



Summary

We support the package - it makes sensible changes to make the roads safer for people who walk, bike, scoot or use other active transport.

We think these changes are particularly important:

- Allowing children, parents, the elderly and other people on bikes to choose to use footpaths in situations where they are unsafe on our roads.
- Sharing cycle lanes with eg micromobility devices, to give people a safe place to operate them off footpaths and separated from motor vehicles.
- Aligning the road rules with already existing, safe cycling behaviour.

We think these changes don't go far enough:

- The minimum overtaking gap is set too close and at too high speeds. It doesn't apply in cycle lanes, when most are little more than a strip of paint. We think it should recognise the increased danger of heavy vehicles.
- While we support the proposals around giving buses, cyclists and pedestrians increased right of way at intersections, we think that unnecessary restrictions around when these new rules apply will cause confusion and increase the risk of accidents.

We think further changes would fit well alongside the Accessible Streets regulatory package:

- We welcome NZTA's acknowledgement that it is not necessary to mandate the use of helmets while operating transport devices. Considering that bicycles are operating in the same spaces, and at the same speeds, we call for a review of the mandatory helmet legislation for cyclists. We believe building safe cycle lanes and paths remains the most important way to improve safety.
- Clearly assigning responsibility for vehicle and device users by weight and size
- Setting safe vision standards for heavy goods vehicles operating in cities.

1. Please answer a few questions about yourself:

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Proposal 1: Change and re-name the types of device that are used on footpaths, shared paths, cycle paths and cycle lanes

We support the changes to vehicle categories to clarify the status of various devices. We are concerned that many devices currently used by thousands of New Zealanders will remain illegal to operate anywhere without receiving a specific exemption from NZTA. We think it's appropriate for NZTA to make sure these declarations for devices are in place on day one. and that this process of exempting vehicles individually will hinder uptake of current and future devices. We'd prefer NZTA to define and approve categories of devices so that individual device declarations are not required.

Proposal 1A: Pedestrians and powered wheelchair users

2. Do you agree that powered wheelchairs should be treated as pedestrians?

Yes. They need to be allowed everywhere pedestrians are, including places where RCAs may restrict the use of other devices.

Proposal 1B: Changing wheeled recreational devices

3. Do you agree with the proposal to replace wheeled recreational devices with new categories for unpowered and powered transport devices?

Yes.

4. What steps should the Transport Agency take before declaring a vehicle not to be a motor vehicle?

Public consultation to discover the likely usage and risks of new vehicle types. Ensuring that no devices are unintentionally left unusable (eg not allowed on the footpath, bike lane or road).

5. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions?

Yes, for example based on other usage characteristics like ease of control and how well it may coexist with other road users.

6. If yes, should such conditions be able to be applied regardless of the power output of the device?

Yes, the power output is not the only indicator of how a device may be used or the benefits and risks associated with it. Also, power output is very difficult to measure and enforce effectively.

7. We propose to clarify that: a. low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency are not allowed on the footpath b. these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards c. if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes). Do you agree with this proposed clarification?

No, we think putting devices into an unusable limbo is counter-productive. We think more control would be gained by having a default or temporary situation for vehicles waiting to be classified. For example, this temporary situation could allow for usage on the footpath below 15km/h, or usage on the road with conditions, as appropriate.

Proposal 1C: Clarifying cycles and e-bikes

8. Do you agree with the proposal that:

- **Small-wheeled cycles that are propelled by cranks be defined as cycles, and**
- **Small-wheeled cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices?**

Yes. Balance-bike type devices are typically not fast or heavy, and users are often accompanied by others on foot.

Proposal 1D: Mobility devices

9. Mobility devices have the same level of access as pedestrians but will have to give way to pedestrians and powered wheelchairs under the proposed changes. Do you agree?

Yes. We note that some mobility devices may not be larger, faster or heavier than powered wheelchairs so the levels of access and priority should be appropriate.

10. Do you think there will be any safety or access-related problems with mobility devices?

Not that we are aware of, but we defer to others with more expertise in the area.

