

Accessible Streets Regulatory Package

Reason for this briefing	On 1 May 2019, Cabinet authorised you to finalise the proposed Accessible Streets package amendment rules and associated materials for public consultation. This briefing accompanies drafts of these materials. It outlines key changes made during the course of drafting the rules and seeks confirmation from you on your preferred approach to public consultation.
Action required	Provide feedback on the attached draft Cabinet paper and associated materials by 26 September 2019. Indicate your preference for when consultation should occur.
Deadline	Tuesday, 26 September 2019.
Reason for deadline	This deadline allows for Ministerial consultation, and lodgement of the papers for consideration by the Cabinet Economic Development Committee meeting on 6 November 2019.

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Brent Johnston	Manager, Mobility and Safety	[REDACTED]	✓
Karl Simpson	Director, Regulatory and Data		
[REDACTED]	Senior Adviser, Mobility and Safety		

MINISTER'S COMMENTS:

Privacy

Date:	19 September 2019	Briefing number:	OC190798
Attention:	Hon Julie Anne Genter (Associate Minister of Transport) CC: Hon Phil Twyford (Minister of Transport)	Security level:	In-Confidence

Minister of Transport's office actions

- | | | |
|--|--|---|
| <input type="checkbox"/> <i>Noted</i> | <input type="checkbox"/> <i>Seen</i> | <input checked="" type="checkbox"/> <i>Approved</i> |
| <input type="checkbox"/> <i>Needs change</i> | <input type="checkbox"/> <i>Referred to</i> | |
| <input type="checkbox"/> <i>Withdrawn</i> | <input type="checkbox"/> <i>Not seen by Minister</i> | <input type="checkbox"/> <i>Overtaken by events</i> |

Purpose of briefing

1. This briefing provides an overview of the Accessible Streets package (Accessible Streets), including changes made since the Cabinet Economic Development Committee (DEV) meeting on 1 May 2019.
2. A draft Cabinet paper and the following associated materials are attached for your review:
 - Appendix A - Overview to the Rules documents
 - Appendix B - Draft of the Land Transport Rules
 - Appendix C - Communications, Engagement and Stakeholder Plan
3. Your feedback on the draft Cabinet paper and Appendices A–C is requested by 26 September, so any changes can be incorporated prior to cross-party consultation commencing.

Appendix C is not provided since a later version of the document has been made publically available

Overview of Accessible Streets

4. Accessible Streets is comprised of common-sense adjustments to existing rules, recognising the needs and vulnerability of various users when they interact and establishing increased priority for active and low-emission modes of transport.
5. Accessible Streets reflects that footpaths are primarily for pedestrians. The proposed changes create nationally consistent rules where wide and fast moving vehicles are prohibited from using the footpath, and these users have a safe alternative in shared paths, cycle lanes and cycle paths. The safety and priority of cyclists and users of transport devices is also increased at intersections and in traffic, further encouraging these users to avoid footpaths.
6. On 1 May 2019, DEV considered a paper outlining the proposed Accessible Streets regulatory changes. The Committee authorised a group of Ministers comprising the Minister of Finance, Minister of Transport, Attorney General, Associate Minister of Transport (Hon Shane Jones) and you to finalise the draft amendment rules and associated materials for public consultation. The group of Ministers referred to above were invited to report back to the Committee seeking approval of the materials for consultation [DEV-19-MIN-0097 refers].
7. The Ministry has worked with the Parliamentary Counsel Office (PCO)¹ and the NZ Transport Agency (NZTA) to draft rule changes to reflect the proposals included in Accessible Streets.
8. During the course of preparing drafting instructions, it became apparent that it would be necessary to develop a new Rule to give best effect to the proposals. This is because some of the proposed changes could not be accommodated in existing transport rules. We have therefore created a new Land Transport: Paths and Road Margins Rule 2019 (the Paths Rule). In developing the Paths Rule, regulations governing the use of footpaths, shared paths and cycle paths are all in one place and easily accessible, consistent with good regulatory practice.
9. Complementing the new rule are amendments to the Land Transport (Road User) Rule 2004 (the Road User Rule), the Land Transport (Traffic Control Devices) Rule 2004 and the Land Transport Rule: Setting of Speed Limits 2017.
10. Amendments to the Land Transport (Offences and Penalties) Regulations 1999 will also be required to establish offences and penalties for contraventions of the new rules. These

¹ The NZ Transport Agency drafts changes to most land transport Rules. However, the Operator Licensing Rule 2017 and the Land Transport (Road User) Rule 2004 are drafted by the Parliamentary Counsel Office.

amendment regulations will be drafted by PCO following policy decisions. Approval to commence drafting is sought in the draft Cabinet paper.

Final make-up of the Accessible Streets package

11. In summary, the key changes proposed in Accessible Streets are to:
 - re-categorize the types of transport devices that are used on footpaths, shared paths, cycle paths and cycle lanes
 - establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, while enabling localised decision making in regard to the use of these paths
 - clarify rules and road controlling authority powers in relation to berm parking
 - enable transport devices, including e-scooters, to use cycle lanes
 - establish consistent lighting requirements for transport devices and cyclists at night time
 - improve the safety of vulnerable users at intersections and in traffic through targeted changes to give way rules
 - mandate a minimum overtaking gap for motor vehicles when passing vulnerable road users
 - give public transport buses priority when exiting bus stops
12. These proposals and the rationale for them are described in the draft Cabinet paper.
13. As discussed at your meeting with officials on 16 September 2019, during the course of drafting the rule amendments we have needed to make a number of judgements to give best effect to the policy intent. You indicated broad comfort with the changes, which are summarised in Appendix 1 to this briefing.

Outstanding matters canvassed in the Overview document

14. In a number of places the rules provide flexibility for road controlling authorities (usually local authorities) to vary the default rules. Flexibility will enable local communities to tailor the requirements to their circumstances. This could include, for example, lowering the speed limit where there will be many pedestrians, or where particularly vulnerable users will be present.
15. There are a variety of ways to give effect to the flexibility. The rule changes, as drafted, have taken an enabling approach with limited prescription about process. However, we need feedback from road controlling authorities on how well our proposed approach will work for them and their communities. As a result, the Overview document canvasses this and other outstanding matters including posing a range of questions for submitters to consider.

Progressing work you committed to in response to the Regulations Review Committee

16. You will recall that earlier this year the Regulations Review Committee received complaints regarding the E-Scooters (Declaration Not to be Motor Vehicles) Notice 2018.
17. After hearing of the complaints, including evidence from the Ministry and NZTA, the Committee wrote to you seeking feedback on a suggested response to the complaints. In particular, the Committee asked that you consider proposing amendments to section 168A of the Land Transport Act to provide for the placing of conditions such as speed restrictions on the operation of e-scooters or to reduce their maximum power output.

18. In responding to the Committee on this point, you noted:

“In my view the current approach of regulating these vehicles through the extensive rule making powers under the Land Transport Act are the best method of regulating their use, particularly on the footpath. It is really a matter of ensuring these rules are fit for purpose, which is the goal of Accessible Streets.

However, I am troubled by the current lack of statutory guidance in section 168A for the exercise this delegated legislative power, and the lack of an ability to impose conditions on vehicles below 300 watts. I have requested advice from the Ministry of Transport on improvements that could be made to section 168A, and the appropriate legislative vehicle for such a change. I undertake to share that advice with the Committee once I have received it.

19. You have also undertaken that officials will present to the Committee on Accessible Streets after it is released for consultation.

20. While a legislative change is outside of the scope of Accessible Streets, consultation on the package provides an opportunity to test public views on whether the legislative change described above is desirable. We therefore plan to include a section in the Overview on the NZTAs declaration powers, and ask submitters whether the requirements in the Paths Rule governing the use of transport devices are sufficient means of regulating these devices, or whether further change to the Land Transport Act is required.

21. We will incorporate this material into the next iteration of the Overview and Cabinet paper.

Consistency with the United Nations Convention on the Rights of Persons with Disabilities

22. The draft Cabinet paper acknowledges that the proposals may disproportionately affect people with disabilities. It gives an undertaking that we will specifically seek to engage with disability groups to ensure their feedback is appropriately incorporated and any identified risks are minimised.


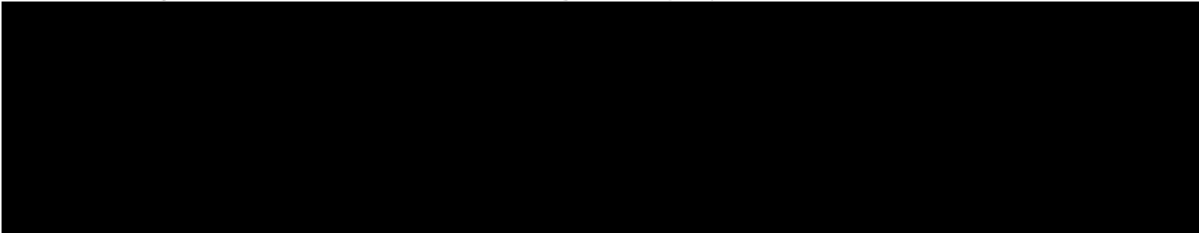
23. You have received some correspondence via official information act requests, seeking advice on the consistency of these proposals with New Zealand’s obligations under the United Nations Convention on the Rights of Persons with Disabilities.

24. We are continuing to give further consideration to this matter. We anticipate making further changes to the Disability Implications section of the Cabinet paper, following further engagement with the Office of Disability Issues.

Consultation

25. You are required to undertake public consultation on the proposed rule changes. The attached draft Communications, Engagement and Stakeholder Plan has been prepared to guide the consultation process.

26. There has been no formal public consultation on the package to date. However, many of the individual elements of the proposals have been subject to engagement as part of research projects, recommendations from previous publicly available reports and several ideas were discussed during the reference group process for the development of the *Road to Zero* road safety strategy.

27. You have indicated publicly and in ministerial correspondence that consultation is expected to occur this year. The Ministry and NZTA officials have also provided this direction in response to the Regulations Review and Human Rights Commission complaints.
28. There are a number of processes that need to be completed before public consultation can commence. These include:
- Departmental consultation
 - Cross-party consultation and consultation with delegated Ministers
 - Consideration by the Cabinet Economic Development Committee and Cabinet
29. At this stage, our estimate for the commencement of public consultation is 18 November 2019. We consider this is achievable but it does require the steps outlined above to be completed smoothly and with no delays.
30. If the closing date for submissions was just prior to Christmas, this would then effectively allow a bit over 4 weeks for submitters to consider the proposals, determine their position, prepare their submissions, and have them approved by their organisation (allowing for closedown dates).
31. There are a number of risks attached to a pre-Christmas timeframe.
- There is a risk that the above processes are not completed in time for an 18 November consultation start date. Should this occur, we would recommend deferring the start of consultation until 2020.
 - There is considerable interest in the package from a range of stakeholders and interest groups and media. We have undertaken to meet with some stakeholders (including disability groups and local government) to hear their perspectives on the proposals. This is important to ensure the workability of the proposals. 
 - 
32. We have provided an alternative timing option, shown as Option 2 in the table overleaf. This would see consultation remain open until late-January 2020. Under this approach, we could provide at least six clear weeks for consultation and mitigate some of the risks identified above. We do not consider that it would significantly affect our ability to have rules made in the first half of next year.
33. As the processes are the same through to 18 November, we do not need a final decision from you on the consultation timeframe at this time. However, we would welcome an indication from you if you have a strong preference for either Option 1 or Option 2.

Free and frank

Table 1: Indicative Consultation Options

Process step	Option 1	Option 2
Draft Cabinet paper and associated materials to Ministers ahead of departmental consultation	19 Sept	
Departmental consultation (concurrent with submission to Minister Genter)	20 – 26 Sept	
Receive Ministers' and departmental comments on draft Cabinet paper and associated materials	26 Sept	
Updated package of materials to Minister Genter	8 Oct	
Consult with delegated Ministers on draft Rule <ul style="list-style-type: none"> • Minister of Finance • Minister of Transport • Associate Minister of Transport • Attorney-General 	10-18 Oct	
Final draft Cabinet paper provided to Ministers for Ministerial and cross party consultation	10 – 18 Oct (7 working days)	
Ministry makes any final changes following consultation	21-23 Oct	
Lodge final Cabinet paper	24 Oct	
Cabinet paper and draft Rule considered by Cabinet Economic Development Committee	6 Nov	
Cabinet confirmation	11 Nov	
Finalise consultation package	14 Nov	
Public consultation commences <ul style="list-style-type: none"> • release of 'Yellow draft' Rule • posted on NZTA website, with link from the Ministry website • gazette notice • interested stakeholders informed • Ministers informed or briefed 	18 Nov	
Consultation (including specific engagement with disability groups and Footpaths for Feet coalition and briefing the Regulations Review Committee per earlier commitments)	18 Nov – 18 Dec (4 weeks)	18 Nov – late Jan 2020 (at least 6 clear weeks for consultation)
Public consultation closes	18 Dec	Late-Jan 2020
Advice following consultation	Feb 2020	Feb 2020

Finalising the materials

34. While Ministerial and departmental consultation occurs, we will continue to review and make editorial changes to the document. This will include having the package reviewed and signed off by the joint Ministry–NZTA Steering Group.
35. We are also continuing to work to ensure consistency in messaging between the Cabinet paper and Overview document. We would welcome any feedback you may have in regard to the draft key messages (in the Communications, Engagement and Stakeholder Plan) to enable us to reflect these throughout the package.

Recommendations

36. The recommendations are that you:
- (a) **review** the attached draft Cabinet paper and associated materials and provide feedback to officials by 26 September 2019
 - (b) **note** departmental consultation is occurring concurrently with your review of the draft papers
 - (c) **note** that officials propose to submit the final Cabinet paper and Regulatory Impact Assessment for cross-party and Ministerial consultation on 8 October 2019
 - (d) **indicate** your preference for when consultation should occur:
EITHER
Option A – 18 November 2019 to 18 December 2019 Yes/No
OR
Option B – 18 November 2019 to late-January 2020 Yes/No
 - (e) **indicate** if you would like to discuss this paper with officials Yes/No



Privacy

Brent Johnston
Manager, Mobility and Safety

MINISTER'S SIGNATURE:

A handwritten signature in black ink, appearing to read "Paul A. Guthrie".

