



Submission on LTSA Rule 54002 - Traffic Control Devices (April 2003)

Introduction

The Cycling Advocates Network (CAN) is pleased to present this submission on the above Rule. The national committee of the group has prepared this submission, with feedback from CAN members nationwide. CAN has based its submission on reviews of the yellow draft, supporting documentation, and background research. If you require any clarification of the points raised by us, please feel free to contact us as detailed below.

General Comments

CAN is generally supportive of the proposed Rule, particularly the clarification of the status of cycle lanes and mandatory referencing to an updated *MOTSAM*. Our concerns continue to be in the details of the proposals, particularly where cyclists present a non-standard traffic situation. Greater flexibility in some regulations (without sacrificing overall safety) would appear to be an important need in this draft Rule.

We are concerned that some of our suggestions or issues previously submitted have not been either addressed or at least responded to. This includes key issues such as minimum cycle lane widths, cycle path priority, roundabouts, and traffic signal treatments. This gives us concern about the worth of making further submissions at this stage. The conversion of the existing Traffic Regulations into new Rules provides a great opportunity to review a number of laws. However, the LTSA appears to be limiting which areas it wants to review, irrespective of submissions made. We are happy to discuss specific items with you in more detail if you have concerns about their potential practical or safety implications.

One significant departure in this Rule draft from the previous red draft and existing *Traffic Regulations* is the move to put specific design details of signs and markings not in the base legislation but in the referred documents such as *MOTSAM*. The net effect on our submission is that many of our previous or existing concerns regarding these details must be raised separately through the process for updating these standards. We trust that the development process for updating documents such as *MOTSAM* will allow for wide public consultation and not be limited to within the transportation practitioner industry. We understand that the TCD Rule is supposed to be enacted later in 2003, with *MOTSAM* presumably to be updated by that time too. We do have concerns that this does not leave much time for consultation at all, given the vast amount of material that needs to be updated in *MOTSAM*.

Some of our comments here also may have effects on the corresponding parts of the draft Road User Rule. In most cases, we have highlighted these issues in our submissions on that Rule; however we ask that the two Rules be considered in parallel when reviewing our submission.

Overview

CAN would like to offer the following feedback on issues referred to in the Overview of the Rule; where relevant they are also referred to in the specific sections later.

Changes to sign and marking formats

CAN supports the proposal to change double limit lines to (wider) single ones. A big concern for both cyclists and pedestrians alike is the common habit of motorists not stopping behind their designated limit lines, invariably encroaching on areas set aside for cyclists stopping or pedestrians crossing. We suspect that a major reason is the fact that all of the lines at an intersection (motorist limit, cyclists limit, pedestrian crossing) look similar, providing no strong cue for motorists to stop at the correct location. For cycling facilities like Advance Stop Lines and Advance Storage Bays to achieve their desired effect of highlighting cyclists, motorists must not be given an excuse to creep forward. Although clearly there is also a need for greater enforcement of these infringements, we would hope that the use of distinctive wide single limit lines serves to reinforce the correct behaviour.

Roundabouts

Although previous submissions on this Rule highlighted the safety concerns for cyclists of roundabouts, particularly multi-lane ones, the latest draft of the Rule fails to address this issue. The latest crash data for 2002¹ continues to show that cyclists are involved in an over-proportionate number (26%) of injury crashes at roundabouts. This does not consider their likely under-reporting to Police and the fact that many cyclists deliberately avoid roundabouts (especially multi-lane ones) because of safety concerns. Despite this, the Rule continues to focus on an estimated 6.5% of roundabout crashes due to conflicting exiting/turning traffic (which no doubt includes cyclist crashes of this nature that may not be solved by Alberta markings).

We acknowledge that there can be significant safety benefits to motorists with well-designed roundabouts. However we suggest a number of other initiatives to ensure cyclist safety as well:

- For a well-designed roundabout (i.e. with sufficient speed restriction), it is reasonable for confident cyclists to "take the lane" and ride through the roundabout with the general traffic. For a multi-lane roundabout, this would mean travelling in the right-hand lane to turn right. This technique needs to be widely publicised to both cyclists and motorists so that all parties are aware of it. We note that Wellington City Council and Cycle Aware Wellington have recently run such a campaign², and we suggest similar promotions elsewhere. Please note however, that this method cannot be condoned for poorly-designed, high-speed roundabouts, of which there are many in New Zealand.
- Not all cyclists will be confident enough to cycle through roundabouts as indicated above, and will prefer to stay near the outer perimeter. We note that in Australia, cyclists are exempt from the requirement of turning right from the right-hand lane³. However, when turning right from the left-hand lane, cyclists must give way to exiting traffic when

¹ 2002 reported injury crashes at roundabouts: 61 out of 239 involved cyclists (LTSA AIS database).