11. We intend to review the mobility device category at a later date. What factors do you think we need to consider?

We defer to others with more expertise in the area, but weight, speed, manoeuvrability and stability all seem relevant.

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12. We have outlined an option to not change vehicle definitions. This means we would make changes at a later date instead. Do you prefer this option to our proposal to change vehicle definitions now?

No. Current definitions are complex and confusing and leave gaps. Any change is good.

Proposal 2: Establish a national framework for the use of footpaths

We support this proposal, which will allow people to ride bikes carefully on footpaths as long as they meet speed, device width, and behaviour requirements. We strongly agree that footpaths are primarily for people, especially those with disabilities. We think that this proposal sets the right standards for people on bikes to operate safely in pedestrian spaces and legitimises already existing, safe cycling behaviour.

Footpath cycling is not a substitute for teaching safe road riding, but it provides a safe place to learn and practice riding skills until children are developmentally ready for sharing the road with cars. Under current rules children as young as 4 are riding bicycles that exceed the size allowed on footpaths. We think that permitting Bike Ready instructors to teach children safe and courteous footpath behaviour will result in safer outcomes for all path users. Currently that's not possible because it's unlawful. Senior and disabled riders can also benefit from the added protection of cycling on the footpath.

We urge the NZTA and local councils to act quickly to build safe, separated infrastructure for cyclists and other transport users. This remains the best way to make cycling safer and more attractive.

Using the footpath will not significantly decrease pedestrian safety. Evidence from Australia (and elsewhere) demonstrates low risk to pedestrians and that we can share and we can share with care. As a society we need to demonstrate the belief people are capable of developing the skills and attitudes we value and which will create a safe sharing environment. Fostering a culture of calm and tolerance, together with cycle skills training, will help keep all footpath users safe and help make our roads better places to be.

13. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements. Do you support this?

Yes, we strongly support these changes.

14. Should there be any other requirements?

We think the proposed requirements are reasonable, and recognise that people on bikes are guests on footpaths with responsibilities to other users.

15. We have outlined two alternative options to address cycling on the footpath. These are: a. cyclists up to 16 years of age to use the footpath; or b. Continue the status quo, where most cyclists are not allowed to use the footpath. Do you prefer either of these options instead of allowing cyclists on the footpath?

No, we do not support either of these proposed options.

We recognise there are a number of reasons why cyclists may choose to ride on the footpath, such as:

- When the road design is unsafe
- When travelling at slow speed up steep hills with no shoulder

The status quo results in some device users choosing to break the law for their own safety. The rules should change to reflect common, safe behaviour.

16. Would you support an age limit for cycling on the footpath? What age would you prefer?

No, we think that there are a number of users of bicycles who may wish to ride on the footpath, such as:

- Parents accompanying children
- Beginners
- Elderly
- People with disabilities
- People travelling with others on foot

Setting an age limit ignores the wide range of users that need safe ways of travelling around.

17. Our proposal allows road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions. Do you agree with this proposal?

No. We think restrictions should be organised at a national level, so that any restrictions are organised in a consistent way. This could still allow for differences in footpath access for areas with certain characteristics, eg busyness, width or hazards.

18. We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Should this be specified in the Land Transport Rule: Paths and Road Margins 2020 to provide certainty?

Yes. This should be specified in the Land Transport Rule in order to provide certainty and consistency between local authorities.

19. We're proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. Do you agree with this proposal and the proposed criteria?

Yes. We agree with the proposal of providing criteria to RCAs considering restricting certain types of devices. It is essential that these criteria consider the safety of ALL users, and the need to provide connected networks to active transport users.

20. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements?

No. Current footpath rules are outdated and do not reflect the evolution of micro mobility and size and density of motorised transport use on our roads. Current rules need to be changed to cater for a wider range of users of footpaths, and the important role that micro mobility and active transport have to play in easing congestion, improving health and community connectivity and reducing carbon emissions.