DATE: 26 Sept 2019

Appendix 1 – Summary of Changes to the Accessible Streets Package

Existing/new proposal and description	Inclusion in draft rules	Additions or clarifications	Alternative approach considered or potential issues to resolve	Comment/Rationale
New proposal: Updating vehicle categories/definitions	Included in both draft Land Transport: Paths and Road Margins Rule 2019 (Paths Rule) and amendments to Land Transport (Road User) Rule 2004	Proposal includes new vehicle categories and definitions for: <ul style="list-style-type: none"> • Powered wheelchair • Unpowered transport device • Powered transport device • Pedestrian Powered and unpowered transport devices replace the current category of 'wheeled recreational devices'.	More comprehensive changes to vehicle categories/definitions will be dealt with in the vehicle classifications review.	The current definition of vehicle classes in the Road User Rule, and particularly the definition of wheeled recreational devices, is no longer fit for purpose given the variety of devices now emerging. The proposed definitions are future proofed to accommodate a wider range of devices.
Existing proposal: Default maximum speed on footpaths = 15km/h	Yes – in Paths Rule	Speed limit will not apply to pedestrians. Speed limit will not apply to shared paths or cycle paths.		With cyclists now allowed on footpaths there was little to differentiate footpaths from shared paths. One important distinction is the 15km/h speed limit would not apply on shared paths.
Existing proposal: Maximum width on footpaths = 750mm	Yes – in Paths Rule	Width limit will not apply to shared paths or cycle paths. Proposing to consult on broad application of this width limit on footpaths, and ask whether there are any devices currently able to use the footpath that would be impacted, including mobility devices.	We will need to consider what transitional arrangements would be required for devices that would no longer be able to use the footpath.	There might be devices that we unintentionally exclude from using the footpath. We are particularly concerned to ensure that devices used to improve mobility and accessibility for disabled people are not inadvertently restricted.
Existing proposal: Power to vary speed limits on footpaths	Paths Rule includes an enabling framework for local decision making in regard to footpath speed limits.	Allows road controlling authorities (RCAs) to vary footpath speed limits for anything from a single footpath to an area of footpaths and by time of day. A general signage requirement applies.	Considered a more restrictive framework for local decision making that would limit the ability of RCAs to vary footpath speed limits.	Proposal sets a national framework but embraces localism through empowering RCAs to adjust the framework to suit local conditions.
Existing proposal: Power to vary permitted footpath users	Paths Rule includes an enabling framework for local decision making in regard to varying the permitted users of footpaths.	Allows RCAs to vary the permitted footpath users for anything from a single footpath to an area of footpaths and by time of day – with a general signage requirement.	Considered a more restrictive framework for local decision making that would limit the ability of RCAs to vary permitted users of footpaths.	Proposal sets a national framework but embraces localism through empowering RCAs to adjust the framework to suite local conditions and respond to local community views. Vulnerable users rights are protected – for example, pedestrian and wheelchair user rights to use a footpath cannot be limited.
New proposal: Providing a regulatory framework for shared paths and cycle paths	Draft Paths Rule will include a framework for designating shared paths and cycle paths, setting speed limits for these paths, and varying the permitted users of these paths.	Proposed mechanism is through notifying the NZTA. Proposal also includes default speed limits for shared paths and cycle paths that are: <ul style="list-style-type: none"> • The speed limit of the adjacent road; or • If there is no adjacent road – a speed limit of 50km/h. 	May 1 Cabinet paper talked about RCAs having the power to vary speed limits and permitted users of footpaths. This proposal extends this to shared paths and cycle paths and establishes a power to designate these spaces. It is important the empowering provisions do not impact on the validity of existing shared paths and cycle paths.	Currently empowering provisions for shared paths don't exist in rules or legislation. Cycle paths are currently created under the Land Transport Act. Under this proposal, the Rules will provide a more comprehensive regulatory framework for these spaces in one place alongside the national framework for footpaths. This should assist RCA decision making processes.

Appendix 1 – Summary of Changes to the Accessible Streets Package

Existing/new proposal and description	Inclusion in draft rules	Additions or clarifications	Alternative approach considered or potential issues to resolve	Comment/Rationale
New proposal: Clarifying RCA powers in relation to berm parking	Draft Paths Rule and amendments to Road User Rule clarify the regulation of parking on berms and clarify RCA powers to change the rules around parking on berms.	Default position will be vehicles can park on berms unless an RCA makes a bylaw that says they can't. This is the status quo. We will also consult on clarified signage requirements.	Considered a default rule that prevents motor vehicles from parking on berms unless an RCA removes the restriction (e.g. using a bylaw). Auckland Transport proposed this option at the recent Local Government NZ Conference and it was rejected. The proposal will require RCAs to make bylaws if they don't want motor vehicles parked on berms.	Some RCAs would like the explicit ability to impose a general prohibition on parking on grass verges, through a bylaw, without the use of a sign or other markings to notify the public of the restriction. To make the bylaw, the RCA would follow the bylaw making process, including public consultation.
Existing proposal: Allowing wheeled devices in cycle lanes and cycle paths	Yes, in amendments to Road User Rule.	With "wheeled recreational devices" now split into powered and unpowered transport devices we need to clarify which devices will be allowed in cycle lanes and cycle paths. The Rule proposes to allow both powered and unpowered in cycle lanes by default, unless specifically excluded.	Considered allowing powered transport devices in cycle lanes by default and only allowing unpowered transport devices if permitted by the RCA.	We are setting a speed limit for footpaths, which means we want any vehicles that travel faster than 15km/h to use the road or an alternative path (if one is available). This includes unpowered transport devices, which in the absence of access to cycle lanes, would need to use the road in any case. It would be logical that these users should be able to use cycle lanes, which would be safer.
Existing proposal: Allowing cyclists to ride straight ahead from a left-turn lane	Yes, included in amendments to the Road User Rule.	Extend this proposal to other relevant users. Allow powered transport devices and unpowered transport devices to proceed straight from left turn lane.	Considered only extending this proposal to powered transport devices.	Cyclists and users of powered and unpowered transport devices will all be legally entitled to use the road and on-road cycle lanes. Allowing all of these users to ride straight from a left-turn lane is generally going to be a safer option than having to merge into the straight ahead lane prior to an intersection.
Existing proposal: Allowing cyclists to pass slow-moving motor vehicles on the left	Yes, included in amendments to the Road User Rule.	Extend this proposal to other relevant users. Allow powered transport devices and unpowered transport devices to pass slow-moving motor vehicles on the left.		Cyclists and users of powered and unpowered transport devices will all be legally entitled to use the road. The same rationale for allowing cyclists to pass slow-moving motor vehicles applies to powered and unpowered transport devices.
Existing proposal: Giving cyclists and buses priority over turning traffic when they are travelling across an intersections from a separated cycle lane or bus lane	We do not believe a rule change is required and it is more likely an infrastructure issue or an education issue.	Clarify the nature of the issue.	Seek feedback from road controlling authorities on whether this is an issue that requires a rule change.	In this scenario if a cycle lane or bus lane is marked through an intersection traffic would already have to give way under clause 2.3(4)c) of Road User Rule as a driver must give way to vehicles entitled to use a cycle lane or bus lane before crossing the lane.
Existing proposal: Enable RCAs to give priority to footpath, shared path, cycle path users over turning traffic on side-roads	Yes, included in amendments to Road User Rule.	Proposed traffic control device is two white lines across the road. Guidance will recommend use of signs for priority path crossings on roads with higher traffic volumes.	Considered mandatory use of signs and markings for priority path crossings.	Requiring minimal markings – i.e. two white lines – reduces the cost of establishing path priority crossings. Don't have to install signalised crossings or full pedestrian crossings across more minor side roads.

Appendix 1 – Summary of Changes to the Accessible Streets Package

Existing/new proposal and description	Inclusion in draft rules	Additions or clarifications	Alternative approach considered or potential issues to resolve	Comment/Rationale
Existing proposal: Minimum overtaking gap for cyclists	Yes, included in amendments to Road User Rule	Proposal extended to powered and unpowered transport devices, pedestrians, and horses when using the roadway.	Considered a range of options for this – from only cyclists to all vulnerable users.	Safe passing of pedestrians, horses and users of transport devices using a road is just as important as safe passing of cyclists. All are vulnerable. In some places there is no footpath available so pedestrians must use the roadway. Currently there is only guidance in relation to the safe passing of horses. The guidance would still apply, but there would also be a legal minimum overtaking gap for horses.
New proposal: Lighting requirements for transport devices	Amendments to the Road User Rule establish lighting requirements for transport devices when using the road (including on road cycle lanes), cycle paths, shared paths, and footpaths.	Requires users of transport devices to use headlights and position lights at night time.	Could be seen as a deterrent to using transport devices at night.	We are setting a speed limit for footpaths, which means we want any vehicles that travel faster than 15km/h to use the road or an alternative path (if one is available). Currently cyclists are required to use lights during the hours of darkness. We propose to extend this requirement to users of transport devices to create consistent expectations and address potential safety issues from unlit vehicle users operating on the road.
Existing proposal: Bus priority egress	Yes, amendments to Road User Rule	Only applies buses leaving bus stops. Amendments to RUR create a definition of bus stop.	Public transport services may not always use bus stops in future – e.g. on-demand services. Considered applying to all buses to future proof the proposal.	The proposed Rule is still limited to buses leaving marked bus stops. Extending the proposal to all buses could cause unintended consequences and likely confusion for other road users.

APPENDIX A

Land Transport Rules

Accessible Streets Regulatory Package 2020

Rules **xxxxx/xxxx/x**

Overview to the Rules, **[day] August 2019**

This overview accompanies, and sets in context, the public consultation (yellow) draft of proposed amendments to the *Land Transport Rule: Road User*, *Land Transport Rule: Traffic Control Devices*, *Land Transport Rule: Setting of Speed Limits* and the proposed new *Land Transport Rule: Footpaths, Shared Paths and Cycle Paths*.

(Rules **xxxxx/xxxx/x**).

The proposed amendment Rules will enable safer and more accessible outcomes for road users.

If you wish to comment on this draft Rule, please see the page headed 'Making a submission' for details on how to do this. The deadline for submissions is **5 pm Friday [day] [month] 2019**.

Land Transport Rule

Accessible Streets Regulatory Package 2020

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Consultation on proposed new Rule and Rule changes

The purpose of this publication is to set out the context for consulting on proposed changes to *Land Transport Rule: Road User* (the Road User Rule), *Land Transport Rule: Traffic Control Devices* (the Traffic Control Devices Rule) and *Land Transport Rule: Setting of Speed Limits* (the Setting of Speed Limits Rule) and the introduction of a new *Land Transport Rule: Footpaths, Shared Paths and Cycle Paths* (the Paths Rule).

Consultation on the proposed changes is being carried out to ensure that legislation is sound and robust and that the Rules development process considers the views of, and the impact on, people affected by the proposed new Rule and changes to existing Rules.

The feedback that is received during consultation will be analysed and considered in finalising the proposed changes to existing rules and the proposed new land transport rule for the Minister of Transport (the Minister) to consider.

Making a submission

If you wish to make a submission on the proposed changes, please read the information below.

Before making your submission—

Please read the information provided in the overview.

Please include the following information in your submission

- the title – Accessible Streets Regulatory Package 2020
- your name, and title if applicable
- your organisation's name if applicable
- your address – postal, and email if applicable

You can make a submission by using the online form available here:

[\[link to form\]](#)

By email: rules@nzta.govt.nz

If emailing, include the title of the 'Accessible Streets Regulatory Package 2020' in the subject line.

If posting your submission, address it to:

Accessible Streets Regulatory Package 2020

Regulatory and Transport Policy Team

NZ Transport Agency

Private Bag 6995

WELLINGTON 6141

Please note the deadline for submissions

The deadline for submissions is **5pm** on **[day] [month] 2019**.

Your submission is public information

Please note that the NZ Transport Agency (the Transport Agency) may publish any information that you submit and may identify you as the submitter should we publish your submission or provide it to a third party.

Please indicate clearly, therefore, if your comments are commercially sensitive, or if, for some other reason, they should not be disclosed, or the reason why you should not be identified as the submitter.

Consultation process for new Rule and Rule changes

The Government is committed to ensuring that legislation is sound and robust and that the Rules development process takes account of the views of, and the impact on, people affected by a new Rule and changes proposed to existing Rules.

This publication, for your comment, has two parts:

- (a) an overview, which sets out a proposed new Rule and changes to existing Rules in context; and
- (b) the consultation (yellow) draft of the new Paths Rule and amendments to the Road User Rule, the Traffic Control Devices Rule, and the Setting of Speed Limits Rule.

Please read these documents carefully and consider the effects that the proposed new Rule and existing Rule changes would have on you or (if relevant) your organisation.

You will notice that the consultation (yellow) draft of the amendments to existing Rules sets out only the proposed Rule changes. If you do not have a copy of the Road User Rule, Traffic Control Devices Rule, and/or Setting of Speed Limits Rule, please read the information in Publication and availability of Rules (page 50) about obtaining Rules. To assist in setting the proposed changes in context, the web versions of the Road User Rule, Traffic Control Devices Rule, and Setting of Speed Limits Rule and the proposed amendments are linked.

The feedback raised in submissions on the proposed new Rule and amendments to existing Rules will be analysed and considered in preparing the Rules for the Minister to consider.

Proposed timetable for implementation

Subject to the approval of the Minister, it is proposed that the Rules would take effect on [day] [month] 2020.

Making a submission

If you wish to make a submission on the new Rule or amendments to the existing Rules, please read the material headed 'Making a submission' at the front of this document.

The deadline for submissions is **5pm** on [day] [month] 2020.

Summary of new Rule and Rule changes

This summary explains the purpose and intent of the proposed new *Land Transport Rule: Paths and Road Margins 2019* (the Paths Rule) and the proposed amendments to the *Land Transport Rule: Road User* (the Road User Rule), *Land Transport Rule: Traffic Control Devices* (the Traffic Control Devices Rule) and *Land Transport Rule: Setting of Speed Limits* (the Setting of Speed Limits Rule).

The purpose of the new and amended Rules is to give effect to the 2018/19-2027/28 Government Policy Statement (GPS) on land transport which outlines a significant shift in land transport investment. It signals a shift to:

- Safety,
- Accessible and affordable transport,
- Liveable cities,
- A focus on regional economic development,
- Protecting the environment, and
- Delivering the best possible value for money.

Our transport network shapes our urban areas, and how we get around. We want urban areas that are well connected, safe, accessible and liveable. The Accessible Streets Regulatory Package is a package of land transport rule changes designed to increase safety and accessibility for people. It seeks to improve people's access to social and economic opportunities, to increase people's safety when using the transport system and to support public transport in urban areas.

The proposed rule changes also respond, in part, to the increased use of new and emerging 'vehicles' on our streets and footpaths. Transport devices such as e-bicycles and e-scooters offer significant transport benefits to users and non-users alike. They provide low-cost forms of transport for short trips and, when used as an alternative to a private car, they provide a wider, public benefit of reducing congestion and harmful vehicle emissions.

The growth in use of these vehicles however comes with risks as their use needs to be integrated into spaces on the footpath and roadway, which are already used by others. In the longer-term, changes to the design of urban spaces will help mitigate the risks; in the interim, changes to the regulatory environment are needed.