² Dominion Post, "Council goes to pedal power", Sat 1 March 2003, Wellington.

³ National Road Transport Commission (1999), *Australian Road Rules*, Rules 111(6), 111(7), 119.

riding past an exit. We recommend that a similar provision be allowed for in the Road User Rule.

- Many new roundabouts are being constructed with segregated shared/cycle paths around the perimeter of the roundabout so that cyclists can avoid conflicts within the intersection. However, the lack of priority for cyclists crossing approach roads using these paths results in many cyclists preferring to stay on the road. In several European countries and Australian states, priority of a shared/cycle path over a roadway is legally permitted and common practice, but not in New Zealand. We recommend that the Road User and Traffic Control Devices Rules be amended to allow this possibility.
- Warrants are commonly used to determine when to install traffic signals; perhaps similar warrants could be developed to identify when the installation of a roundabout (with or without various cycle facilities) is or isn't justified. Key factors relevant to cycle safety would be overall traffic and cyclist volumes, approach/through speeds, and the proportions of turning traffic/cyclists. Some overseas design guides provide guidance on when a roundabout is appropriate in relation to cyclists⁴. Such guidelines here may indicate situations where signalisation or grade separation may be safer options.
- Above all, roundabouts must be well designed to slow down traffic and ensure safe interaction by mixed traffic. Detailed design guidance on issues such as geometry, deflections, lane widths, and sight distances needs to be widely promulgated to the roading industry via national standards and guidelines. In addition (given their additional potential dangers to cyclists) we would suggest that any roundabouts with high-speed (>60 km/h) approaches or multi-lane roundabouts with >50 km/h approaches must be approved by LTSA before final construction (note that we are referring to the approaching speed limits; in all cases we would not expect these speeds to be attainable within the roundabout).

Marking of special vehicle lanes

CAN welcomes the introduction of legislation enshrining motorist responsibilities in relation to cycle lanes and other special vehicle lanes. However, we are still not clear whether the draft Rule actually removes the current requirements of the *Transport Act 1962* for RCAs to pass a bylaw first to enable cycle lanes to be marked and controlled. We are not sure if this is holding back some RCAs from currently introducing cycle lanes (because of the additional "red tape"), yet we know that other RCAs simply do not pass these bylaws and establish cycle lanes without compliance with the *Transport Act*. We recommend that the bylaw requirement of the *Transport Act 1962* be revoked and that this be explicitly stated in the Rule.

Our key concern however with this rule is to ensure that only a reasonably adequate cycle lane can be legally construed as such. In particular we feel that a minimum legal width must be specified, in the same way that a traffic lane must be at least 2.5m wide. The current Rule provides no minimum specification for cycle lanes. This means that, should RCAs provide marked cycle lanes with narrow sections or "pinch-points", a cyclist conflicting with a motor

⁴ For example, Centre for Research & Contract Standardisation in Civil Engineering (CROW 1993), *Sign up for the bike: Design manual for a cycle-friendly infrastructure*, Netherlands, sections 6.2.10, 6.3.5.

vehicle could be considered to have less legal protection if they choose to move outside the cycle lane in the interest of safety⁵.

Another limitation with the draft Rule is in not allowing for the possibility of using cycle lane symbols for "advisory" cycle facilities, as is often done overseas. For example, it might be desirable to indicate:

- where cyclists should stop to be detected by traffic signals;
- traffic-calmed lanes where cyclists are expected to mix with other traffic;
- bus or transit lanes where cyclists are allowed to use them too
- shared cyclist/left-turn lanes approaching intersections;
- cycle routes on narrow roads with insufficient width to provide an adequate facility;
- reminders to watch for cyclists on the inside of narrow blind curves.

The proposed definition for a cycle lane in the draft Rule would appear to imply that anywhere that a cycle symbol is located within a traffic lane, it would technically be designated a cycle lane. To resolve this ambiguity, we would suggest that cycle lane symbols must be of a minimum size and must be painted white. This would allow the use of smaller or yellow symbols in other situations.

