



# **SUBMISSION**

**To**

**NZTA**

**on**

**Road User Amendment [2009] Rule**

*a voice for kiwi cyclists*

*<http://can.org.nz>*



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### **1. Introduction**

The Cycling Advocates' Network (CAN)<sup>1</sup> is pleased to present this submission on the *Road User Amendment [2009] Rule*.

The national Executive of the group has prepared this submission, with feedback from our membership. Some of our local member groups may also be making separate submissions. If you require clarification of any of the points raised by us, please feel free to contact us as detailed at the end of our submission.

### **2. General comment**

CAN is pleased with the majority of the proposals as put forward, as they represent what we have been asking for for years. We appreciate that in some cases, officials have always shared our opinion, and it was government that hadn't been 'ready'.

### **3. Specific feedback**

#### **Proposal 1 Limit the use of hand-held mobile phone while driving**

Since 2001, we have been writing submissions to you supporting the ban of mobile phones while driving. It is pleasing to see that this is now finally proposed.

We do not concur with the proposal to only ban hand-held cell phones, but allow cell phones with hands-free kits. The following quote is from research report no 349, available on [your website](#) (Distractive effects of cellphone use, S. Charlton, 2008):

*Further, the findings that use of hands-free cellphones may be just as detrimental as*

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<sup>1</sup> More information about CAN is at the end of our submission.

*handheld (Horrey and Wickens 2006; Matthews et al 2003; Patten et al 2004) suggest that cellphone interference results from cognitive demands of the conversation rather than distraction due to manipulation.*

We therefore ask that both hand-held and hands-free cell phones be banned from use while driving.

### **Proposal 2 Clarify the distance for which a driver may use a lane that is otherwise not available to vehicles**

We appreciate the intention of replacing a non-specific requirement ("keep the use of the lane to the minimum necessary to complete their manoeuvre") with an actual distance. We submit that allowing drivers to drive along cycle lanes for up to 100 m is excessive, though.

It is stated that the Australian Road Rules define maximum distances (100 m for bus, transit and other lanes and 50 m for cycle lanes) that drivers may use the lane to turn. It further says that any specified distance would have to provide adequate length for the turning driver to select a gap (in the flow of vehicles using the special vehicle lane), adjust speed and complete the turning movement. By making reference to 'adequate length for the turning driver to select a gap', the justification why cycle lanes are treated differently to other special vehicle lanes in Australia is given. With cycles being considerably slower than motor vehicles, it is simply not necessary to give motorists the ability to drive along them for a great distance, as it is easy for drivers to select a gap. When a motorist is travelling alongside a bus lane, and the bus is travelling at roughly the same speed as the motorist, then the motorist will need a longer distance for selecting a gap.

Many cyclists would be unnecessarily intimidated by drivers if the Rules were amended as per the draft. The longer distance allowed for driving along cycle lanes would detract from the value that allocating some exclusive road space to cyclists provides.

We submit that driving along a cycle lane should be limited to 50 m.

### **Proposal 3 Cyclists to be allowed to do a 'hook turn'**

CAN fully supports this proposal. It is important that hook turns be allowed not just at traffic signals.

### **Proposal 4 Use of motor vehicles on footpath**

CAN supports this proposal, provided that the minimum default speed limit of 70 km/h does not get compromised during the Rules process.

### **Proposal 5 Duties relating to the use of mobility devices and wheeled recreational devices at traffic signals**

CAN supports this proposal, and submits that it does not go far enough. We submit that cyclists on a crosswalk should also have the same priorities and obligations as pedestrians, much like what is now proposed for riders of mobility devices and wheeled recreational devices.

### **Proposal 6 Signalling requirements for cyclists at roundabouts**

CAN fully supports this proposal. It is heartening to see that specific exclusions are now made for cyclists, when clearly it wasn't the original intention to include them in the Rules as they were made for motorists.

### **Proposal 7 Giving way on a road where one direction as priority**

CAN supports this proposal.

**Proposal 8 Clarify the give-way rules at traffic signals**

We understand that this proposal refers to the case where u-turning traffic is in conflict with traffic on its right executing a left turn on a green arrow display. If this is the case, then we suggest that the suggested amendments do little to add clarity to the issue.

**Proposal 9 Set a maximum speed for towing a vehicle normally propelled by mechanical power**

CAN submits that the proposed speed limit is excessive for achieving safe outcomes.

**Proposal 10 Set a maximum speed for mopeds**

CAN supports this proposal.

**Proposal 11 Parking a vehicle off-roadway**

CAN is fully supportive of this proposal. We understand that this issue has caused some significant problems for some road controlling authorities, and we would like to see this resolved to the RCAs satisfaction.

**Proposals 12 to 19**

CAN supports these proposals.