The intent of the new and amended Rules is to:

1. Enable better regulation on footpaths, shared paths, cycle paths, and cycle lanes by reshaping current vehicle and device classifications into new categories that better reflect how New Zealanders use their devices in our communities.
2. Change who is allowed on the footpaths and under what conditions. This means allowing people to ride bicycles on the footpath but will also regulate the use of all vehicles on footpaths by setting a speed limit of 15km/h or less when riding on the footpath, setting a width limit of 750mm for all vehicles riding on the footpath, and requiring vehicles on the footpath to prioritise pedestrians.

3. Clarify who is allowed on shared paths and cycle paths and under what conditions. This means providing clearer definitions for paths and providing mechanisms for road controlling authorities to set or change the speed limit of these paths and restrict particular users.
4. Enable and simplify local decision-making processes around restricting parking on berms (by vehicles like cars or trucks).
5. Enable transport devices (such as e-scooters and skateboards) to use cycle lanes and cycle paths.
6. Make changes to the priority of road users, by:
 - a. Legitimising the practice of cycling or riding a transport device straight ahead from a left turn lane.
 - b. Allowing cyclists and transport device users to carefully pass slow moving vehicles (undertake) on the left.
 - c. Giving cyclists and buses priority over other traffic turning when they are travelling straight through in a separated cycle lane or separated bus lane.
 - d. Giving greater priority to footpath, shared path and cycle path users over turning traffic where the required traffic control devices are installed.
7. Mandate a minimum overtaking gap for motor vehicles passing different road users of 1 metre when travelling at or under 60km/h and 1.5 metres when travelling over 60km/h.
8. Require motor vehicle drivers to give way to buses pulling out of bus stops in urban areas, on a road with a posted speed of 60km/h or less.

Why are the new Rule and Rule changes being proposed?

The rule changes are designed to increase the safety and accessibility of our footpaths and cycle paths. It supports the strategic objectives of the Government Policy Statement on Land Transport 2018 to improve people's access to social and economic opportunities, to increase people's safety when using the transport system and improve the reliability of public transport services.

Road users like cyclists and pedestrians are disproportionately injured and killed on our roads. Approximately three percent of on-road fatalities over the last decade were cyclist deaths. However, cycling only contributes 1.5 percent to total time spent travelling. Similarly, seven percent of serious injuries were caused by crashes involving cyclists. Approximately 10 percent of on-road fatalities and 11 percent of serious injuries over the last decade were pedestrians. Walking comprises 10 percent of the total time spent travelling.

The increased use of devices like e-scooters has also led to an increase in injuries. Statistics from the Accident Compensation Corporation (ACC) shows that between 14 October 2018 and 23 January 2019, there have been 888 claims lodged with ACC related to injuries caused by e-scooters. As there is a government focus on improving uptake of active modes, there is an opportunity to support this shift by introducing a new land transport rule for the spaces they use and by changing the road user rules to mitigate issues for cyclists, pedestrians and other transport device users.

The proposed rules give effect to recommendations from Improving Road Safety in New Zealand [DEV-18-MIN-0025 refers], 2014 Cycling Safety Panel's report Safer journeys for people who cycle and responds to the report from the Transport and Industrial Relations Select Committee on the petition of Joanne Clendon in May 2016 [2014/59] on children cycling on the footpath.

What are we seeking your feedback on?

The Transport Agency welcomes your comments on the proposed new Rule and the Rule changes set out in this overview and in the amendment Rule. When you provide your feedback, it would be helpful if you would consider and comment on the following:

- What impact would the proposals have, and on whom? The Transport Agency is particularly interested in your comments on any costs (to you or to your organisation) of implementing the proposals.
- Would any groups or individuals be disadvantaged by the proposals, and how?
- Would any groups or individuals benefit from the proposals, and how?
- Are there any implementation or compliance issues that would need to be considered?
- Are there any concerns that safety might be compromised by the proposed changes? Can you provide examples of this?

Wherever possible, when making your comments please provide examples to illustrate your point.

What are the proposed changes?





This section sets out the changes that are proposed to the requirements in the Road User Rule, Traffic Control Devices Rule and Setting of Speed Limits Rule, introduces a new Paths and Road Margins Rule, and the reasons for making the changes.

PROPOSAL 1: Re-categorise vehicles and devices allowed on paths

Current state

The types of vehicles and devices currently used on footpaths, shared paths, cycle paths and cycle lanes are categorised into different groups to help regulators, councils, road controlling authorities¹ and the public understand where they can be used.





These categories and their definitions are outlined in the table below:

Category (device/vehicle)	Description
<p>Pedestrians</p> 	<p>The term pedestrian includes people on foot, un-powered wheelchairs and wheeled items used by those who are walking. This could include a person pushing a pram or a shopping trolley. Pedestrians are typically the primary users of the footpath.</p>
<p>Mobility devices</p> 	<p>Mobility devices refers to a group of devices or vehicles for those who require mobility assistance for medical purposes (like a physical or neurological impairment). They are powered by a motor that has a maximum power output of 1,500 watts.</p> <p>Mobility scooters and powered wheelchairs are the most common example of a mobility device. Users of mobility devices typically use the footpath.</p>
<p>Wheeled Recreational devices</p> 	<p>Wheeled recreational devices (WRDs) are devices with wheels, propelled by human power, gravity or a small motor with a maximum power output of 300 watts. It includes cycles with a wheel diameter less than 355mm (e.g. a bike typically ridden by 6-year-old or younger). This means that most bicycles are excluded from this definition.</p> <p>Typical examples of wheeled recreational devices include scooters, skateboards, in-line roller skates and includes low powered versions of these devices (like e-scooters and e-skateboards).</p>
<p>Cycles and e-bikes</p> 	<p>Cycles (which include 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 a six-year-old or younger) are both a wheeled recreational device and a cycle.</p>

¹ A road controlling authority (RCA) is an authority, body or person that controls the road and can set and enforce rules on that road. For example, Auckland Transport is a road controlling authority.

The table below outlines where these devices can currently be used.

Types of device and vehicles and where they can go under the current state:

Category (Device/vehicle)	Footpath	Shared path	Cycle path	Cycle lane	Road
Pedestrian 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Mobility device 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Wheeled recreational device 	✓	✓	✓	✗	✓
Cycles and e-bikes 	✗ (unless wheel diameter is less than 355mm)	✓	✓	✓	✓

- An orange tick means the device/vehicle can have access if a road controlling authority permits it.
- A green tick means the device/vehicle has access by default. If there is an orange boarder around the green tick, this means a road controlling authority can restrict its use.
- A red cross means the device/vehicle is not permitted in that space at all.

Issues with the current categories

The categories and rules presently governing the use of footpaths, shared paths, cycle paths and cycle lanes have not easily accommodated the growth of vehicles and devices like oversized mobility devices and e-scooters.

While these devices have many benefits, they also introduce new challenges for regulators, like greater speeds, easier access through share schemes, and greater congestion on spaces like the footpath. In attempting to regulate these new and emerging vehicles, it has become clear that

present categories struggle to respond to these new challenges, and they need to be updated to accommodate new and emerging technology.

Proposed change

To enable better regulation of vehicles on footpaths, shared paths, cycle paths, and cycle lanes, we propose to change current vehicle and device categories into new categories to better reflect modern device and vehicle use in these spaces.

These changes will assist road controlling authorities in designing current and future infrastructure for different types of path users and setting requirements. It aims to help road controlling authorities manage different spaces to ensure all users feel safe and that their access is prioritised.







Broadly speaking, these categories are proposed to include:

- Pedestrians
- Powered wheelchairs
- Unpowered transport devices
- Powered transport devices
- Cycles and e-bikes

We are seeking your feedback on what a change might look like and how it will affect you.

The diagram below, outlines what the different categories will look like and where they will be able to be used:

Types of devices/vehicles and where they can go under the proposed changes:

Category	Footpath	Shared path	Cycle path	Cycle lane	Road
Pedestrian 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Powered wheelchair 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Mobility device 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Unpowered transport device 	✓	✓	✓	✓	✓
Powered transport device 	✓	✓	✓	✓	✓
Cycles and e-bikes 	✓	✓	✓	✓	✓

- An orange tick means the device/vehicle has access if a road controlling authority permits it.
- A green tick means the device/vehicle has access by default. If there is an orange border around the green tick, this means a road controlling authorities can restrict its use.

The proposals below explain these changes in more detail.

Proposal 1A: Redefining Pedestrian

Current State

The term pedestrian includes people on foot, un-powered wheelchairs and wheeled items used by those who are walking. This could include a person pushing a pram or a shopping trolley.

Pedestrians are recognised as the primary users of the footpath. They can also travel in a cycle lane, cycle path or on the road if there is no footpath available. Pedestrians are also allowed on shared paths if permitted by road controlling authorities, or in instances where there is no footpath available.

Proposed change

None, other than the inclusion of powered wheelchairs as a pedestrian. This is discussed in more detail under proposal 1B below.

Rule Reference. Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: Section 2 (*Requirements for pedestrians, riders of mobility devices, riders of transport devices and cyclists*) and Part 2 (*Definitions*).

Questions for your submission:

1. Do you think the inclusion of powered wheelchair in the definition of pedestrian is appropriate? Why/why not?
2. Small children (aged six-years and below) riding a bicycle or other device are not counted as pedestrians. Do you think they should be included in the definition of pedestrian to ensure their access is prioritised above other users? Why/why not?

Additional questions for road controlling authorities:

3. It is proposed that road controlling authorities will be able to vary the types of users on shared paths and cycle paths to reflect their local needs. What is the most appropriate process for a road controlling authority to use to make local variations to the proposed Rules?
4. Do the assessment criteria proposed within the new Rules adequately provide for local variations?

Proposal 1B: Powered wheelchairs

Current state

A powered wheelchair is categorised as a mobility device. They can be used on the footpath and shared paths, as well as the road, cycle lanes and cycle paths when footpaths are not available.

Currently, a powered wheelchair is not treated as a pedestrian, but an unpowered wheelchair is. This is inconsistent as both powered and unpowered wheelchairs travel at slow speeds (typically up to 6km/h) and are crucial to the movement of the person using it.

This can differ from a mobility device (like a mobility scooter), which may be important for a user to travel, but may not always be required to generally move from place to place. A mobility device also typically travels faster than a powered wheelchair (reaching speeds between 12km/h and 49km/h). Given the major differences between these devices and their purpose, regulators should be able to distinguish between them, but the law does not currently allow for this.

Proposed change

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 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 use the same spaces as pedestrians.

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.

Where can powered wheelchairs be used?

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.

Rule Reference: Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: Section 2 (*Requirements for pedestrians, riders of mobility devices, riders of transport devices and cyclists*) and Part 2 (*Definitions*).

Questions for your submission:

1. Do you support the proposal to define a powered wheelchair as its own category?
Why/why not?
2. Powered wheelchairs will be defined as a pedestrian and will have the same level of access as pedestrians but will also retain its own category. Do you support this?
Why/why not?
3. Are there any other vehicles or devices similar to powered wheelchairs that should have their own category or share a similar status to pedestrians? Please explain.

Proposal 1C: Changing Wheeled Recreational Devices

Current state

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 355mm. This means that most bicycles 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.

Typical examples of wheeled recreational devices include push-scooters, skateboards, in-line roller skates and includes low powered versions of these devices (like e-scooters and e-skateboards).

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.

Issues with wheeled recreational devices

The definition of WRD includes a range of diverse devices. For example, roller blades and e-scooters are both WRDs, yet 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).

Wheeled recreational devices as a category 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, which would restrict access to low risk device users.

The current definition of wheeled recreational device does not properly consider emerging vehicles and devices. These devices are staying small, getting faster, and becoming more easily accessible through share schemes. Because of this, the current definition of wheeled recreational devices needs to be updated.

Proposed change

The proposed change will replace wheeled recreational devices with two new categories. These will be:

- Unpowered transport devices (e.g. push-scooters, skateboards)
- Powered transport devices (e.g. e-scooters, e-skateboards)

Together, unpowered and powered transport devices will be referred to as transport devices.

Unpowered transport devices

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 and will have a maximum width of 750mm.

Unpowered bicycles with a wheel diameter of 355mm or less (a wheel size that typically fits the bicycle of a 6-year-old) will be part of the unpowered transport devices category.

Where can unpowered transport devices be used?

Unpowered transport devices will be used on the footpath, cycle paths and cycle lanes² (unless a road controlling authority excludes them). They will also be allowed on a shared path, if a road controlling authority permits it.

Powered transport devices

The proposed change will create a category that includes small electric devices like e-scooters and e-skateboards. The category will remove the current (currently 300 watts) and set a width limit of 750mm. This means that a powered device that exceeds 750mm in width is not categorised as a powered transport device.

² More information about transport device use in cycle lanes and cycle paths are explored in proposal 3.

E-bikes with a wheel diameter of 355mm or less (a wheel size that typically fits the bicycle of a six-year-old) will also be part of the powered transport device category.

Where can powered transport devices be used?

These 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.

These new categories capture the difference between wheeled recreational devices that are powered and those that are unpowered. This can help road controlling authorities assess where these different types of devices can be used without unnecessarily restricting other devices.

Rule Reference. Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: Section 2 (*Requirements for pedestrians, riders of mobility devices, riders of transport devices and cyclists*) and Part 2 (*Definitions*).

Questions for your submission

1. What do you think about the proposal to replace wheeled recreational devices with two categories (unpowered and powered transport devices)?
2. These devices will be permitted on the footpath, unless excluded by road controlling authorities. Do you think this is safe? Please explain.
3. Do you think these categories should include other factors, such as user age, or the speed limit of the vehicle/device? If so, what types of devices could be included in this category?
4. Do you think removing a wattage requirement for powered transport devices will help maintain a safe environment on paths and roads? Why/why not?
5. The transport device category will introduce a maximum width limit of 750mm - a change from WRDs which does not currently have a width restriction. Do you Support this width requirement? Why/why not?

Proposal 1D: Clarifying cycle and e-bikes

Current state

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 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, cycle lanes and on the road. They are also allowed on shared paths if permitted by a road controlling authority.

Proposed state

Cycles and e-bikes will continue to be a separate category of vehicle.

Where can cycles and e-bikes be used?

Under the proposed changes outlined in proposal 3, bicycles will be allowed to be used on the footpath under certain conditions. Cycles and e-bikes will still be able to ride in cycle paths, cycle lanes and on the road. They can also be used on shared paths if a road controlling authority permits it.

Rule Reference. *Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: Section 2 (Requirements for pedestrians, riders of mobility devices, riders of transport devices and cyclists) and Part 2 (Definitions).*

Questions for your submission

1. Under the proposal, bicycles and e-bikes will continue to have their own category. Do you agree with this? Why/why not?
2. Do you think that cycles should be treated differently to e-bikes? Why/why not?

For questions related to footpath use by bicycles and e-bikes, refer to proposal 3.

Proposal 1E: Mobility devices

Current state

Mobility devices refers to a group of devices or vehicles for those who require mobility assistance for medical purposes (like a physical or neurological impairment). They are powered by a motor that has a maximum power output of 1,500 watts. Mobility scooters and powered wheelchairs are currently the most common example of a mobility device.

