What if I park on a restricted berm that has no signs or markings?

Under the changes, road controlling authorities are not required to sign or mark every berm as a restricted area. This means that you will need to check the online register to

see if the are you are parking in a restricted area. If you do not check and unknowingly park in a restricted area, you could receive an infringement notice.

DRAFT

Enabling safer and more accessible use of cycle lanes and cycle paths

What's the current situation? Why does it need changing?

Currently, powered transport devices like e-scooters can be used on footpaths, shared paths, most cycle paths and on the road (if they stay as far left as practicable) – everywhere except in cycle lanes. Cycle lanes can only be used by cyclists.

What does 'as far left as practicable' mean?

'As far left as practicable' means staying as far to the left, but ensuring you aren't endangering yourself while doing it. A lot of the time, there are gutters or drainage grates in road shoulders that could make it impractical for people on cycles to ride off the road if a car is passing them and, in these instances, a cyclist or other device user shouldn't be staying as far to the left. The cyclist road code explains this in more detail.

What changes are proposed?

The proposed change would enable all transport devices, including e-scooters, to use cycle lanes. The change is intended to encourage faster moving devices, like e-scooters and skateboards, 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. They would still be able to use the footpath (if they keep to the speed limit), along with shared paths, most cycle paths and on the road as they do currently.

The change also clarifies that pedestrians, wheelchair users and mobility devices can also use cycle lanes when no footpath is available.

What is the difference between a cycle lane and a cycle path?

Cycle lanes are strips on the road (often painted) which are designed for the passage of cycles, meaning users are in a separate lane from other traffic.

Cycle paths are usually a part of the road that is physically separated from traffic. They are intended for use by cyclists but may also be used by pedestrians, users of transport devices and mobility devices, unless signed and/or marked otherwise.

Why not just have transport devices using cycle lanes and cycle paths and not the footpath?

People would be able to use e-scooters on the footpath if they do not travel faster than 15km/h and behave in a courteous and considerate manner, including giving way to pedestrians.

Many people currently choose to use transport devices on cycle paths (if allowed by councils), and we expect in cycle lanes if the proposed change goes ahead, there is no reason that they shouldn't use them on the footpath if they do not travel faster than

15km/h and behave in a courteous and considerate manner, including giving way to pedestrians.

Sometimes, a cycle lane is not an available option to a user and the footpath is a much safer option than the road.

DRAFT

Removing barriers to walking, transport device use, and cycling through 'give way' rule changes

What's the current situation? Why does it need changing?

Currently, in several situations, people walking, riding transport devices, cycling or taking public transport are given less priority in comparison to motorists. This can limit people from using these forms of transport to get to where they want to go.

There are also a few instances where road users are behaving in a way that is safe but is currently illegal.

What changes are proposed?

The proposed changes would:

- allow cyclists and transport device users to ride straight ahead from a left-turn lane (current practice but illegal)
- allow cyclists and transport device users to pass slow-moving or stationary motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn)
- give cyclists, transport device users and buses priority over left-turning traffic when they are travelling straight through an intersection on a separated cycle or bus lane (as cyclists currently have on an unseparated cycle lane)
- 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.

Are you confident allowing cyclists and transport device users to ride straight ahead through a left-turn lane?

Allowing cyclists to ride straight ahead through a left-turn lane is common practice by cyclists.

Allowing cyclists and transport device users into these lanes can often protect them from riding amongst heavy, fast-moving traffic as those in the left-turn lane are often moving at a slower pace to turn, and has less traffic, as most traffic will travel straight through.

A public information and education campaign will additionally assist in helping motorists understand the change and learn what to expect from cyclists and transport device users at intersections.

Are you confident allowing transport device users and cyclists to undertake slow-moving or stationary vehicles is safe?

Allowing cyclists and transport device users to undertake slow moving traffic on the left would legitimise what is already widespread practice amongst cyclists who consider this safer than moving between lanes of traffic. Preventing this behaviour could pose a safety

risk and lead to inefficiencies in traffic flow, either by slowing down cyclists and transport device users (who are unable to undertake) or other vehicles (when cyclists are required to merge into traffic to overtake).

A review report prepared by MWH and ViaStrada (2016) Review of road user rules for people walking and cycling informed this proposal. The report can be accessed here: <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/RUR-MWH-FINAL.pdf>

The current requirements are confusing for cyclists and other road users, particularly in congested areas where general traffic moves slowly in a stop-start fashion. In the absence of a change some cyclists and transport device users may either choose to ignore the existing rule or others may be put off these active modes by the prospect of not being able to undertake on the left.

Why give buses priority over turning traffic? Isn't that what the 'B' traffic light is for?

Buses, cycles and trams can be given permission to go first using a priority light when they are travelling in their own lane. This proposed change would give cyclists and buses priority over left-turning traffic when they are travelling straight through an intersection on a separated cycle or bus lane respectively (as cyclists currently have on an unseparated cycle lane).

Not all intersections with separated bus lanes have a B traffic light.

Is there evidence that shows these proposed changes are safe for cyclists?

These proposed changes are expected to increase cyclist safety by helping to improve the visibility of cyclists and reduce conflict between them and motor vehicles. It will also legitimise what is already widespread practice amongst cyclists.