Pedestrian Crossings

CAN is concerned by the proposal to allow a 15m maximum width for single pedestrian crossings. This is far too wide to be safely crossed; a four-lane undivided road could easily be provided in this width. CAN recommends a maximum width of 10m; this is sufficient width to allow for a traffic lane and cycle lane in each direction. The effect of this would be to require the construction of islands and/or kerb extensions where necessary to minimise the crossing task and improve speed behaviour. CAN acknowledges that there is a cost implication in this for RCAs and accepts that a "grace period" may be required to bring existing crossings up to scratch (or to remove them).

In addition, all crossings of roads with more than two traffic lanes (even when divided) or with speed limits >50 km/h should require approval by LTSA. This acknowledges the greater safety risks for pedestrians at these locations.

Standards and requirements incorporated by reference in the Rule

CAN supports the eventual referencing and mandatory use of *MOTSAM* and other industry guidelines in the Rule. However we would wish to see considerable changes made to *MOTSAM*, particularly with regard to cycling facility signs and markings, before we were happy with a mandatory specification. The upgrade of *MOTSAM* has been a longstanding desire of the transportation profession for several years now but we have yet to see a very concerted effort to get a review underway. We are unclear whether the TCD Rule can come into force if the manual has not been properly reviewed and updated (with widespread

⁵ This raises an issue not explicitly made clear in this Rule - *are cyclists expected or required to use a cycle lane where present?* There may be problems if a cycle lane is poorly located or a cyclist is more comfortable using the traffic lane in some situations (e.g. for a right-turn movement). CAN has previously raised concerns with the corresponding Road User Rule requiring cyclists to use a "reasonably adequate cycle track" where available (and we would like to see this requirement revoked), and we would not wish on-road cycle lanes to go down a similar course.

consultation like this Rules process). This is particularly of concern for cyclists, given the minimal guidance on cycle facilities currently contained within *MOTSAM*.

In parallel with this, a *New Zealand Cycle Design Guide* is currently being developed as a national standard for providing cycle facilities. We are not clear whether this could be referenced directly by the Rule or by *MOTSAM*, or whether its layouts and recommendations would have to be replicated within *MOTSAM* (which seems like an unnecessary duplication of effort).

Given that *MOTSAM* contains (or will contain) a mix of mandatory and guidance material, it needs to be explicitly stated throughout *MOTSAM* what is mandatory and what is just recommended or optional. In addition, "absolute minimum" and "desired" dimensions should both be given, rather than just the former, as many practitioners use the manual for design guidance.

We are concerned with the suggestion that an RCA might still be able to depart from the guidance prescribed in these documents with "*good reasons*". We feel that this might give them *carte blanche* to still develop their own local standards, creating inconsistency around the country. The statement on p.22 of the Overview that RCAs can expect their decisions to be judged against advice, recommendations, general safety, etc is of little consolation; we are aware of many RCAs that currently depart from the national standards without good reason and evidently they feel no motivation to review these decisions.

While accepting that the current state of *MOTSAM* often forces this situation on RCAs at the moment, this should be further reason to bring *MOTSAM* in line with best engineering practice than allow *ad hoc* departures from it. A formal process whereby approval for departures is via the LTSA Director (or the delegated authorities) should be developed. This would also help to minimise designs produced to a lower safety level than standard practice because of cost constraints.

Regarding the incorporation by reference of the *Code of Practice for Temporary Traffic Management (CoPTTM)*, we note that the provisions for cyclists at road works are still undesirable in many respects and need further refinement.

Specific Comments

CAN would like to offer the following feedback on issues referred to in the yellow draft of the Rule:

3.4 Matters to be taken into account when providing, modifying and removing traffic control devices

Part (b) requires an RCA to be consistent with a current regional land transport strategy, yet exempts them (under s42H of the *Transit NZ Act 1989*) if they are "*not inconsistent with... any relevant regional land transport strategy*" or where "*the implementation of that strategy is clearly impracticable*". It is difficult to see how this clause prevents RCAs from doing anything with regards to traffic control devices, irrespective of the relevant regional land transport strategy. Given that, to date, many regional land transport strategies have been more sympathetic to cycling than the subordinate district roading programmes, this clause does not appear to improve the existing situation for cyclists. We recommend removal of the text in part (b) after the comma.