Users of mobility devices typically have the same level of access as pedestrians and tend to use the footpath. They can also travel in a cycle lane, cycle path or shared path if there is no footpath available, or if they are permitted by a road controlling authority.

Issues with the term 'mobility device'

The definition of mobility devices is incredibly broad and as a result, devices of varying size and speed are used on the footpath and elsewhere. This can be restrictive and dangerous for other users.

Proposed change

As outlined under proposal 1B, powered wheelchairs (which is currently defined as a mobility device) will have its own category.

The mobility device category will be reviewed as part of future vehicle classification work. We welcome your suggestions on what new categories might look like.

Rule Reference. *Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: section 2 (Requirements for pedestrians, riders of mobility devices, riders of transport devices and cyclists) and Part 2 (Definitions).*

Questions for your submission

1. Mobility devices have the same level of access as pedestrians but are treated as a separate category. Do you support this?? Why/why not?
2. Are you a user of a mobility device? If so, what kind of device do you have, and do you have any issues in accessing footpaths and shared paths?
3. Do you currently face any problems (safety/access-related or otherwise) around your personal use of your mobility device? Please explain.
4. Do you currently face any problems (safety/access-related or otherwise) around the use of mobility devices by other users? Please explain.

Additional questions for road controlling authorities:



5. Do you think that there are adequate processes in place to enable variation of devices in different spaces to be made by local government?
6. Is it reasonable to propose the exclusion of mini-vehicles from spaces like the footpath? Will this have a serious impact in your area?

PROPOSAL 2: Clarifying the rules around what types of vehicles should be allowed on footpaths and under what conditions.

Current state

Pedestrians are generally accepted to be the primary user of the footpath. Items pushed by pedestrians also fit within this definition. This includes a person is pushing a pram or a shopping trolley along the footpath.

Other devices proposed to be allowed on the footpath are outlined in the table below:

Device/vehicle	Description
<p>Mobility devices</p> 	<p>Mobility devices refers to a group of devices or vehicles intended for those who require mobility assistance for medical purposes (like a physical or neurological impairment). They are powered by a motor that has a maximum power output of 1,500 watts. Mobility scooters are the most common example of a mobility device.</p>
<p>Transport devices</p> 	<p>Transport devices consist of:</p> <p>Unpowered transport devices which includes small unpowered devices like skateboards, push scooters and roller blades. These devices must be propelled by human power or gravity and has a maximum width of 750mm.</p> <p>Unpowered bicycles with a wheel diameter of 355mm or less (a wheel size that typically fits the bicycle of a 6-year-old) are also considered unpowered transport devices.</p> <p>Powered transport devices which includes small electric devices like e-scooters and e-skateboards. These devices have a maximum width of 750mm.</p> <p>E-bikes with a wheel diameter of 355mm or less (a wheel size that typically fits the bicycle of a six-year-old) are also considered powered transport devices.</p> <p>These devices are allowed on the footpath, cycle paths, cycle lanes and the road. They are also permitted on shared paths if permitted by a road controlling authority.</p>

Currently there are no restrictions on the width of a mobility device, or a speed limit when either of these devices are on the footpath.

This means that requirements to use the footpath are based on wheel diameter, wattage and a requirement to behave in a courteous and considerate manner. Not only are these challenging to enforce, they have become inconsistent due to the emergence of new devices. For example, most children over the age of six (when they begin to ride cycles with larger wheels) cannot legally ride on the footpath, while adults on e-scooters and mobility devices can.

As an increasing number of new, faster devices are allowed on the footpath, the rules that govern them (and other paths) need to be reframed to accommodate these changes and future-proof for later developments in micro-mobility.

The growth in use of these vehicles however comes with risks as their use needs to be integrated into spaces on the footpath, which are already used by others. In the longer-term, changes to the design of urban spaces will help mitigate the risks; in the interim, changes to the regulatory environment on the footpath are needed.

Proposed change

To supplement the changes to vehicle categories as outlined in proposal 1, the change proposes a new rule, the Land Transport Rule: Paths and Road Margins 2019. The proposed new Rule aims to redefine the users of footpaths, shared paths and cycle paths and gives effect to a national framework to govern which vehicles can be used on footpaths under which conditions. The Rule also provides a mechanism for road controlling authorities to vary parts of this framework. This proposal will focus on what this means for footpath use.

A national framework for the use of vehicles on the footpath

The changes would require vehicles using the footpath to:

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

This framework is set out in more detail later in this proposal.

The framework would then mean the following types of vehicles would be allowed to be used on footpaths (if they follow the above requirements):

- Powered wheelchairs (would not be required to follow width requirements)
- Mobility devices
- Transport devices
- Cycles, including e-bikes

None of the changes will restrict the opportunity for people to walk or run on the footpath. The changes are meant to assist a variety of users to access safe spaces to travel, while maintaining and prioritising the access of pedestrians.

Future-proofing the rule

The proposed rules are also designed to manage the possibility of new and emerging technologies including, small driverless delivery vehicles that might operate on the footpath for some, or all, of their journey. The framework would limit these vehicles' use of the footpath if, for example, they were too large, moved too quickly, or were unable to prioritise the passage of pedestrians.

Use of helmets on footpaths

Current requirements to wear helmets are not being addressed as part of the Accessible Streets Regulatory Package. This means people cycling on footpaths will still be required to wear helmets. People using other transport devices like e-scooters, skateboards, and other vehicles will continue to not be required to wear helmets.

Enabling road controlling authorities to restrict devices from using the footpath or an area of footpaths

Currently, road controlling authorities can prohibit certain devices from accessing certain parts (zones or specific lengths) of the transport network. Signs and markings already exist for this purpose.

When it is not appropriate for a variety of devices to use the footpath, the new Rule will help enable road controlling authorities to restrict the use of the footpath or an area of the footpath to certain users. This means that a council, for example, could restrict the use of a footpath in the centre of a town or city to only pedestrians and mobility devices. This restriction could also extend over a collection of streets (referred to as an area of footpaths).

National guidance will be developed to assist road controlling authorities when considering restricting certain users and consideration of this guidance will form part of a criteria.

Before restricting the use of a footpath or areas of footpaths, the road controlling authority will need to consider:

- Relevant guidance developed by the NZ Transport Agency,
- Any alternative routes or facilities that will no longer be available to the user due to a restriction,
- Any other matter relevant to public safety.

The road controlling authority will need to consult with any party affected by the proposed restriction, give those parties reasonable time to respond, and take account of their submissions.

The NZ Transport Agency will also have the power to investigate and direct road controlling authorities for compliance with this Rule.

Road controlling authorities will be required to mark restrictions on the footpath and if the restriction applies to an area of footpaths, mark the restrictions around the boundary of that area.

[The elements of the framework are outlined in more detail in Proposals 1A-1C.]

Rule reference: *Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: section 4.1 (Road controlling authority may restrict use of footpath or other pedestrian facility) and Section 4.2 (criteria for restricting use of the footpath, shared path, or cycle path).*

Questions for your submission:

1. The proposed changes will allow mobility devices, transport devices, and cycles on the footpath, provided they meet speed, width and behavioural requirements. Do you support this? Why/why not?
2. Do you think the proposed new Land Transport Rule: Paths and Road Margins 2019 makes the requirements for footpath users and the powers of road controlling authorities, easier to understand?
3. Do you think the proposed changes will make the footpath a safer environment? Why/why not?
4. Do you think that the proposed changes will make the footpath easier to navigate? Why/why not?
5. The proposed changes set speed, width and behavioural requirements when using a device on the footpath. Do you think there should be any other requirements? For example, the weight of the device, wheel size?

6. What do you think of the process road controlling authorities must follow before restricting users on the footpath? Should road controlling authorities do more/less?
7. Do you think restrictions on the use of vehicles on footpaths should apply equally to all users of the space? Or just apply to people of a certain age (e.g. over age 10, over age 12)? Please explain.
8. Do you think a driverless device should be permitted on the footpath?

Additional questions for road controlling authorities:

9. We are 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. As a road controlling authority:
 - 9 (a) How will this affect you?
 - 9 (b) Is there a more practical process than the criteria proposed?
 - 9 (c) Can current resolution processes help restrict device use on the footpath or is further work required?

Proposal 2A: Vehicles on the footpath are to be operated in a courteous and considerate manner, in a way that does not constitute a hazard and gives right of way to pedestrians.

Current state

Current rules already require footpath users to behave in a courteous and considerate manner, and to travel in a way that does not constitute a hazard to other footpath users. However, there is no requirement to give way to, and, prioritise pedestrians when travelling on the footpath.

This can be problematic as pedestrians continue to be the main user of the footpath and can be the most at risk from users travelling on devices like e-scooters and skateboards. As the number of transport device users in this space increases, we need to ensure that the safety and access of pedestrians are prioritised. At the same time, we also want to help others utilise the variety of travel modes available to them.

Proposed change

The proposed change will require footpath users to give priority to pedestrians in addition to the current requirements. The additional requirement of giving priority to pedestrians recognises that with the influx of new and emerging vehicles like e-scooters, pedestrian use of footpaths still needs to be protected.

Having this as a requirement will mean that other device or vehicle users who do not prioritise, or give way to, pedestrians on the footpath could be penalised.

Rule reference: Clauses in proposed Land Transport Rule: Paths and Road Margins: section 2.1(Use of footpaths) and section 2.2 (Use of shared path).

Questions for your submission:

1. Do you agree that pedestrians should always have priority on footpaths? Why/ why not?
2. Do you think that users of mobility devices should have equal priority with pedestrians on the footpath? Why/why not?
3. Are there any additional behavioural requirements you think should apply to people using vehicles on the footpath?
4. Do you think there is anything else device users can do to better prioritise the access of pedestrians on the footpath?

Additional questions for road controlling authorities:

5. What is the most effective way to allow variations to the types of users on shared paths and cycle paths to reflect local conditions? Please explain.

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

Currently, there is only a requirement to behave in a courteous, considerate manner, and to travel in a way that does not constitute a hazard to others when using the footpath. There is also the potential for prosecution for inconsiderate, careless, dangerous and reckless driving. As an increasing number of transport devices legally use the footpath at high speeds, there is a need to specify what courteous and considerate on the footpath looks like in terms of speed.

Proposed change

The proposed change will set a default speed limit of 15km/h when travelling on the footpath. This speed limit will apply to current footpath users (mobility devices, and transport devices). It will not apply to pedestrians. The speed is around twice the speed of walking and slightly faster than the average speed that children currently cycle and scooter at on the footpath (10.2km/h and 10.9km/h respectively)³.

Enforcement

It is recognised that a maximum speed limit is more enforceable than current requirements around power output (Watts) and wheel diameter. Device users may be penalised for travelling above 15km/h on the footpath.

Road controlling authority powers to vary the speed limit

All footpaths will have a default speed limit of 15km/h. If the speed limit is too fast, road controlling authorities will be able to change the default footpath speed to one of the following:

- 5km/h
- 10km/h

³ Randall, Edward, Baland, Romane, and Keall, Michael. (2018). Children cycling on footpaths, NZMI 9 March, Vol 131 No1471

They will be able to set this speed by registering the limit on the National Speed Limit Register. This speed limit could apply to a singular footpath or an area of footpaths. This means that if, for example, a council wants to limit the speed limit on the footpaths surrounding a school, they could do so. Before setting this speed, road controlling authorities will need to consider:

- Any relevant guidance developed by the Agency
- Any other matter relevant to public safety

Road controlling authorities must consult with any parties affected by the proposed speed limit. They will need to allow persons or groups a reasonable time to make submissions on changes and take account of their submissions.

The rule will not allow road controlling authorities to set a speed limit higher than 15km/h on the footpath. Because footpaths are narrow and largely consist of pedestrians, speeds on the footpath should be relatively low to limit risk to pedestrians and other users, while still maintaining access for other device users. If road controlling authorities want to allow other footpath users like cyclists to travel at higher speeds, they can do so on other paths like a shared path. Maintaining a low speed on the footpath is intended to encourage the creation of separate infrastructure that provides for higher speeds and space for users like e-scooters without impeding on the safety of pedestrians.

Footpath markings showing 5km/h, 10km/h and 15km/h are proposed to be made available in the Traffic Control Devices Rule. Road controlling authorities would be required to mark the speed limit on the footpath or at the boundary of an area of footpaths where a different speed limit applies.

Rule reference: *Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: section 3.3 (Default speed limit on footpaths).*

Questions for your submission:

1. Is a 15km/h speed limit for footpaths appropriate? Why/why not? Should the speed limit be higher/lower?
2. Not all transport devices have mechanisms for determining speed, are there better ways to make the footpath safer than setting a speed limit on transport devices? Please explain.
3. Do you live in an area where e-scooter sharing schemes like Lime or Flamingo have limited speeds on their devices in certain 'slow zones'? If so, are these slow zones effective? (please state if you are user/non-user of e-scooters in your answer).

Additional questions for road controlling authorities:

4. We are proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to lower the default speed on the footpath. As a road controlling authority:
 - 4 (a) How will this affect you?
 - 4 (b) Is there a more practical process than the criteria proposed?
 - 4 (c) Can the current resolution processes help restrict device use on the footpath or is further work required?

5. Under the proposed changes, the default speed on the footpath will not be allowed to exceed 15km/h. Is this reasonable or too restrictive? Please explain.

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath

Current state

Devices and vehicles that are allowed on the footpath do not have a width restriction. However, cycles with a wheel diameter exceeding 355mm (This wheel size typically fits a cycle ridden by a five or six-year-old) cannot be used on the footpath.

This means that most children (and all adults) are currently prohibited from cycling on the footpath. In practice, younger cyclists tend to ride on the footpath for most of their trips, unaware that this is illegal. 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.

Other cyclists also use the footpath at some point in their journey in response to unsafe road environments. For example, when there is heavy, fast-moving traffic and a cycle lane is not available. The current settings mean that this action, taken in the interest of safety, is not allowed.

In addition, there are some devices (such as larger mobility devices) that fit the wheel size requirements but take up the entire footpath when they travel. This can impact another user's access to the footpath as they must walk or travel behind the large device, or walk on the road, which can be dangerous.

Proposed change

The proposed change will remove the wheel diameter requirement and replace it with a general width requirement of 750mm. This means that users will be able to ride a cycle or transport device on the footpath, if that device or cycle is 750mm or less in width.

Powered wheelchairs will still be able to use the footpath even if they exceed this limit.

The maximum width requirement will ensure that multiple users can still access the footpath. 750mm is half the clear width of a narrow footpath, which will ensure that the footpath can be shared between users.

Devices and cycles that exceed 750mm

It is unclear what number of vehicles that currently use the footpath would be impacted by the proposed width restriction. It may also restrict some mountain bikes with wide handlebars, from using the footpath.