Proposal 2A: Users on the footpath will operate vehicles in a courteous and considerate manner, travel in a way that isn't dangerous and give right of way to pedestrians

21. We propose that pedestrians should always have right of way on the footpath. Do you agree with this proposal?

We support giving pedestrians right of way on the footpath and recognise the need to protect pedestrian use of footpaths as new and emerging micro-mobility options become more widely used.

22. This proposal sets out three behavioural requirements; that footpath users will: • operate vehicles in a courteous and considerate manner, • travel in a way that isn't dangerous, and • give right of way to pedestrians. Do you agree with these three requirements?

We support these three requirements as broadly covering what is required to safely share footpath space with other users.

Proposal 2B: Default 15km/h speed limit for vehicles using the footpath

We support the proposed speed limit of 15km/h for footpaths. 15km/h is in line with speeds that runners can already travel on footpaths, and is an appropriate speed at which cyclists can comfortably control their bike.

We don't agree that road controlling authorities should be able to set lower speed limits. We think this is likely to result in unnecessary micromanagement by road controlling authorities. Many cyclists will struggle to ride at slower speeds or be able to self-regulate speeds under 15km/h without a speedometer fitted to their bike.

23. Do you agree with the proposed default speed limit of 15km/h for footpaths?

We support the proposed 15km/h as a maximum speed. This acknowledges that it is a limit, not a target. Users should be encouraged to match their speed to the conditions, particularly the presence and behaviour of more vulnerable users.

24. Do you agree with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths?

The proposed rules already place a requirement on riders to be courteous and safe around other footpath users, and give them priority. This requirement is more useful than setting different speed limits below 15km/h. Allowing different speed limits on footpaths will confuse users and require increased signage. Devices not fitted with speedometers will have difficulty adhering to speed limits under 15km/h.

25. Are there other ways, that you can think of, to improve footpath safety?

Education is key and should lead to a culture change over time. The two key groups to target and education required are:

- Motorists entering and exiting driveways: visibility, speed, giving way to footpath users.
- Children via the Bike Ready Program: safe sharing, awareness of other users' differences and needs.

We would also like to see RCAs encouraged to enforce keeping vehicles off of footpaths. Many councils refuse to ticket vehicles parked on footpaths and cycle lanes unless the path is completely obstructed. Ticketing is rare enough and fines low enough that enforcement doesn't provide much deterrent. One way this could be improved is by explicitly defining what counts as "on the footpath".

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath – Questions for your submission

26. Do you agree with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath?

We are concerned that the 750mm maximum width could exclude users with wide handlebars that come standard with many modern bikes, and tricycles used by riders with balance issues. We would like that the width limit be defined to exclude handlebars and tricycles, And for the limit to be made so as to include tricycle models used in New Zealand today. If a handlebar width restriction is retained, it should be increased to at least 800mm after research into current bike specifications.

27. Do you use a mobility device?

No.

28. Should the maximum width limit apply to mobility devices?

Yes.

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29. We propose that people who already own a device wider than 750mm could apply for an exemption. This document also considers three alternative approaches to mitigate the impact on existing device owners: a. mobility devices purchased before the rule changes could be automatically exempt from the width limit. b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act, and exclude them from width requirements, or c. Apply a separate width limit to mobility devices. Which is your preferred option?

Apply for an exemption.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths

We support this proposal, which sets out a clear difference between cycling slowly on footpaths and using proper shared or bike paths which can be safe at higher speeds if designed correctly.

30. Do you agree that road controlling authorities should be able to declare a path a shared path or a cycle path? What factors should be considered when making this decision?

Yes. If cyclists are allowed to use footpaths generally we think a path should be required to have a minimum width before being declared a shared path. Declaring a path to be a shared path would allow people on bikes to ride faster, as long as conditions were appropriate and they behaved appropriately around other path users by eg slowing down and passing wide.

Other factors to consider include gradient, surface, hazards such as driveways, expected number of users of each type, and any expected conflict.

31. Do you agree with the behavioural requirements we are proposing? Should there be other requirements or rules to use a shared path or cycle path?

Yes. We don't think there should be any additional requirements.

32. Do you agree that all users be required to give way to pedestrians when using a shared path?

Yes.