4.4 General requirements for traffic signs

Regarding, sub-clauses 4.4(1) & 4.4(2), suitable smaller dimensions must be provided in *MOTSAM* for relevant signs used on cycle lanes or paths, e.g. advance warnings, intersection priority.

4.4(7) Installation of traffic signs

This section does not appear to prescribe details regarding the placement of signs. This is often a significant concern for both cyclists and pedestrians. We suggest the inclusion of a sub-clause similar to 7.10(3) requiring their placement to comply with *MOTSAM*. In addition, there should be an explicit statement to the effect that *"signs and their supports should not present a hazard to pedestrians, cyclists, or motor vehicles."*

5.3 Method of Marking

CAN concurs with the view that mandatory specification of colours or surface treatments is not practical. We are aware of at least four different colours used overseas for cycle lane treatments, indicating a lack of agreement internationally on this matter. The key issue is the mere presence of a conspicuous colour of some sort to highlight the facility to all road users.

We reiterate our view that the primary purpose of contrasting surface texture or colour in cycle lanes is to raise motorists awareness of cyclists possibly being present in a high conflict area, and to illustrate to both motorists and cyclists the most likely path that a cyclist will take or is supposed to take, respectively. Yet the Note under the clause states *"that contrasting surface texture or colour has a place in reinforcing places where use of the roadway is restricted to particular classes of vehicle (for example, cycle lanes)"*.

Coloured surfacing is commonly used in areas where motorists are expected to cross a cycle lane (e.g. left-turning diverge area approaching an intersection). This area is obviously not restricted to cyclists only, and we suggest that the Note be adjusted accordingly. Appropriate guidelines must also be given in related documents such as *MOTSAM*, strongly recommending the use of coloured surfacing for cycle lanes in high-conflict areas.

5.4 General requirements for markings

Regarding, sub-clauses 5.4(2) & 5.4(3), suitable smaller dimensions must be provided in *MOTSAM* for relevant markings used on cycle lanes or paths, e.g. arrows.

Both raised line markings, such as "Vibrelines", and raised pavement markers can present hazards to cyclists if poorly located. We recommend an additional sub-clause to the effect that *"raised line markings and pavement markers should not present a hazard to cyclists"*.

Section 6 Traffic Signals

In general, this section of the Rules should be made as flexible as possible; there may be perfectly reasonable and safe signal implementations not technically allowed here. This is particularly relevant for cycle signals, which often involve non-standard applications of signals. One workaround could be to allow traffic signal layouts/phases that do not comply with these Rules to be approved by LTSA.

We are also concerned that there is no speed limit restriction for any approaches to traffic signals. Other jurisdictions have speed limit restrictions at traffic signals (e.g. 70km/h in Germany). We recommend that any traffic signals in areas with speed limits >70 km/h must be submitted to LTSA for approval before installation.

6.3 General requirements for traffic signals

Regarding signal display size in part (b) of 6.3(1), we are not clear whether AS2144 allows for smaller (110mm diameter) eye-height cyclist displays (as used in Europe). We strongly endorse allowing such options where appropriate.

Regarding sub-clause 6.3(3) on markings at traffic signals, see our earlier comments in the Overview supporting changing double limit lines to single lines. To further clarify the correct stopping location for motorists, we suggest that limit lines for cycle lanes or cycle storage areas be dispensed with if there is a pedestrian walk line present at the intersection that can adequately be used as a cycle limit line too. At existing intersections without cycle limit lines, many cyclists already tend to use the space between the motorists limit lines and the pedestrian crossing lines as their stopping area.

6.4 Steady vehicle displays

Amend part (a) of 6.4(1) to read *"a green signal, including a 'cycle' symbol, or a white 'B' or 'T' symbol"*.

It is not clear from sub-clauses 6.4(7), 6.4(11), 6.4(12), and 6.4(13) whether these allow for vehicles entering special vehicle class lanes in conjunction with vehicles entering adjacent lanes from other approaches. For example, at the Kilmarnock/Deans intersection in Christchurch, cyclists from Hagley Park are allowed to cross over to Kilmarnock St at the same time as right-turning traffic from their right. We suggest that this be clarified.

To be consistent with bus and light rail lanes, part (a) of 6.4(13) should be amended to read *"must include a green 'cycle' symbol, and may include a yellow 'cycle' signal, in traffic signal displays..."*

CAN welcomes the allowance for part-time roundabout metering signals, as they have the potential to improve cyclist safety. Indeed, in 6.4(14), we would suggest stating that another reason for the possible introduction of roundabout metering signals is *"if priority and/or safety for buses, cycles, or transit vehicles is required"*.