Allowing cyclists on the footpath

The proposed amendment will allow cyclists to ride on the footpath provided the cycle is not wider than 750mm, operated in a considerate manner, ridden below the speed limit, and gives way to pedestrians. The amendment would also allow people to ride on a formed path or lawn (on the berm) if this is necessary to pass or give way to another footpath user. However, this would exclude riding through any cultivated gardens on the berm.

This change will also mean that cyclists can use pedestrian crossings to safely cross the street in the same manner as users of other transport devices, if they are travelling on the footpath. They will still need to give right of way to pedestrians, as they do on all other parts of the footpath. This would accommodate children cycling at slow speeds in places where cycling on the road would put them at risk. It would also support the safety of adult cyclists where cycling infrastructure is not available. Cyclists travelling on the road will not be expected to use pedestrian crossings.

Allowing adult cyclists on the footpath is not expected to significantly increase the number of adult cyclists of the footpath. Research carried out for the Centre for Accident Research and Road Safety in Queensland (where cycling on the footpath is legal) found that only 5 percent of all cycling distance ridden occurred on footpaths, and most did so reluctantly and for small parts of their trip.⁴ We expect cyclists in New Zealand to behave the same way, particularly due to the 15km/h speed limit proposed for the footpath.

Enforcement

A width limit is likely to be more enforceable than current requirements around power output (Watts) and wheel diameter. Those on devices wider than 750mm could be penalised.

Risks

Imposing a width limit of 750mm may exclude some devices such as wider mountain bikes and some mobility devices.

Exemptions

Existing exemption powers, that provide the NZ Transport Agency with power to exempt vehicles from specific legislative requirements, will be maintained. NZ Post's Paxster small electric delivery vehicles currently operate under a provision that allows mail delivery services to operate motor vehicles on the footpath. They are expected to be exempt from the minimum width requirement but would still need to comply with the proposed speed limit of 15km/h when on the footpath.

Other devices that exceed the proposed width could also be exempted from requirements via this process.

Rule reference: *Clauses in proposed Land Transport Rule: Paths and Road Margins 2019: section 2.1(1) (Use of footpaths)*

Questions for your submission:

1. Is a 750mm width restriction for vehicles being used on footpaths appropriate? Why/why not?
2. Should width limits for footpath use be introduced through a transitional period to allow time for wide-device users to seek an exemption?
3. Do you think that the vehicle width measurement should only apply to fixed or common vehicle features like handlebars and wing mirrors? Or also apply to any accessories and auxiliary equipment on the vehicle?

⁴ Haworth, Narelle L. & Schramm, Amy J. (2011) Adults cycling on the footpath: what do the data show? In Australasian Road Safety Research, Policing and Education Conference, 6-9 November 2011, Perth Convention and Exhibition Centre, Perth, WA. <https://eprints.qut.edu.au/49906/5/49906.pdf>

4. The width limit will allow cyclists on the footpath and allow them to use pedestrian crossings (provided they are following all requirements). Do you think this appropriate?
5. This width limit will apply to cycles and other transport devices. In practice, this will mean some cycles with wide handlebars (such as some mountain bikes and some e-bikes) are not allowed to be used on footpaths. Do you think this is appropriate?
6. Exemptions may apply to devices like NZ Post Paxters or other devices that exceed 750mm in width. Do you think this is appropriate?
7. Do you think it is appropriate to allow vehicles to be ridden on grass/lawn areas on the berm if this is necessary to pass or give way to another footpath user?

PROPOSAL 3: Providing a regulatory framework for shared paths and cycle paths

Current state

Shared Paths

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. An example of a shared path is pictured on the right.



Figure 3A: A Shared path

Cycle paths

A cycle path is a part of the road that is physically separated from motor traffic.⁵ 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. An example of a cycle path is pictured on the right.



Figure 3B: A cycle path

Issues with shared paths and cycle paths

Neither shared paths or cycle paths have a prescribed speed limit. Often, the speed limit on these paths matches the adjacent roadway, but where there is none, the speed limit is not clear.

Similar to use of the footpath, shared paths and cycle paths are experiencing a greater number of users on a variety of different devices. The growth in use however comes with risks as use needs to be integrated into spaces on shared paths and cycle paths, which are already used by others. In the longer-term, changes to the design of urban spaces will help mitigate the risks; in the interim, changes to the regulatory environment on these paths are needed.

Proposed change

The change proposes a new rule, the Land Transport Rule: Paths and Road Margins 2019. The proposed new Rule aims to redefine the users of footpaths, shared paths and cycle paths and gives effect to a national framework to govern which vehicles can be used on paths and under which conditions. The Rule also provides a mechanism for road controlling authorities to vary parts of this framework. This proposal will focus on what this means for shared path and cycle path use.

Road controlling authorities can declare a path to be a shared path or cycle path

Under the proposed changes, road controlling authorities will be able to declare a path to be a shared path or a cycle path by making a resolution.

⁵ Cycle lanes, by comparison, are not separated from traffic.
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Clarifying how users must behave on shared paths and cycle paths

Under the proposed changes, a person using a shared path or cycle path must:

- Travel in a careful and considerate manner,
- Travel in a way and at a speed that does not constitute a hazard to others
- Travel in a way that does not block the passage of other users.

Unlike using the footpath, there will be no width requirements for users in shared paths or cycle paths.

Clarifying priority users in shared path and cycle paths

The proposed changes will also specify which user has priority when travelling on these paths unless a marking says otherwise. These are outlined in the table below:

User	Priority in shared path	Priority in cycle path
Pedestrians	Pedestrians have greatest priority. All users must give way to pedestrians if they are travelling in a shared path.	Pedestrians must give way to cyclists travelling in a cycle path. All other users must give way to pedestrians.
Mobility device user	Mobility device users must give way to pedestrians, and all other users must give way to people riding mobility devices.	Mobility device users must give way to cyclists and pedestrians.
Transport device users	Transport devices users must give way to riders of mobility devices and pedestrians. Cyclists must give way to transport device users.	Transport device users must give way to all other users in a cycle path.
Cyclist	Cyclist must give way to all other users in a shared path.	Cyclist has greatest priority. All other users must give way to cyclist.

Speed limits for shared paths and cycle paths

If a shared path or cycle path is adjacent to a roadway, the speed limit of the path will match the roadway. This means it is possible for a shared path or cycle path to have a speed limit of 100km/h if the roadway beside it has a speed limit of 100km/h. This follows common practice by path users who currently acknowledge that the speed limit on a shared path or cycle path matches the adjacent roadway.

If a shared path or cycle is not located beside (or adjacent to) a roadway, then that path has a default speed limit of 50km/h.

There will be an offence for exceeding the default speed limit.

Enabling road controlling authorities to change the speed limit on a shared path or cycle path

The proposed changes will also allow road controlling authorities to change the speed limit on shared paths and cycle paths if the default speed limit is inappropriate or unsafe for users.

Road controlling authorities will be able to change the speed limit, provided the new limit does not exceed 50km/h and is higher than 10km/h.

The 50km/h limit can be an option for local areas that require it. For example, if there is a cycle path largely used by e-bikes (which typically reach 45 km/h on the flat). However, we expect that many road controlling authorities will set limits lower than this as most devices or cycles typically reach speeds of up to 30km/h on the flat.

The lower 10km/h is for paths that may have more pedestrians, mobility devices or vulnerable users present. We have chosen 10km/h to ensure continued access for other device users, while maintaining a safer speed when travelling alongside those on foot.

If road controlling authorities want to change the speed limit on a shared path or cycle path, they will need to consider:

- Relevant guidance developed by the NZ Transport Agency.
- Any alternative routes or facilities that will be available to the user if they are excluded from a path through a restriction.
- Any other matter relevant to public safety.

The road controlling authority will also need to consult with any party affected by the proposed restriction, give those parties time to respond, and take account of their submissions.

The road controlling authority will need to register the speed limit restriction on the National Speed Limit Register maintained by the NZ Transport Agency.

The Transport Agency will also have the power to investigate and direct road controlling authorities for compliance with this Rule.

Enabling road controlling authorities to restrict devices from using a shared path or cycle path

The proposed changes would allow road controlling authorities to restrict certain devices from using shared paths and cycle paths and provide criteria to consider when restricting those devices from use. This means that if it is unsafe for a type of device to be used in certain spaces, a road controlling authority can restrict them from being used.

National guidance will be developed to assist road controlling authorities when considering restrictions on certain users in these spaces, and consideration of this guidance will form part of the criteria.

Road controlling authorities will be able to restrict the use of the shared path, cycle path or an area of these paths to certain devices and will be able to specify times at which these restrictions apply if needed. Road controlling authorities will not be able to restrict pedestrians and mobility device users from shared paths and cycle paths if there is no footpath available.

Before restricting the use of a shared path or cycle path, the road controlling authority will need to consider:

- Relevant guidance developed by the NZ Transport Agency,
- Any alternative routes or facilities that will no longer be available to the user due to a restriction,
- Any other matter relevant to public safety.

The road controlling authority will need to consult with any party affected by the proposed restriction, give those parties time to respond, and take account of their submissions.

The Transport Agency will also have the power to investigate and direct road controlling authorities for compliance with this Rule.

The road controlling authority will need to register the restriction on the National Speed Limit Register maintained by the NZ Transport Agency.

Signs and markings.

A speed limit on a shared path or cycle path will be made clear to those on the path with a marking on the boundary of the shared path or cycle path.

If a road controlling authority wants to restrict certain devices or vehicles from using a shared path, they must install appropriate signs and markings that defines the types of users allowed in those spaces.

Use of helmets on shared paths and cycle paths

Current requirements to wear helmets are not being addressed as part of the Accessible Streets Regulatory Package. This means people cycling on all paths will still be required to wear helmets. People using other transport devices like e-scooters, skateboards, and other vehicles will continue to not be required to wear helmets.

Rule reference: <i>TBC</i>

Questions for your submission

1. Under the proposed changes, road controlling authorities will be able to declare a path a shared path or a cycle path without following any additional criteria than what is required to pass a resolution. Do you think this is appropriate?
2. Do you think the proposed behavioural requirements to operate on a shared path or cycle path are appropriate? Are there any other requirements that could help make these paths safer?
3. Do you think there should be width requirements for use of a shared path or cycle lane?
4. The proposed changes allow for shared paths and cycle paths to share the same speed limit as an adjacent roadway (if there is one present). Do you think this is appropriate?
5. The proposed changes introduce a default speed limit of 50km/h on shared paths and cycle paths when there is no adjacent roadway. Do you think this is appropriate? Should the speed be higher/lower? Please explain.
6. The proposed changes mean that road controlling authorities will be able to change the speed limit on the footpath, provided the speed does not exceed 50km/h and is higher than 10km/h (in addition to following criteria). Do you think this is appropriate? Why/why not?

Additional questions for road controlling authorities:

7. We are proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using shared paths and cycle paths. As a road controlling authority:
 - 5(a) How will this affect you?
 - 5(b) Is there a more practical process than the criteria proposed?
 - 5(c) Can current resolution processes help restrict device use on paths or is further work required?
8. Under the proposed changes, the NZ Transport Agency will be able to investigate and direct road controlling authorities to comply with this Rule. Do you think this is appropriate? Why/why not?

PROPOSAL 4: Clarifying road controlling authority powers around the use of berms

Current state

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

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 pose serious safety risks to 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).



Figure 4A: A berm is a plot of grass, dirt, or cultivated garden located beside the roadway.

To manage these safety risks, road controlling authorities can restrict vehicles parking on berms. This currently requires introducing a bylaw to prohibit parking in certain locations and signposting the prohibition in those locations. However, this can sometimes be a complicated and expensive process in larger areas or regions. Auckland Transport, for example, has installed signage across approximately 48 locations across the Auckland region between October 2016 and February 2018. The cost of introducing these signs was approximately \$50,000 and this does not include other costs associated with introducing a restriction.

This suggests that mechanisms for restricting parking on a berm could be simplified to help road controlling authorities restrict parking in high risk areas.

Proposed change

The proposed change will enable road controlling authorities to restrict motor vehicles from parking on a berm or an area of berms. This means that if a road controlling authority felt that berm parking on a collection of streets was highly dangerous to other road users, they would have the power to restrict berm parking in those spaces.

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 NZ Transport Agency. Restrictions that are registered with the NZ Transport Agency will be available to the public via a register.

This change is expected to clarify road controlling authorities' powers around restricting berm parking in high risk areas.

Signs and marking requirements

If a road controlling authority has passed a resolution and registered a berm restriction with the NZ Transport Agency, they do not have to install a sign to inform the public that parking on the berm is not allowed. But road controlling authorities can install signs if they wish.

This means that a vehicle parked in a restricted zone without a sign could receive an infringement notice for parking on a berm.

If a sign is not used in area with berm parking restrictions, the information will be available to the public on the NZ Transport Agency website on a register.

Enforcement

The NZ Transport Agency will have the ability to direct road controlling authorities to install, modify, or remove signage or markings. The NZ Transport Agency will also be able to investigate any authority who is misusing these powers.

Future proofing

There is a need to consider where we can advise residents and drivers, of berm parking restrictions if signs and markings are not available. There is the possibility of having this information available through other means, for example at a local library, town i-site or on a council website so that residents or visitors can readily access this information.

Risks

Parking on the berm can be a practical solution to help traffic flow on narrow streets or to assist longer vehicles (like a vehicle towing a boat on a trailer) park. Increasing the number of restrictions on berm parking could result in vehicles taking up additional space on narrow streets or powers could impact people's ability to park their vehicles if there are restrictions placed where they typically park.

If there is no requirement to put up signs or markings, a vehicle could unknowingly park on a restricted berm and receive an infringement fee. This could be particularly problematic for people who are visiting areas with berm parking restrictions but may not be aware of those restrictions.

Rule reference: *Clauses in proposed Land Transport Rule: Footpaths, Shared Paths, and Cycle Paths 2019:*

Questions for your submission:

1. Is there a problem with vehicles being parked on berms (grass verges)? If so, what is the nature of this problem (do vehicles obstruct visibility, create a safety risk, or cause damage)?
2. Do you frequently park on berms? If so:
 - 2(a) Why do you park on the berm?
 - 2(b) Do you perceive any safety risks from doing so?
3. Under the proposed changes, road controlling authorities will be able to restrict parking on an area of berms (i.e. restrict berm parking on a collection of streets) Do you think this is appropriate? Why/why not?
4. Under the proposed changes, road controlling authorities do not have to use signs or markings to indicate a berm is restricted (provided they have passed a resolution and registered the restriction with NZTA). Do you think this is appropriate?
5. If a road controlling authority chooses not to use signs to indicate a berm parking restriction, but this information was available to check on a NZ Transport Agency register, would you:
 - 5 (a) Find this helpful?