What will be done to make sure the proposed changes are understood by the public if they go ahead?

Any rule amendments are anticipated to come into force in mid-late 2020. Before then, an implementation plan, including any transitional arrangements, would be prepared. A key part of the implementation plan would be a national public information and education campaign to raise awareness and help support people through the changes.

Will the proposed changes mean a change to the road code is required?

Yes – the changes will include:

- Minimum overtaking gap requirements
- Giving way to urban buses (operating scheduled public transport services)
- Giving way to other path users at side roads with minimum markings.
- Giving way to cyclists/buses going straight through an intersection in a separated special lane.

There will also be changes to the *Official New Zealand Code for Cyclists* which will include:

- Riding straight through in a left turn lane
- Undertaking
- Right of way through an intersection in a separated special lane.
-
- ***Introduce reflector requirements for transport device users:***
- ***What's the current situation? Why does it need changing?***
- Cyclists are required to use reflectors on pedals, headlamps and position lights when riding on the road at night. Transport device users, while also permitted on the road, do not have any lighting requirements. This inconsistency can be dangerous as it means transport device users can travel at night without being visible to others. This risk is amplified if the user is on the road with fast moving traffic.
-
- ***What changes are proposed?***
- the proposed change would only permit transport device users to ride on the road at night provided:
 - • The transport device is fitted with reflectors or,
 - • The user is wearing reflective clothing.
-
- ***How will the requirements be enforced?***
- Police and road controlling authorities currently work together to ensure that cyclists follow lighting requirements when travelling at night time. It is expected that this process will be applied to Transport device users.

Mandating a minimum overtaking gap for vehicles passing other road users

What's the current situation? Why does it need changing?

Between 2008 and 2018, vehicles overtaking cyclists contributed to 174 cyclist crashes resulting in serious injury and 20 percent of fatal cyclist crashes in New Zealand. Vehicles overtaking pedestrians too closely contributed to 13 crashes (3 of which resulted in no injury). Incidents between horse riders and vehicles passing too closely is also a common occurrence.

There is limited awareness around the current guidelines on safe passing distances and these are difficult to enforce, even though there are existing offences and penalties for careless driving causing injury, which could be used to prosecute a motorist following a serious incident involving a close pass. Setting minimum passing distances in the amendment rule means that we will raise awareness and legitimise what is currently only a guideline. This would help to make people feel that cycling, horse riding or using a transport device on the road is a safe option for getting to where they need to go.

The proposed change would also help to clarify the current legal situation where cyclists, horse riders or other users are involved in accidents with overtaking motor vehicles, by providing an explicit offence.

What changes are proposed?

The proposed change would require minimum overtaking gaps for vehicles passing cyclists, people riding horses, people using transport devices, mobility device users or pedestrians on the road. The minimum overtaking gap will only apply to motor vehicles in the same lane as the cyclist, horse rider, transport device, mobility or pedestrians. The gap will also apply if a motor vehicle in a left lane is passing a user who is walking or riding in a road shoulder.

The minimum gap for a motorist to provide, when overtaking these users, and travelling on a road with a posted speed limit of 60km/h or less, is proposed to be 1 metre. The minimum overtaking gap to be provided, when overtaking , these users and travelling on a road with a posted speed limit over 60km/h, is proposed to be 1.5 metres. This requirement will also apply to pedestrians (including wheelchair users) and mobility device users on the roadway.

The proposal is consistent with the Cycling Safety Panel's 2014 report, which recommended a minimum overtaking gap change. It would set a clear expectation about what a safe, minimum passing distance is by legitimising what is currently a guideline and raise awareness of this practice.

What's in the current guidance and why isn't this enough?

The existing Road User Rule states that drivers can only pass cyclists when it is safe to do so, and the Official New Zealand Road Code recommends that drivers should allow for a space of at least 1.5 metres when passing a cyclist. Likewise, the Official New Zealand Road Code recommends that drivers should allow for a space of at least 1.5 metres when passing a cyclist, and slow down, pass carefully, and give plenty of room when passing a horse. There are also existing offences and penalties for careless driving causing injury, which could be used to prosecute a motorist following a serious incident involving a close pass. However, there is nothing explicit in law that prescribes a minimum overtaking gap when motor vehicles are passing other lower speed road users.

Is there evidence that shows these proposed changes are safe?

While several other jurisdictions mandate minimum passing distances, there is only a small amount of research on the safety benefits. Some international evidence shows that mandatory minimum overtaking gaps lead to safety benefits for cyclists by reducing the number of dangerous close passes.

Will needing to leave a large gap for people cycling or on a transport device like an e-scooter, mean it's more dangerous for other people on the road?

Motor vehicle drivers will be able to legally cross a solid yellow centreline (or a flush median as is currently the case) to pass a person on a cycle, horse rider, mobility device, transport device mobility device or pedestrian in order to observe the minimum overtaking gap.

The existing requirement that motorists must not pass other motor vehicles where a solid yellow 'no passing' line is installed remains.