6.6 Pedestrian displays

Regarding sub-clause 6.6(4), CAN submits that consideration should be given to pedestrian displays not being allowed to be blank, as this gives an ambiguous message to both drivers and pedestrians.

Section 7 Channelling traffic

Our reading of this section and other parts of the Rule is that a Dutch-style narrow road with cycle lanes either side (as featured recently in IPENZ's *e.NZ* magazine, Mar/Apr 2003) is allowable under the Rule. We fully support this means of treatment where appropriate and would encourage the relevant design references to make mention of it.

7.3 No-passing lines

Sub-clause 7.3(1) provides no way to indicate when overtaking cyclists is also not allowed or desired, e.g. in a narrow traffic lane/bridge. The danger is that motorists will pass cyclists within the same lane, when it is actually inappropriate and unsafe to do so. Possibly to avoid confusion, separate signage needs to be applied rather than a different line marking. Alternatively, allowing advisory cycle markings (as discussed in the Overview) may be another option in some cases.

7.4 Flush medians

In 7.4(1), another valid reason for marking a flush median would be the benefits in *"narrowing the traffic lanes"*, which may result in traffic slowing down.

7.6 Shoulder Markings

Amend 7.6(1) to read *"... may mark white diagonal shoulder markings and/or use coloured surfacing on a road..."* Where shoulders are quite wide, this prevents indiscriminate use by motor vehicles which may conflict with cyclists there, e.g. on expressways.

7.7 Traffic islands

Amend part (b) of 7.7(1) to read *"to provide protection and/or visibility for pedestrians, cyclists or other road users crossing a road"*.

Part (c) of 7.7(3) would appear to technically eliminate all trees from central medians/islands! This is not necessary in urban areas where the purpose of the trees is to slow down the traffic anyway by means of visual "narrowing". The overall reduction in crash severity along the route is likely to offset any additional hazard presented by the trees.

7.8 Turn Bays

"Hook turns", used by cyclists to turn right from the left-hand side of the road, do not appear to be covered here (or anywhere else in the Rule). The Rule should allow for their application, with design details to be specified in *MOTSAM*.

7.9 Kerbs, slow points, chicanes and other structures

Sub-clause 7.9(4) restricts any object placed from "impairing visibility". Yet there are often sound traffic safety reasons for doing so. For example, a traffic-calming chicane with vegetation either side may force vehicles to slow down and confirm the way is clear before proceeding. Similarly, sight-distance restrictions may be placed on the approaches to an intersection to prevent approaching vehicles from speeding through the intersection without properly checking for other traffic (a particular problem for cyclists travelling through some roundabouts). While we understand the intention behind this sub-clause, we suggest that it be reworded.

7.10 Delineators

In sub-clause 7.10(3) regarding the placement of delineators, there should be an explicit statement to the effect that *"delineators should not present a hazard to pedestrians, cyclists, or motor vehicles"*.

7.12 Lanes

It is not clear whether this clause would allow (if *MOTSAM* specifies it in the future) special vehicle class movements in lanes that differed from other traffic movements. For example, the ability for cyclists to travel straight ahead from a general left-turn lane. We fully support this means of treatment where appropriate and would encourage the relevant design references to make mention of it. We also suggest that it is more explicitly stated in the Rule that this provision is allowed.

8.1 Provision of traffic control devices for pedestrians

Provisions for 40km/h school zones (in particular, the use of variable speed/warning signs) are not included in the Rule, and would appear to be best accommodated in this section.

8.2 Pedestrian crossings

Regarding sub-clause 8.2(4) on pedestrian crossing widths, see our earlier comments in the Overview about setting a 15m maximum width.

We note that the Rule appears to allow for single-lane "narrowed" crossings if desired, as done in the UK for traffic calming. We fully support this means of treatment where appropriate cyclist provision is considered and would encourage the relevant design references to make mention of it.

CAN is concerned about the new requirement to place a pedestrian crossing warning sign "*at least 50m*" before the pedestrian crossing. Whilst we support the mandatory provision of the warning sign, it is not always practicable to place the sign that far away from the crossing. Where pedestrian crossings have been marked within slip lanes, for example, warning signs would need to be closer to the crossing than would otherwise be the case if the crossing was located on a straight section of roadway.