PROPOSAL 5: Enabling safer and more accessible use of cycle lanes and cycle paths*Current state*

Currently, only cycles are allowed in on-road cycle lanes and cycle paths. Other transport devices like e-scooters and skateboards are not permitted in these spaces. This means that users of these devices, are supposed to use the road or the footpath, even if a cycle lane or cycle path is available.

Transport device users that travel on the road alongside other faster moving motor vehicle traffic can be exposed to greater safety risks. Use of transport devices on the footpath at higher speeds can also endanger other users on the footpath, particularly pedestrians.

Accident statistics in New Zealand show that between 2012 and 2018, 130 skateboarders and 232 wheeled pedestrians (including people on push scooters, people in wheelchairs and using mobility devices) were injured in vehicle crashes. A further 1 skateboarder and 11 wheeled pedestrians were killed in the same period.⁶

Some users of these devices are already utilising cycle lanes. While limited data is available about where and how different types of transport devices are currently being used, a survey conducted as part of the Lime e-scooter trial in Christchurch found that, of the 2,298-people surveyed who used the devices, 28 percent preferred riding in on-road cycle lanes.

Allowing users of transport devices in alternative spaces, such as cycle lanes and cycle paths would help to remove the risks associated with travelling on the road and reduce risks for footpath users by providing a safer place for riders to travel at an increased speed. Some safety risk would inevitably transfer to existing users of cycle lanes by introducing additional users into this space.

Proposed change

The proposed change will allow transport devices (such as e-scooters and skateboards) to use cycle lanes and cycle paths when the users wish to travel in them. The rule change would encourage users of these devices to move off the footpath, and onto a defined strip within a roadway where they are less likely to come into conflict with either pedestrians or fast-moving motor vehicles because they are able to go faster than 15km/h.

All powered and unpowered transport devices (like e-scooters, kick scooters and skateboards) will continue to be able to be used on all other parts of the road – including footpaths and shared paths (if permitted by road controlling authority) and on the roadway (if they stay as far to the left as practicable).

Making this rule change will enable the accessibility benefits of transport devices like e-scooters to be better realised. It will help people to get to where they want to go in a way that aligns with the Government's goals of lowering transport emissions, creating more liveable cities and minimising disruption to others. This change will also improve the safety of other users, especially pedestrians, as transport device users capable of operating at increased speed will be able to use cycle lanes instead of footpaths, where available.

Pedestrians, powered wheelchair users and medical mobility device may use cycle lanes when a footpath is not available or if it is impractical to use the footpath. This ensures that these users are not forced onto the roadway when a footpath is unavailable, and a cycle lane is available.

Keeping left

People on cycles will continue to be priority users of cycle lanes and cycle paths.

⁶ Data from the Crash Analysis System (CAS).
NZ TRANSPORT AGENCY

All slower moving users of cycle lanes, including transport device users, pedestrians and mobility device users will be required to keep as far to the left as is practicable.

Lighting

Cycles have reflectors on pedals and lighting requirements when travelling at night. However, other users (such as transport devices and pedestrians) do not possess this requirement. This inconsistency could create a risk if these people are in a cycle lane at night without lighting on themselves or their transport device.

To manage these risks, the proposed change would only allow devices with lighting equipment (such as headlamps) to be used in cycle lanes and cycle paths at night. Devices without lighting equipment will not be permitted in these spaces when it is dark outside.

Use of helmets in cycle lanes

Current requirements to wear helmets are not being addressed as part of Accessible Streets. This means people cycling in cycle lanes will still be required to wear helmets. People using other transport devices like e-scooters, skateboards, and other vehicles will not be required to wear helmets.

Restrictions by road controlling authorities:

These changes would allow transport devices to use cycle lanes together with cyclists. However, if road controlling authorities have location specific reasons to exclude their use, they can restrict those devices.

To restrict transport devices on cycle lanes and cycle paths, road controlling authorities will need to consider:

- Relevant guidance developed by the NZ Transport Agency,
- Any alternative routes or facilities that will no longer be available to the user due to a restriction,
- Any other matter relevant to public safety.

The road controlling authority will need to consult with any party affected by the proposed restriction, give those parties time to respond, and take account of their submissions.

The Transport Agency will also have the power to investigate and direct road controlling authorities for compliance with this Rule.

The road controlling authority will need to register the restriction on the National Speed Limit Register maintained by the NZ Transport Agency.

The creation of a cycle-only lane will not prevent pedestrians or mobility devices from using a cycle lane or cycle path if a footpath is not available.

Rule reference: Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.

Questions for your submission:

1. Do you think that people other than cyclists should be allowed to use cycle lanes and/or cycle paths? Why/why not?
2. Do you think people on bikes should continue to be the priority users of cycle lanes and/or cycle paths, with other users required to keep left and give way to cyclists?
3. The proposal allows pedestrians and mobility device users to use cycle lanes and cycle paths (while keeping to the left) if there is no footpath available. Is this appropriate? Why/why not?
4. Do you think that cycle lanes and cycle paths are a safe environment for transport devices, including at night time? Why/why not?
5. Do you think that additional safety measures are needed for transport device users when travelling in cycle lanes and cycle paths?
6. Do you think road controlling authorities should be able to exclude/include powered transport devices or un-powered transport devices in certain cycle lanes and/or cycle paths? Why/why not?
7. We propose that only devices with lighting equipment on the device should be permitted in cycle lanes and cycle paths at night. Could this lighting requirement be extended to lighting requirement that is not attached to the device – e.g. reflective clothing or lighting on clothing?

Additional questions for road controlling authorities:

8. Under the changes, road controlling authorities will be able to restrict transport devices from using cycle lanes and/or cycle paths by following criteria. As a road controlling authority:
 - 7 (a) How will this affect you?
 - 7 (b) Is this an effective process?
 - 7 (c) Is there a more practical process than the criteria proposed?

PROPOSAL 6: Remove barriers to walking, transport device use, and cycling through changes in priority and legitimising common road user behaviours

There are situations where people walking, cycling, riding a device, or taking public transport are given less priority compared to those using motor vehicles. There are also circumstances where the law restricts those road users from engaging in safer behaviours that would improve their visibility or reduce conflicts with motor vehicles.

The following four proposals aim to reduce conflicts between people and traffic by improving the visibility of people and legitimising common road user behaviours. The aim of these proposals is to make streets more active mode-friendly and improve efficiency for those choosing active transport modes by prioritising pedestrian, device user, cyclist and bus movements.

The following four proposals are:

- A) Allow cyclists and transport device riders to ride straight ahead from a left turn lane.
- B) Allow cyclists and transport device riders to carefully pass slow-moving motor vehicles on the left ('undertake') unless the motor vehicle is indicating a left turn.
- C) Give cyclists, transport device riders and buses priority over turning traffic when they are travelling straight through an intersection on a separated cycle or bus lane.
- D) Give priority to footpath, shared path and cycle path users over turning traffic when crossing a side road at locations where required traffic control devices are installed.

Question prompts are at the end of each proposal.

Proposal 6A: Allow cyclists and transport devices to ride straight ahead from a left turn lane*Current state*

Cyclists and other transport devices need to travel as far to the left as practicable when on the road. But, once they reach an intersection, they are legally required to cross from the left-hand lane into the straight-ahead lane to travel straight ahead. Often, it can be difficult to find a gap to move safely into the straight through lane during heavy traffic. This added with the risk of travelling with increased traffic moving at a much faster pace, could increase the possibility and severity of an accident.

Currently, an observed 80 percent of cyclists choose to ignore the rule⁷, making the law inconsistent with not only cyclist behaviour, but with what is generally considered safe practice. The *Official New Zealand Code for Cyclists*, for example, explains that when there are heavy flows of traffic, it is safest to ride “just to the left of this lane.”⁸

Proposed change

The change will mean cyclists and other transport devices can ride straight ahead from left turn lanes, unless it is dangerous to do so, or in instances where users significantly delay left-turning traffic. For example, if a left turning lane can proceed but the straight-ahead lane has a red light, a cyclist or transport device user would need to move from the left-turning lane to the straight lane to let traffic flow.

The left turning lane can be a safer option when cycle lanes are not available as the lane usually has less traffic and slower travel speeds.

The change is expected to legitimise safe existing behaviour. As the behaviour would no longer be against the rules, the change would make it possible for cycle skills trainers to teach people to use the left-turn lane where this is the safest and most appropriate way to proceed straight ahead.

Risks

Conflicts could occur in the merging space immediately after the intersection if drivers, cyclists or transport device users are not paying attention.

For example, at some unsignalized intersections, a cyclist using a left-turn lane to go straight along a main road, a driver coming out of a side-road could misread the cyclist’s intentions and collide with them as they drive into or across the main road.

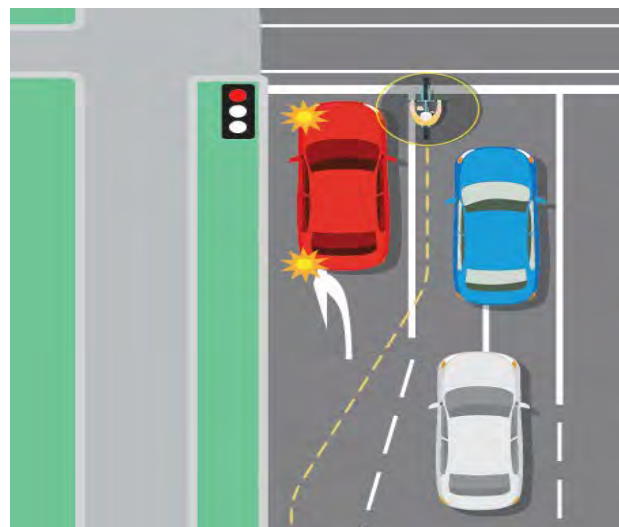


Figure 1A. Under the current state, cyclists and transport device users must legally cross from the left-hand lane to travel straight ahead

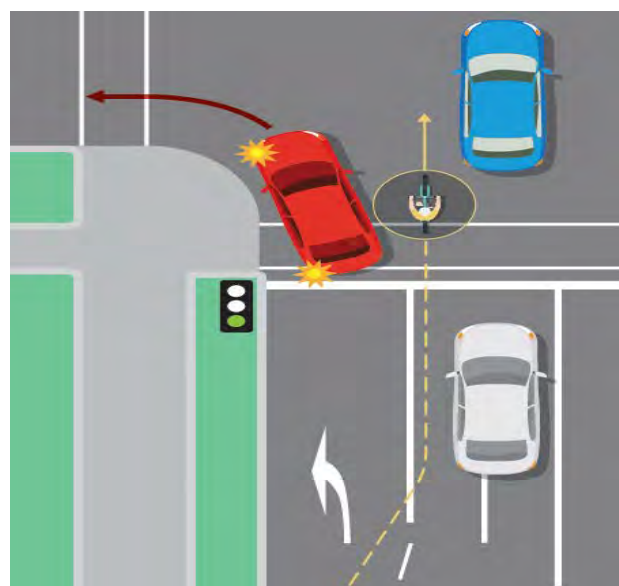


Figure 1B. Under the current state, it can be difficult for a cyclist of transport device user to find a gap in traffic to move from the left-turn lane into a straight through lane.

⁷ MWH and ViaStrada (2016) *Review of road user rules for people walking and cycling*. Prepared for the New Zealand Transport Agency. <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/RUR-MWH-FINAL.pdf>.

⁸ New Zealand Transport Agency (2016) *The Official New Zealand Code for Cyclists*.

Likewise, if a motorist believes that a cyclist in the left-turn lane is going to turn left then doesn't, this could cause someone to brake suddenly and the following driver to hit the back of a cyclist or another vehicle.

Transport device users can travel at a range of different speeds and may not be able to travel at the same speed as the traffic they are travelling with. We do not expect a slower transport device user, like a person on roller blades to travel through traffic, but it is important to note that under this proposed change, they can do so, and they could be at a higher risk of an incident.

Transport device users, particularly e-scooter users have difficulty signalling with their arms when they are changing lanes. This could pose added risks for e-scooter users who wish to travel straight through a left-turn lane as they may not be able to signal properly to other drivers that this is their intent.

Cyclists and transport device users will need to exercise caution, limit their speeds and signal their intent as clearly as possible when riding straight ahead from a left-turn lane in these circumstances. Education about the importance of riding defensively at intersections will also be needed.

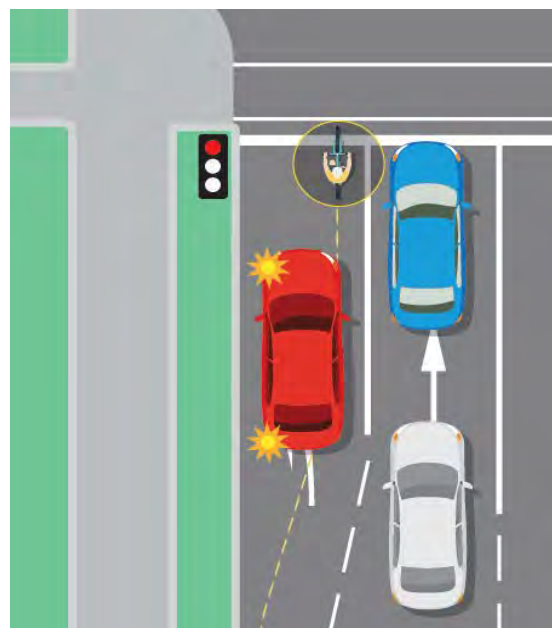


Figure 1C. Under the proposal. Cyclists and transport device users will be allowed to travel straight ahead from a left turning lane, unless specifically excluded from doing so for safety

Rule reference: Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.

Questions for your submission:

1. Do you think that this proposal will make intersections more efficient and safer for cyclists, transport device users and drivers? Why/why not?
2. What are your views on applying this proposal to transport device users as well as cyclists? Do you think it is appropriate to allow transport devices like skateboards or push scooters (with or without motors) at intersections?
3. Many transport devices are not stable enough for users to indicate they are changing lanes. For example, it can be difficult for a rider of an e-scooter to signal with their arms that they are changing lanes or turning. Do you think users will be safe changing lanes or travelling with traffic in these circumstances?
 - 3 (a) Do you think restrictions should be placed on device users who cannot indicate safely?

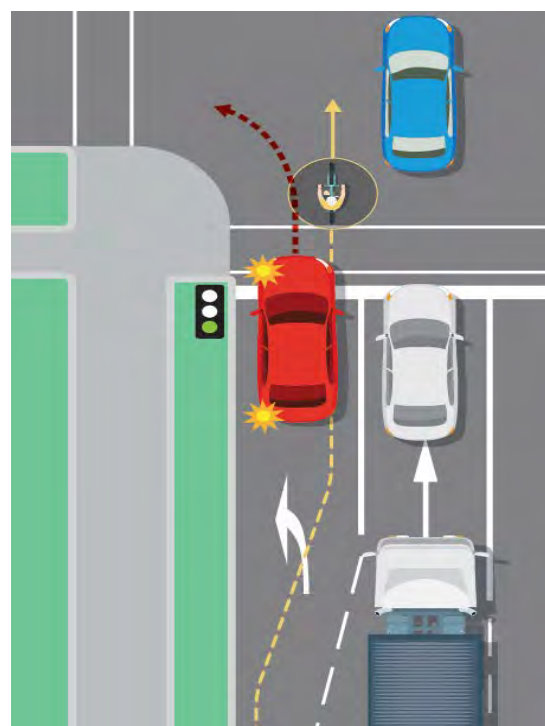


Figure 1D. Under the proposal, cyclists will be able to travel straight ahead in a lane that typically has less traffic and moves at a slower pace.