**Proposal 20 Use of motorcycle and moped lights during daylight hours**

There has previously been discussion about requiring daytime running lamps for cars, too. CAN has previously submitted in favour of this. We suggest that this wider issue be revisited again.

**Proposal 21 Use of blue beacons by officials with the statutory power to stop vehicles**

CAN supports this proposal.

**Proposals 22 and 23**

In our opinion, the existing rule is a good example of a well-intentioned proposal that, once it has come into force, has never been adequately promoted to the driving public. The problems that have arisen can partially be attributed to this lack of making the rules known.

Not requiring no stopping lines in cycle lanes is another rule that does not work because it has never been publicised.

CAN therefore supports the proposed rule amendments, but consideration should be given to appropriate ways of communicating rule changes in general.

**Proposal 24 Giving way to pedestrians waiting to cross a pedestrian crossing**

CAN fully supports this proposal.

**Proposal 25 Use of shared pedestrian cycle paths**

We support the the proposal, but suggest that it does not go far enough. The Rule amendment should be taken as an opportunity to give other behavioural path usage messages, as is done in Queensland:

- Keep left
- Warn when approaching (e.g. bell, "excuse me")

- Move off path when stopped
- Control your dog

### **Proposal 26 Performance criteria for cycle headlamp**

CAN fully supports this proposal. In addition, we suggest that the Rule change is taken as an opportunity to clarify that it is legal to have a helmet-mounted lamp.

### **Issue for consideration: Priority for buses when signalling to leave a stop**

CAN supports giving buses priority when signalling to leave a stop. As with Britain, there needs to be some onus on the bus driver to ensure that other road users can stop safely for giving way to a departing bus. We suggest that it should not be required to fit all buses with signs as is a legal requirement in Australia. Instead, some advertising campaign should be conducted to introduce the change to other road users, and this may include (non-statutory) signs on the back of buses for some period of time.

We are supportive of initiatives that make public transport more attractive. We see significant potential for improving bus driver behaviour around cyclists. This could be achieved by improved driver training (e.g. as part of licencing requirements), so that better sharing of the road is encouraged. If something like this would be introduced in parallel to the considered changes, we predict that cyclists' safety would greatly improve.

## ***Missing issues***

### **Definition of Right of Way**

Right of way is currently defined for the carriageway only and does not incorporate the whole road corridor. At intersections, the right of way is defined for the area achieved by the prolongation of the kerb lines. This has a direct bearing on the right of way for cycle tracks.

As cycle tracks are by definition behind the kerb line, cyclists always have to give way to turning motorists at every side street. This is an important difference to European countries and North America, where right of way is defined for the road corridor. Over there, turning motorists have to give way to bicyclists (and pedestrians), unless a site is signposted otherwise.

As a consequence of the legal situation in New Zealand, a cycle track would often not be acceptable to commuter cyclists, due to them having to give way at every side street. This in turn prevents TLAs providing cycle tracks in the first place, as these tracks would potentially not offer an acceptable level of service for one of the main user groups (i.e. commuter cyclists).

CAN acknowledges that cycle tracks do not necessarily result in safer facilities when compared to on-street bicycle lanes.

On the other hand, (on-street) cycle lanes are often unsuitable in certain road environments. Then, only segregated cycle facilities (i.e. cycle tracks) are suitable for the safe and convenient movement of cyclists. It is for this reason that the legislation in place needs to accommodate the option of providing cycle tracks that are adequate to all groups of cyclists.

### **Give way rules**

CAN urges Government to finally implement the previously proposed left turn versus right turn priority change. We expect significant safety benefits to result from this change for all road user groups, including cyclists and pedestrians.

### **Head start at traffic signals**

In some jurisdictions, a red traffic signal is followed by simultaneous red and yellow, followed by green. This is generally done so that motorists 'get into gear', reducing start up delay.

Consideration could be given to introduce this signal sequence in New Zealand, and allow cyclists to start up during the red and yellow phase after first checking for any conflicts (e.g. pedestrians still on the crosswalk). This would allow cyclists to get up to speed and into the correct lane, causing less frustration and decision making for motorists.

### **Radar detectors**

Speed kills. Therefore, it should not be legal to sell, own or operate radar detectors.

## **4. Cycling Advocates' Network (CAN)**

The Cycling Advocates' Network of NZ (CAN) Inc is this country's national network of cycling advocate groups. It is a voice for all cyclists – recreational, commuter and touring. We work with central government and local authorities, on behalf of cyclists, for a better cycling environment. We have affiliated groups and individual members throughout the country, and links with overseas cycling organisations. In addition, many national, regional and local government authorities, transportation consultancies, and cycle industry businesses are supporting organisations.