CAN recommends that the limit line described in 8.2(10)(c) be made mandatory. It provides an additional cue for drivers to consider stopping at the crossing, consistent with other potential stopping points such as intersections and railway crossings.

8.4 School crossing points

In sub-clause 8.4(5), there is a need to add after subsection (a) "*a white continuous centreline at least 25m long*".

Section 10 Intersections

CAN supports the proposed Give Way 'triangle' road marking for intersections under 10.3 and 10.4. Minimising the amount of paint on the road surface will improve the safety and stability of all road users who have to stop suddenly.

CAN also welcomes the specific provisions in 10.5(2) for the installation of special vehicle class signs on traffic signals. This will allow considerable flexibility for situations such as directional cycle signals or non-conventional crossing facilities.

We continue to have significant concerns about the ability of these Rules to provide for intersections between roadways and shared/cycle paths (either parallel to or crossing roadways). This appears to be largely a matter of definition of what constitutes an 'intersection', and we have made some further comments below under Definitions.

10.6 'Keep Clear' zone at intersections

CAN has some concerns for cyclists' safety stemming from the use of 'Keep Clear' zones at busy intersections. Queues of traffic may leave a gap for opposing right turners. However, when cyclists pass these traffic queues on the inside, often these right turners do not look for them, leading to crashes. Similar issues could arise with other special vehicle lanes. CAN therefore recommends that any special vehicle lane adjacent to a 'Keep Clear' zone must be clearly marked using contrasting surface texture or colour and appropriate symbols.

11.3 Cycle facilities

The Note asks for feedback on the 'circular blue sign with a cycle symbol', otherwise known as RG-26. Its exact meaning is unclear, even within the transportation profession. In the current *Traffic Regulations (1976)* it is only referred to in the Fourth Schedule (R11) as indicating "cycling permitted", a curious concept when cycling is already permitted on most roads. The sign is listed in *MOTSAM* as a regulatory sign (probably due to its appearance), while in the earlier NRB signs manual it was considered an information sign. Going back to the 1978 MoT *Draft Standard for the design of cycle facilities*, the sign was described as a "cycle route" sign, with a different sign used for "cycleways" away from the road.

In the Road Code - the only material that ordinary road users have any likelihood of reading - it is plainly misleadingly referred to under the category 'Signs Which (*sic*) Tell You What You Must Do', as referring to a 'Cycle Lane'. In practice however, the sign is commonly used to indicate advisory cycle routes with no or few cycling facilities at all, rather than to indicate cycle lanes.

Research carried out by Christchurch City Council revealed that marking of cycle lanes with cycle symbols is by far the preferred method of indicating the presence of a cycle lane by cyclists. In the same survey, motorists responded that the markings give them a stronger message than the RG-26 signs.

With all this confusion, CAN recommends that the sign no longer be used for either marking cycle lanes or low volume streets that form part of a cycle network. Where it is felt necessary to sign on-road cycle routes it would seem logical that some form of destination/route guidance signage be used instead. This would be similar in style to that for general motorist information, but needs to be developed specifically for cyclist purposes. For other locations, where warning to motorists of the likely presence of cyclists is required, a standard yellow diamond warning sign (PW-35) can be used.

The existing RG-26 sign could still be useful for signposting of segregated (off-road) paths. Here, it would fulfil the function of indicating to cyclists and pedestrians that cyclists can legally use these paths (which would be in keeping with the original *Traffic Regulations* definition of 'cycling permitted'). We note however that there are plenty of paths used by cyclists that are not signed like this (or similar). There is also the possible inference that the sign conveys some priority for cyclists over pedestrians, if an equivalent blue pedestrian disc (RG-25) is not also installed. Given the shared nature of most paths, a sign that showed both a pedestrian and cyclist, like the one shown to the right, may be more sensible (and more cost-effective than two discs). Similarly, a sign with cyclist and pedestrian symbols separated by a vertical white line can be used to signify segregated paths where cyclists and pedestrians have their own designated areas.



11.3(1) Cycle lanes

With the above comments in mind, we are unsure about the necessity for sub-clause 11.3(1), allowing the optional installation of a "cycle lane sign that complies with [*MOTSAM*]". The forthcoming *NZ Cycle Design Guide* may not specify such a sign, and we wouldn't want some practitioners to infer the use of the RG-26 sign here.