If motorists are not able to safely pass a road user, while maintaining the required passing distance, that driver is expected to drive carefully and wait until it is safe to pass – even if this means, driving slowly behind the user.

Do cyclists passing pedestrians on shared paths also need to observe a minimum overtaking gap?

The minimum overtaking gap will apply to motor vehicles in the same lane as the cyclist, horse rider, transport device, mobility device or pedestrians. If, for example, a cyclist, horse rider or pedestrian is in a cycle lane or footpath next to the road way, a motor vehicle must maintain a safe and considerate distance, but the minimum overtaking gap will not apply.

How will this requirement impact truck drivers and drivers of other large/heavy vehicles? Along with other drivers, they would be required to observe the minimum overtaking gaps when passing cyclists, transport devices, or pedestrians (without access to a footpath) on the road.

The gap will also apply if the user is walking or riding in a road shoulder while a truck is passing in a left lane.

Will this minimum overtaking gap also apply to motorcycles and mopeds moving slower than the speed limit?

No. The proposed change requires minimum overtaking gaps for vehicles passing cyclists and people using transport devices, riding horses or pedestrians (without access to a footpath) on the road.

Motorcycles and mopeds will have to comply with the minimum overtaking gap requirements when overtaking these users.

How has the minimum overtaking gap size of 1 metre when there is a posted speed limit of 60km/h or less and 1.5 metres when there is a posted speed limit exceeding 60km/h been established?

The minimum overtaking gap proposal is the result of a recommendation from the 2014 Cycling Safety Panel report, Safer Journeys for People who cycle: Cycling safety panel final report and recommendations.

They pointed out in their report that cyclists are reliant upon balance and may wobble and fall if their space is impinged on. Their work looked at a variety of changes to legislation internationally that have trialled or implemented a minimum overtaking gap.

The gap they have drawn is a legislative change in Queensland, Australia which trialled a minimum passing distance of at least 1 metre when passing at 60km/h or less and 1.5 metres if passing at over 60km/h.

Why have different minimum overtaking gap requirements for different speed limits?

The different gaps are based on passing gaps currently in force in Queensland Australia. The gap is wider when a motorist is going faster is based on the fact that vehicles driving faster will lead to greater blow back on the road user when going past, thus a greater passing distance is required.

What will be done to make sure the proposed changes are understood by the public if they go ahead?

A key part of the implementation plan would be a national public information and education campaign to raise awareness and help support people through the changes.

What other countries have similar legislation?

Several other jurisdictions have similar rules, such as most of Australia, parts of the UK, and many states in America.

How will the minimum overtaking gap be enforced if changes are made?

The proposed minimum overtaking gap will be enforced by NZ Police and may be subject to penalties, however the purpose of the change is set a clear expectation about what a safe minimum passing distance is and raise awareness about the safety implications of passing lower speed road users too closely. This change will be implemented alongside a public information and education campaign which will help all road users adjust and understand these changes.

Giving passenger buses priority when exiting bus stops in urban areas

What's the current situation? Why does it need changing?

Travel time reliability can be a big reason why people choose to use private vehicles instead of using public transport.

Buses leaving a bus stop are often delayed while waiting for a suitable break in traffic or for other drivers to provide a gap to merge into. If this delay is repeated many times along a route it significantly impacts the reliability of the bus service and can mean people choose not to use public transport.

This change would signal that public transport has priority in traffic flows, as buses usually carry more people than cars. It would mean people using public transport are more likely to get to where they need to go on time and make it easier for them to plan their trips because their travel time would be more reliable.

What changes are proposed?

The proposed change would give urban buses (operating public transport services) legal priority when leaving a marked bus stop on a road with a posted speed limit of 60km/h or less.

Bus drivers would still have to indicate for three seconds and behave in a safe manner before pulling out of a bus stop.

Why does this need to be in the rule, don't most people do this anyway?

Currently giving way to buses leaving a bus stop is only considered a courtesy. When this courtesy is not extended, buses are delayed while waiting for a suitable break in traffic or for other drivers to provide a gap to merge into. If this delay is repeated many times along a route it significantly impacts the reliability of the bus service and can mean people choose not to use public transport.

If buses have right of way to pull out from a bus stop, will this mean bus drivers won't look when pulling out?

No. Bus drivers would still have to indicate for three seconds and behave in a safe manner before pulling out of a bus stop.

Won't this potentially result in delays for other road users?

Giving way and allowing traffic to merge should be common practice in many traffic situations. Giving way to buses leaving a bus stop is unlikely to add a noticeable delay to other road users.

Will this improve reliability of public transport?

The proposed change will improve travel time reliability by helping to keep travel times better in line with bus schedules. If a bus leaving a bus stop is delayed, and this delay is repeated many times along a bus route, it significantly impacts the reliability of the bus service.

Why will this only apply on roads with a speed limit of 60km/h or less?

This change is intended to improve the reliability of bus services and make it easier for people to use public transport in our urban areas – these roads have speed limits of 60km/h or less.

What will be done to make sure the proposed change is understood by bus drivers and the public if it goes ahead?

A key part of the implementation plan, should the changes go ahead, would be to provide information for bus drivers, along with a national public information and education campaign to raise awareness with the public.