Proposal 6B: Allow cyclists and transport device users to carefully pass slower-moving motor vehicles on the left ('undertake') unless the motor vehicle is indicating a left turn

Current state

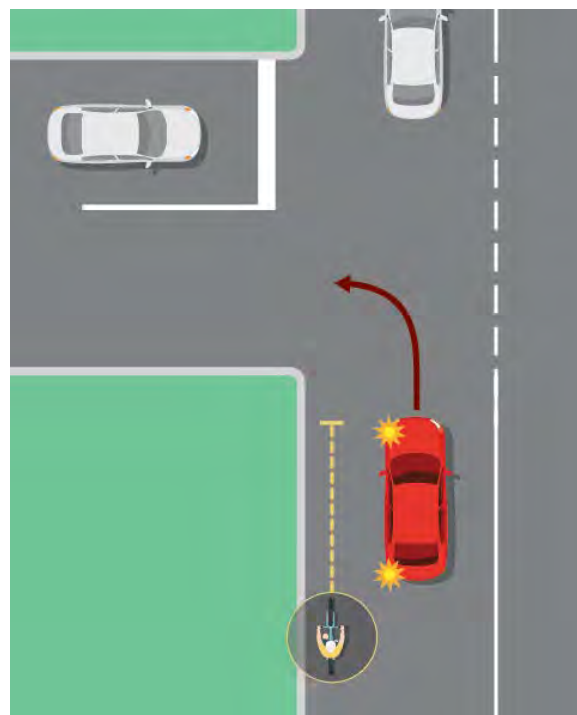
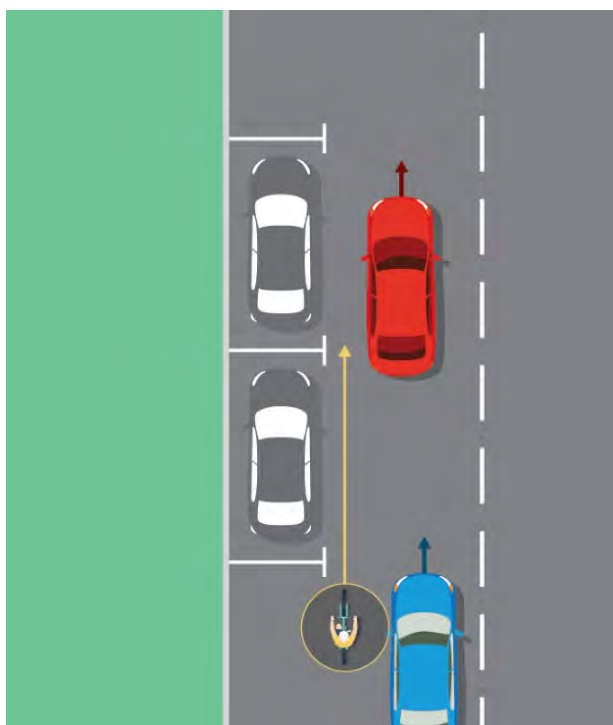
When cyclists and transport device users are travelling on the roadway, they are not allowed to overtake a vehicle on the left (or 'undertake'), unless that vehicle has stopped.

However, it is common for riders outside of cycle lanes to 'undertake' slow moving⁹ vehicles when they believe it safe to do so. Doing so reduces the risks associated with moving between lanes of fast-moving traffic and can also lead to faster travel times, as moving to the left means both other vehicles, cyclists and transport device users spend less time waiting for cyclists to merge into traffic to overtake other vehicles.

This means that the current rule is not consistent with common and safe behaviour. It also differs from other countries. Australia, for example, allows cyclists to pass on the left unless the vehicle being passed is signalling to turn left.¹⁰ This suggests that the rule may need to be updated to reflect current behaviour, safe practice, and help cities to best accommodate their cyclists and transport device users.

Proposed change

The change will allow cyclists and transport device users outside of cycle lanes to undertake slow-moving traffic when it is safe to do so (and when the driver of a motor vehicle is not indicating a left turn).



⁹ Definition of slow moving here

¹⁰ MWH and ViaStrada (2016).

Figure 2A. Under the proposal, cyclists and transport device users will be legally allowed to undertake slow-moving traffic.

This means cyclists and transport device users can maintain a safe, steady speed past slow-moving and stop-start traffic, and ride as far to the left as practicable.

This contributes to the efficiency of cycling as transport mode, helps cyclists access advanced stop boxes and avoids the risk associated with moving between lanes of faster traffic. This change would also legitimise wide-spread practice.

Extending this change to transport devices also means that other devices who use the road can utilise measures that can help them to be safer on the road.

Risks

Conflicts could occur between a motorist slowing to turn left and a cyclist mistakenly undertaking them. This is particularly likely in the case of large trucks, as cyclists may not see a turn signal before beginning the undertaking manoeuvre and trucks may not see the cyclist due to blind spots.

Conflicts could also occur between a motorist turning right into what they perceive to be a gap in traffic and an oncoming cyclist undertaking that line of slow-moving traffic. Currently it is legal for the cyclist to undertake this traffic but only if the traffic has stopped moving.

Transport device users do not have the same safety gear requirements as cyclists which could put them at greater risk on the road.

To mitigate these potential risks, the rule change would be introduced alongside a public information and an education campaign, to encourage drivers to be mindful of cyclists and transport device users on the road and to instruct riders to undertake in a safe and careful manner.

Rule reference: Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.

Figure 2B. Under the proposal, cyclists and transport device users will not be

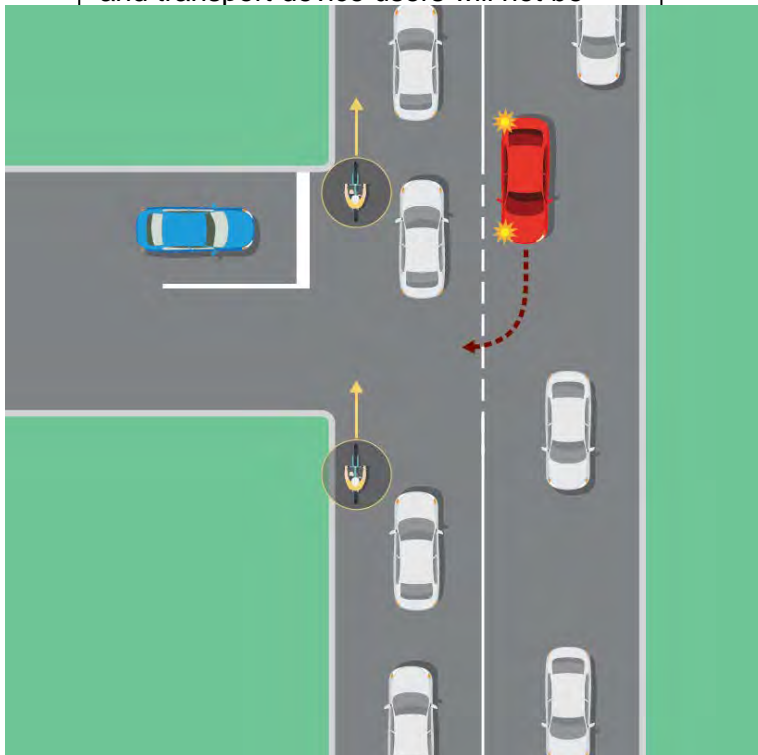


Figure 2C. Under the proposal, there is a risk that a conflict could occur between a motorist (red car) turning right into what they perceive to be a gap in traffic and an oncoming cyclist or transport device user (pictured cyclist coming up to the intersection) undertaking that line of traffic.

Questions for your submission:

1. Do you think allowing cyclists to undertake slow moving traffic is appropriate? Why/why not?
2. Do you think allowing transport device users to undertake slow moving traffic is appropriate? Why/why not?
3. Do you think that cyclists or transport device users can carefully pass slow moving traffic on the left? Why/why not?
4. What are your views on this proposal applying to those on transport devices? Do you think this change should only apply to cyclists on the road?

Proposal 6C: Give cyclists and buses priority over turning traffic when they are travelling straight through an intersection on a separated cycle or bus lane respectively

Current state

If a cyclist or a bus is travelling past a side street in a separated special vehicle lane¹¹ without markings across the intersection, they must give way to vehicles turning into that street before proceeding forward. For example, as pictured in figure 3A, the cyclist in the separated cycleway must give way to vehicles turning onto that street.

In contrast, users of other lanes, including unseparated cycle lanes and bus lanes (such as those painted green) have priority over turning traffic when going straight through an intersection. Likewise, in special vehicle lanes that are marked across intersections, cyclists and buses are able to travel straight past a side street without having to give way to vehicles turning into that street.

This can create confusion for motorists, particularly those who are new to New Zealand roads, like tourists or learner drivers. Road users are also less likely to be aware of separate lane users or slow down when turning because they have the right of way or are not thinking to look for cyclists. Between 2011 and 2015, 78 crashes have involved a turning motorist and a cyclist crossing an intersection from a separated lane.¹² While none of these have been fatal, further clarity on these rules may reduce crash statistics and increase safety.

It can also cause major travel delays for cyclists and buses if there is heavy traffic. As a result, some cyclists choose to use the road instead of the cycleway or cycle across pedestrian crossings, which can create further risks.

Proposed change

The change will mean that cycles, powered transport devices (such as e-scooters) and buses, when using separated special vehicle lanes, will no longer be required to give way to turning traffic when travelling straight through an intersection.

This will clarify who has right of way at intersections. Separated cycle lanes will be able to be built all the way up to intersections, making roads safer for cyclists and powered transport device users.

The change will reduce delays for users of separated special vehicle lanes as they will no longer have to wait

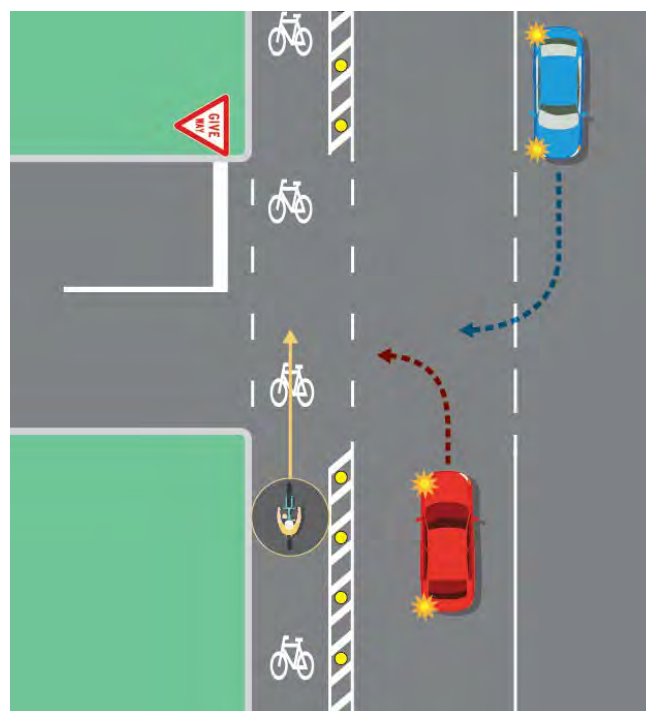


Figure 3A. Currently, the cyclist going straight ahead must give way to turning traffic due to the level of separation.

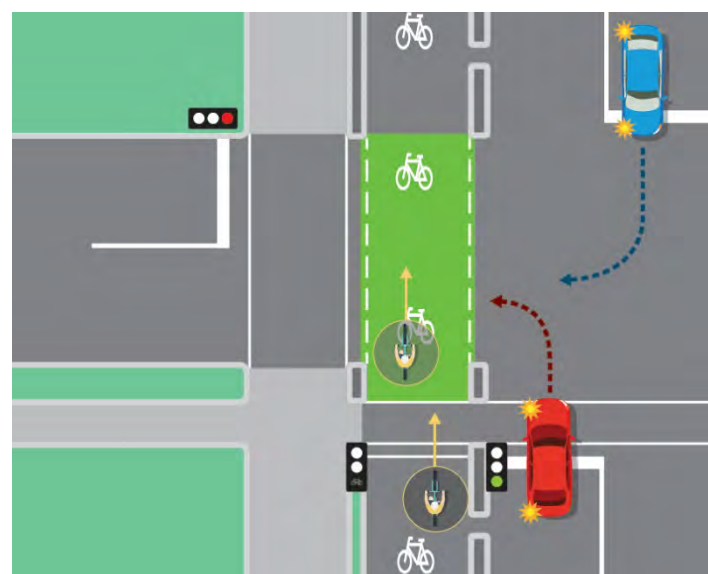


Figure 3B. Under the proposal, the cyclist going straight ahead will have right of way over traffic turning into side roads.

¹¹ A separated special vehicle lane can be a cycle lane or a bus lane.

¹² MWH and ViaStrada (2016).

for turning traffic. However, more generally, turning motorists usually give way to straight-through users of cycle and bus lanes, regardless of whether the lane is separated. So, this change is legitimising current practice.

Risks

Conflicts could occur between straight-through special vehicle lane users and motorists turning left or oncoming motorists turning right through a gap in traffic. These risks are expected to have minimal impacts as turning motorists generally already give way to straight-through users of cycle and bus lanes.

Changing the rule would provide clarity on what to expect from those in separate lanes and should help to make motorists more aware of cyclists coming through traffic. During 2011 to 2015, there were 78 “left-turn sideswipe crashes” where motorists did not check or notice another party.

Rule reference: *Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.*

Questions for your submission:

1. Do you think giving cyclists/powered transport devices/buses in special vehicle lanes priority over turning traffic is appropriate? Why/why not?

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at locations where required traffic control devices are installed

Current state

In New Zealand, footpath (and other path) users crossing side roads only have priority over turning traffic when a pedestrian (zebra) crossing is installed or at signalised intersections. In contrast, many countries prioritise path users travelling along the main road when they are crossing a side street with no traffic signals.

Rules about motorists giving way to path users at pedestrian crossings are also inconsistent. At pedestrian crossings, motor vehicles are not required by law to give way to cyclists using the crossing as part of a shared path route, making cyclists the only users that do not have this priority. This is a growing issue as road controlling authorities are increasing the availability of shared pathways and cycle paths and because the second proposal in this package will allow cyclists to use the footpath – and the crossings on them.