Regarding sub-clause 11.3(2) on cycle lane markings, see our earlier comments in the Overview about specifying a *white* cycle lane symbol. Although arguably this could be achieved via *MOTSAM* (to which such symbols must comply with), it is consistent with other parts of this Rule to specify the colour within this sub-clause.

CAN does not recommend diagonal (hatched) markings for cycle lanes. They are potentially confusing, given that in various situations they can indicate:

- areas where vehicles are not supposed to drive on (e.g. painted medians/islands);
- areas that vehicles may use (e.g. wide shoulders);
- areas where drivers are specifically required to drive over (e.g. right-turn bays).

More importantly, frequent diagonal markings will create a large surface area of paint, with increased risk of cycles slipping on it. Sufficiently frequent cycle symbols should provide an adequate indication of a cycle lane; having the option of diagonal markings would introduce confusion to people over the difference. Previous local research has rejected their use⁶, and we would expect that the forthcoming *NZ Cycle Design Guide* will not recommend them either. Therefore we recommend the deletion of part (c) in 11.3(3); at the very least, existing diagonal markings should not be re-marked.

11.3(4) Paths shared by pedestrians and cycles

This section does not provide for signage to indicate the end of shared paths. Many existing facilities are very ambiguous with respect to how far the shared facility extends (e.g. only over a narrow bridge). We recommend that a suitable sign from *MOTSAM* must be placed at the end of a shared path.

Sub-clause 11.3(5) does not cover the situation where separate sides of a path are reserved for different directions. In many high-use areas, separation of path users by direction rather than by type is more preferable. Passing behaviour is then consistent with that on roads, i.e. approaching path users know what side of the path to take, while faster path users can overtake slower ones by crossing over to the other side when safe to do so.

We suggest that 11.3(5) be amended to read "*If separate sides of a path are reserved for cyclists and pedestrians, or for different directions of path users, a road controlling authority...*" Part (a)(i) should also be amended to read "*...at the point at which the path starts again after it intersects a roadway or another path*". An additional part (c) is also suggested so that RCAs "*may mark a white dividing line in accordance with MOTSAM along the path*".

As an aside, we note that the recent Road User Rule did not establish rules for shared path usage. The proposed signs and markings for paths therefore would appear to have no legal standing. This may potentially cause problems in high-use areas for enforcing desired path behaviour. We suggest that the model used in the Australia Road Rules⁷ be considered for use here in NZ; this would ensure consistent behaviour.

⁶ Alix Newman (2002), *Cycle Lane Delineation Treatments*, Christchurch City Council.

⁷ National Road Transport Commission (1999), *Australian Road Rules*, Rules 239, 242-243, 249-251, 288, 302, 336.

11.4 Passenger vehicle facilities

Although the definitions of bus and transit lanes allow cyclist use by default (unless specifically excluded by sign), there is no specific requirement to indicate that cyclists may use such a lane (generally by marking cycle symbols or the word "BIKE" on the surface). Given their relative novelty in New Zealand, many cyclists and motorists alike are not fully aware of whether cyclists are allowed to use these facilities (particularly given that cyclists are prohibited from some but not others). The sub-clauses in this section should be amended to require such cycle markings in all cases where cyclists are allowed to use these facilities.

12.2 Means of indicating prohibition on stopping

It is not clear from paragraph 12.2(1)(a) whether no-stopping lines may be marked on the kerb channel (where "flat dish" kerbs are provided) rather than outside of it, on the road surface ("*not more than 1m from the adjacent kerb*" could arguably mean either the kerb face or the kerb channel). Some cyclists have commented that it would be preferable for no-stopping lines to be marked next to the kerb face, to minimise the possibility of bicycle wheels slipping on the markings. We endorse this option and suggest that this paragraph be specified more explicitly to allow for it.

While we strongly support the prohibition on stopping in a cycle lane, we are concerned that RCAs are only required in 12.2(4) to do so by marking the cycle lane. Sub-clause 12.1(3) would appear to allow them to also mark no-stopping lines if desired, but this is not mandatory. It can prudently be assumed that many motorists will not be aware of any legal changes to cycle lanes in future (e.g. that parking in a cycle lane is prohibited), hence parking in cycle lanes is likely to be dependant on the parking demand if stronger cues such as no-stopping lines and/or coloured surfacing are not present. We suggest that more specific guidance on this be provided within this Rule and/or *MOTSAM*.