33. Do you agree with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change these limits?

We think that the speed limit on shared paths should be limited to a maximum of 40km/h.

We do not believe it is appropriate for shared path users to be travelling at speeds higher than that in spaces that include pedestrians. We also think that the speed limit on shared paths should not be able to be set lower than 15km/h, to match the speed limits of footpaths.

34. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria?

Yes.

Proposal 4: Enable transport devices to use cycle lanes and cycle paths

We support enabling transport devices to use cycle lanes and cycle paths, giving them an alternative to footpaths and roads. We think the '[little roads](#)' or 'rori iti' resulting from this proposal will increase safety for all users, and we are happy to share our spaces.

35. Do you agree that devices other than cycles should be allowed to use cycle lanes and/or cycle paths?

Yes. The current situation leaves them able to use footpaths and roads which fall either side of cycle lanes in terms of speed and weight of users, but not the cycle lanes which most closely fit their characteristics.

36. Do you agree that road controlling authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and/or cycle paths?

No. We think cycle lanes and paths should always be available for approved transport devices.

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night

We oppose the introduction of lighting and reflector requirements for powered transport devices at night. While the basic principle makes sense, many devices will be unable to have such equipment mounted, making them illegal to operate at night. The requirement also applies on paths. We think transport device users are capable of making their own decisions about what equipment they require to travel safely at night.

37. Do you agree with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night? Why/why not?

No, not for use everywhere. Lighting and reflective material of some sort make sense for travel on a road at night. Requiring lights and reflectors for use on paths could unintentionally rule out safe devices and usage. Pedestrians are allowed to walk at night without lights, and some devices are used in a similar way to walking. We do support the lighting requirements for use on a road.

38. Do you think these requirements are practical? For example, if you own a powered transport device, will you be able to purchase and attach a reflector or lights to your device or yourself?

No, device design may make building lights and reflectors into the device itself impractical. Wearing lights and reflective equipment as an alternative should be allowed - as is currently the case for some elements of bicycle lighting and reflectors.

39. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at night time? Why/why not?

No, small devices such as children's scooters shouldn't be given any barriers to use.

Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes

We support all the main parts of this proposal. We'd prefer proposal 6D to apply everywhere, not only where new markings are added. If it must be restricted to marked locations, we'd prefer markings like a familiar zebra crossing.

Proposal 6A: Allow cycles and transport devices to travel straight ahead from a left turn lane

40. Do you agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so?

Yes. We support allowing people on bikes and transport devices to travel straight ahead from a left turn lane as this legitimises already existing, safe cycling behaviour.

Proposal 6B: Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn

We support allowing people on bikes and transport devices to carefully pass slow-moving vehicles on the left, as this legitimises already existing, safe cycling behaviour.

41. Do you agree that cyclists and transport devices should be allowed to carefully 'undertake' slow-moving traffic?

Yes. Many traffic situations involve very slowly moving or 'start-stop' queues. Passing these carefully is as safe as passing stopped vehicles in a queue. For example, a stopped vehicle can start to move suddenly without signalling. As long as it is done carefully, this change legitimises already existing, safe cycling behaviour.

Proposal 6C: Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane

We support giving cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane. We don't think there should be any requirements in terms of traffic control devices or distance from the road for this to be the case.

Unfamiliarity with a proposed list of traffic control devices will create confusion and it will be simpler and safer for this rule to apply in all situations.

42. Do you agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane? Why/why not?

Yes. This is consistent with safe and efficient behaviour in many countries where cycling is safe and popular. The change would need publicity, but would simplify the creation of safe separated bike lanes that are efficient to use. Current rules may encourage cyclists to ride on the road for greater efficiency through not having to stop for traffic approaching (including from behind), which reduces the effectiveness of the bike lane.

43. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary? Why/why not?

We think intersection designs should be legible for road users who have not studied such a list. If such a list is created, it should be for the use of traffic engineers and should seek to standardise common good practice rather than introduce any complex requirements.