Definitions - Cycle lane

See our earlier comments in the Overview and 11.3(1), regarding a minimum cycle lane width, specification of white cycle lane symbols, and the use of white diagonal markings in cycle lanes. We suggest that a legal cycle lane must be at least 1.2m wide, which is only slightly wider than what is generally considered to be the "design envelope" of a cyclist. In addition *MOTSAM* should provide adequate mandatory specification for using wider cycle lane widths, e.g. on higher speed roads, where kerbside parking is present, etc.

Definitions - Cycle path

The existing definition is too limiting, in that it doesn't consider paths away from roads and does not include bridges (c.f. definition for 'footpath'). We suggest an amended definition that "*means a pathway that is intended for the use of cyclists, but which may be used also by pedestrians; and includes a shared bridge*".

Given that the *Local Government Act 1974* uses the alternative term 'cycle track', we suggest that the 'cycle path' definition in the LTSA Rules could state that "*it also includes any 'cycle tracks' as prescribed by the Local Government Act 1974*".

We do have some concerns about the use of the term 'cycle path', which is technically incorrect, given its availability to pedestrians and other wheeled recreational users. We note that even the relevant section 11.3(4) in this Rule does not refer to 'cycle paths' but instead "paths shared by pedestrians and cycles". We would therefore suggest that these should be renamed *shared paths*, which is a commonly understood term.

Definitions - Intersection

This draft Rule continues to fail to incorporate shared/cycle paths into the definition of intersection; which is a crucial requirement if segregated (off-road) cycle facilities are to accorded priority over roads in appropriate situations. It should be noted that there already exist examples of pathways in New Zealand (e.g. Nelson southern cycleway) where the pathway has right of way over the intersecting road; apparently there has even been a prosecution of a motorist for failing to give way. In our reading of the relevant legislation, we surmise that this currently can only legally be achieved by means of a bylaw; an additional administrative hurdle for any RCA. CAN is aware of a number of RCAs who would like to be able to implement similar treatments, yet the existing traffic rules continue to be ambiguous on this.

We therefore recommend that this definition be amended in part (a) to read "*...lateral boundary lines of each roadway, and includes a shared/cycle path intersecting with a roadway*". Alternatively, the definition of 'roadway' could be similarly amended to include a 'shared/cycle path' (or at least for the purposes of intersections), as it does not appear to explicitly include them.

Definitions - Pedestrian

Given that this Rule also deals with pedestrians on paths away from the road, part (a) should be amended to read "*...a person on foot on a road or pathway*".

Definitions - Road

This definition seems unusually wide to us, as there are many places where the public have access but where vehicle access would be inappropriate. In part (d), we recommend replacing "*...to which the public have access...*" with "*...to which vehicles have access...*" to narrow down the scope.

Issues not Covered by this Rule

Shared zones

CAN notes that the draft Road User Rule contains the following definition for a 'shared zone':

shared zone means a length of roadway intended to be used by pedestrians and vehicles that is defined at its beginning by a shared zone sign, and at its end by -

(a) an end shared zone sign; or

(b) a dead end; or

(c) the length of roadway ending at an intersection

In theory, this would appear to allow for the introduction of Dutch-style "Woonerf" areas (or UK "Home Zones"), where vehicles do not have priority over pedestrians within the roadway. However the Road User Rule only makes reference to shared zones with respect to areas where pedestrians and light rail vehicles may conflict. Moreover, the Traffic Control Devices Rules makes no mention of the installation of signs and markings in such zones (although they could be referred to by reference in an updated *MOTSAM*, it would seem prudent that an important concept such as this should be included in the base legislation). We would strongly

recommend that both Rules allow for the provision of shared zones on ordinary streets. The Australian Road Rule implementation of shared zones⁸ could be a useful model to start from.

Details in MOTSAM of traffic control devices

As observed previously, specific design details of signs and markings are now only contained in the referred documents such as *MOTSAM*. We have a number of concerns with marking and signing existing facilities for cyclists, and we look forward to being able to convey these to the appropriate group in the future.

Glen Koorey

Technical & Policy Advisor

for

Cycling Advocates Network (CAN)

PO Box 6491; Wellesley St; Auckland

E-mail: secretary@can.org.nz

Website: www.can.org.nz

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, several national/regional/local government authorities, transportation consultancies, and cycle industry businesses are supporting organisations.

⁸ National Road Transport Commission (1999), *Australian Road Rules*, Rules 24, 83, 188.