44. Should the definition of a separated lane include the distance between the lane and the road? Why/why not?

No. This would make understanding the status of a lane difficult in any cases that are near the limiting distance. The status of a lane should be obvious from design cues.

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed

45. Do you agree that turning traffic should give way to path users crossing a side road with the proposed markings? Why/why not?

Yes. We support giving priority to footpath, shared path and cycle path users over turning traffic.

46. Do you think that the proposed minimum markings are appropriate?

We don't think there should be any minimum markings for this to be the case.

The parallel white lines proposed feel unclear. Confusion around what markings are required, similarity to existing markings at signalised crossings and courtesy crossings with different behavioural requirements, and the time taken to introduce new markings in a significant number of locations will cause issues for road and path users. We think that it will be simpler, safer, and result in significantly increased prioritisation for pedestrians, transport device users and cyclists for this rule to apply to all existing intersections on roads under 60km/h.

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This would clearly be a major change and require publicity and a period of adjustment, but at a given junction would have similar effect and short-term risk to adding simple white lines that are not well understood. We think the consistency and huge positive effect overall would make the publicity and short-term risk worthwhile.

If a traffic control device is required, we think it should look and work like a zebra crossing.

47. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

Appropriate treatments for a simple marked crossing could be achieved by: loosening the restrictive requirements for installing a zebra crossing, so they can be more easily installed in the way they are successfully used in many other countries.

Allowing people on bikes to use zebra crossings as many people do today. Alternatively a new device that looks and works like a zebra crossing, but has less stringent guidance and can be used by people on bikes, could be added to the options for traffic engineers.

For other treatments, standardising the way some treatments are used (eg raised table thresholds at side streets) could be helpful - but could also make schemes too expensive or intrusive and effectively hold up their introduction. Any guidance should be carefully managed so it is not too difficult or expensive to follow.

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road

We strongly support the proposal to mandate a minimum overtaking gap. We don't think that the minimum overtaking gap proposed goes far enough.

48. Do you agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices?

Yes, but we want more. We support mandating a minimum overtaking gap. We think that the minimum overtaking gap should be 1.5m everywhere for simplicity and safety. People on bikes do not feel safe being overtaken with less than 1.5m of space even at speeds around 50km/h (not 60 km/h as proposed), or by heavy vehicles at any speed.

We strongly believe that the minimum overtaking gap should apply to cycle lanes. Research has shown that unprotected cycle lanes result in closer passes than when there is no cycle lane. Paint is not protection, and cyclists deserve protection at all times with this rule. In some existing situations the status of a stretch of road shoulder or cycle lane is unclear to road users, such as when bike symbols are to highlight the presence of cyclists on a road shoulder. This should not lead to ambiguity about whether the minimum overtaking gap applies. Another example is where cycle lanes sit between two traffic lanes approaching an intersection, eg to the right of a turning lane. When traffic is moving this situation is unsafe without a minimum overtaking gap.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms

49. We are proposing that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register.

We support giving road controlling authorities more powers to restrict parking on berms. We don't think road controlling authorities should be required to consult before restricting parking on berms as these were never intended to be car parks in the first place. We think an online register is sufficient. Road controlling authorities could choose to take other steps such as adding signs if they think the situation is unclear, but without making this a requirement for enforcement.

50. Would it be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council?

A local council website could link to the online register and highlight any trouble spots.

Proposal 9: Give buses priority when exiting bus stops

51. We propose that road users should give way to indicating buses leaving a signed bus stop on a road with a speed limit of 60km/h or less.

We strongly support giving buses priority when exiting bus stops. This is appropriate given the larger number of passengers on a bus and the need to encourage public transport usage and make it as efficient as possible.

52. Should traffic give way to buses in other situations? For example, when a bus is exiting a bus lane and merging back into traffic lanes?

Yes, but with careful consideration to protect other road users from dangerous situations, For example, merging from a bus lane into a general traffic lane is likely to be generally safe as long as this is not also done across a bike lane that runs between them. Wherever people on bikes share the road with buses, the give way rules between users should protect the more vulnerable users, the people on bikes.