Proposed Change

The change will mean path users crossing side roads will have priority over turning traffic where the minimum markings are installed. Minimum markings will be two white lines as illustrated in figure 4B.

However, guidance will call for additional treatments in busier areas, such as raised platform crossings or the use of markings and signs to indicate and highlight that path users have priority.

This means road controlling authorities can give priority to path users crossing side roads, without resorting to the expense of a signalised crossing or all treatments associated with a pedestrian (zebra) crossing.

The change will improve the status of path users in our road networks, making active transport a more attractive option. This can not only increase the frequency of places to cross where path users have priority, but also recognises paths as part of the thoroughfare, with crossings acting as a continuation of that thoroughfare. In practice, this may reduce delays for path users who would not have to wait for turning traffic when crossing at these marked side roads.

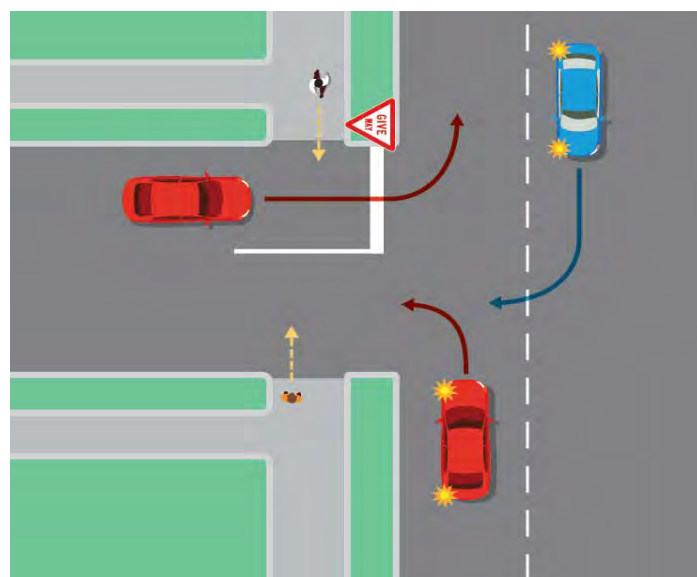


Figure 4A. Currently, path users going straight ahead across side roads, must give way to turning

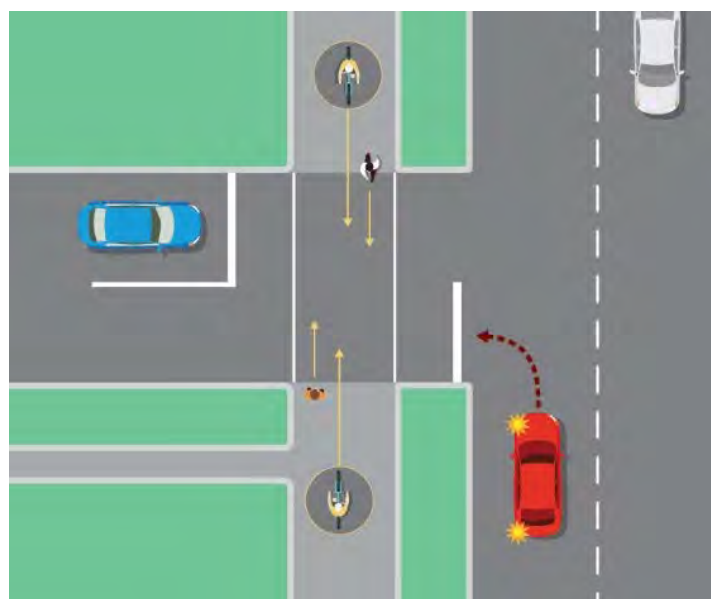


Figure 4B. Under the proposed changes, path users going straight ahead across side roads will have priority over turning traffic where minimum markings are installed. The minimum markings will be two white lines over the crossing as pictured.

In the long term this proposal is expected to improve the safety of people walking and cycling due to turning drivers taking greater care and adopting slower speeds.

Risks

Conflicts could occur between a motorist turning off the main road into a side street and path users crossing their path.

The potential for conflict with long-haul trucks with long-bonnets is quite significant. With these trucks, people are hidden from view when they are 0-4.5m away from the front and sides of the truck (most other long-haul trucks have a 3m blind spot). This means they may not see path users crossing the road – even with traffic control devices in place. This currently occurs already at pedestrian crossings, and under this proposal the problem may be exacerbated as these crossing points are likely to be located right at the intersection.

However, road controlling authorities will be able to decide which side roads are appropriate for path user priority and what treatments could be utilised to make that path safer. For example, raised platform crossings could be introduced to encourage vehicles to slow down before turning onto a side road.

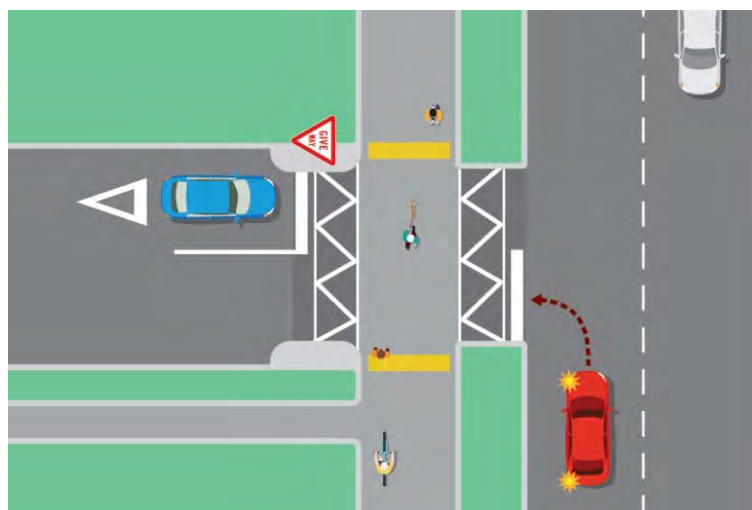


Figure 4C. Under the proposal, guidance will call for additional treatments in busier or more risk-prone side streets. This could include, for example, the addition of side humms

Rule reference: Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.

Questions for your submission:

1. Do you think giving path users increased priority when crossing side roads with the proposed markings is appropriate? Why/why not?
2. Should this change include all path users – including cyclists and transport device users?
3. Should path users be required to check for traffic before crossing at the new priority path marking?

Additional questions for road controlling authorities:

4. As a road controlling authority, do you think that the required minimum markings are appropriate?
5. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

PROPOSAL 7: Mandating a minimum overtaking gap for vehicles passing cyclists, transport device users, horses, mobility device users and pedestrians

Current state

Currently, there are broad guidelines and rules on how motor vehicles should pass cyclists, transport devices, horses, mobility device users and pedestrians on the road. However, there is nothing in law that prescribes a minimum overtaking gap when motor vehicles are passing these users. This poses a significant risk because passing these types of users too closely can increase the risk of serious injury or death for that user.

The existing Road User Rule states that drivers can only pass other road users when it is safe to do so. 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.

Unfortunately, this does not deter drivers from passing too closely. 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.¹³ Likewise, vehicles overtaking pedestrians too closely contributed to 13 crashes (3 of which resulted in no injury)¹⁴. Incidents between horse riders and the vehicles that pass them too closely also occurs frequently. Research in New Zealand also shows that the perceived risk of cycling on the road is one of the largest obstacles to increased uptake of cycling.¹⁵

Proposed change

The proposed change would prescribe a safer minimum passing distance (or gap) for drivers of motor vehicles when passing cyclists, transport device users, horses, mobility device users and pedestrians lawfully using the road (e.g. when there is no footpath available).

The minimum overtaking gap will require a lateral¹⁶ distance of:

- 1 metre, when a motor vehicle is travelling at or under 60km/h and is passing, and
- 1.5 metres, when a motor vehicle is travelling over 60km/h and is passing.

The “lateral distance” is proposed to be the distance between the far-left point of a motor vehicle or anything attached to the vehicle and the far-right point of the person being passed, their cycle/device or any trailer they are towing.

However, the minimum overtaking gap will only apply to motor vehicles in the same lane as the cyclist, transport device, horse, mobility device or pedestrian. If, for example, a cyclist 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.

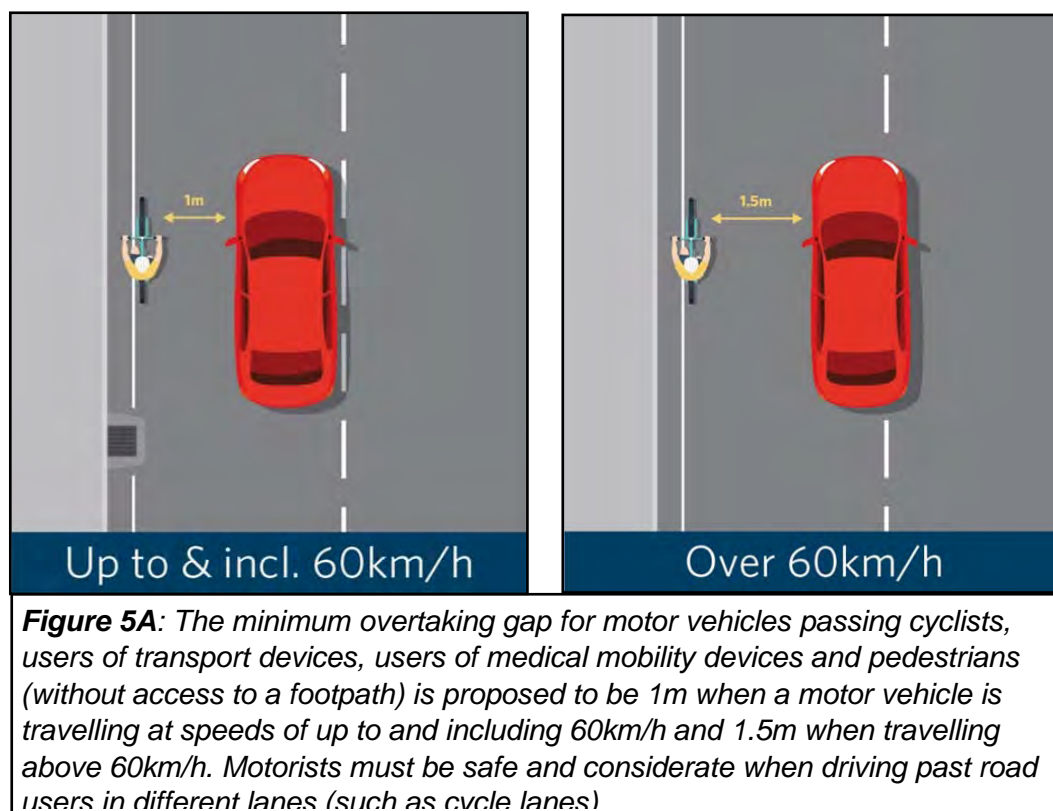
¹³ Data from the Crash Analysis System (CAS)

¹⁴ Ibid.

¹⁵ OPUS (2016) *Investigating the feasibility of trialling minimum overtaking gap law for motorists overtaking cyclists in New Zealand*. <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Minimum-Overtaking-Gap-Feasibility-Study-FINAL.pdf>.

¹⁶ Lateral means from the side or sides.

Figure 5A (below) shows what this will look like in practice:



A mandated minimum overtaking gap will set a clear prescriptive rule about what a minimum, safe passing distance is and raise awareness about the safety implications of passing lower speed road users too closely. This change will be implemented alongside an information and education campaign.

The rule change also responds to recommendations from the 2014 Cycling Safety Panel report *Safer journeys for people who cycle*¹⁷, which calls for a minimum overtaking gap to be trialled.

Notably, the change will help to clarify the current legal situation where cyclists, transport device users, mobility device users, horses or pedestrians are involved in incidents with overtaking motor vehicles, by providing an explicit offence for passing too closely.

A mandatory minimum overtaking gap is expected to improve the perception of safety for these users.

Minimum overtaking gap and horses

A minimum overtaking gap will apply to motor vehicles overtaking horses on the road. This means there will be an offence for passing a horse too closely.

However, the change will not replace existing guidance from the official road code which advises that vehicles passing horses, slow down, pass carefully, and give the rider plenty of room. Motor vehicle drivers will still be expected to give horse riders a larger gap (greater than 1 or 1.5 metres) when passing.

Minimum overtaking gap and solid yellow centrelines

¹⁷ The Cycling Safety Panel (2014) *Safer journeys for people who cycle*. <https://www.saferjourneys.govt.nz/assets/Safer-journeys-files/Cycling-safety-panel-final-report.pdf>.

Motor vehicle drivers can legally cross a solid yellow centreline (or a flush median) in order to observe the minimum overtaking gap when passing. The existing requirement that motorists must not pass other motor vehicles where a solid yellow 'no passing' line is installed remains.

Motorists must still only pass when they can do so safely and with due consideration for other users of the road.

The proposed change will not apply to:

- Motor vehicles overtaking other motor vehicles. For example, if a motorist is moving into the lane of oncoming traffic to pass another motor vehicle, they are required to make this movement safely and with due consideration for other users of the road but does need to maintain a minimum overtaking gap.
- Cyclists and transport device users overtaking other road users. For example, if an e-bike overtakes a pushbike, the rider is required to overtake safely and with due consideration of other users on the road. They are not required to maintain a minimum overtaking gap.

Rule reference: *Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.*

Questions for your submission:

1. Is a mandated minimum overtaking gap of 1 metre (when passing at 60km/h or less) appropriate? Why/why not?
2. Is a mandated minimum overtaking gap of 1.5 metres (when passing at over 60km/h appropriate? Why/why not?
3. What do you think is a safe and considerate distance when overtaking a vehicle, device, horse or pedestrian on the road?
4. The mandated minimum overtaking gap is currently proposing a gap of 1 metre and 1.5 metres when passing a horse. Is this an appropriate distance? Should different gaps apply to different users?
5. We are proposing to apply the minimum overtaking gap to horses to allow for close passing to be considered an offence. Is this gap sufficient, or should it be wider?

PROPOSAL 8: Giving buses priority when exiting bus stops in urban areas*Current state*

In New Zealand, there is no legal requirement to give way to buses pulling out of a bus stop. Doing so is only considered a courtesy. However, when this courtesy is not extended it can delay buses as they must wait for a suitable break in traffic to merge back into the traffic flow. This can result in passengers arriving at their destinations later than expected, and network planning problems for bus service providers.

Research undertaken on behalf of the NZ Transport Agency in 2017 calculated a network wide delay of 29.51 hours per day for buses in the Auckland region due to road users failing to give way to bus drivers when exiting bus stops.¹⁸ This means that significant time, operational cost and productivity is lost as buses wait to pull out of bus stops and passengers experience numerous delays across their journey. This can negatively impact the reliability and perception of public transport.

Proposed change

The proposed change would require road users to give urban buses on scheduled public transport services legal priority when leaving an area signed as a bus stop, after indicating for three seconds. The proposed change will apply on roads with a posted speed limit of 60km/h or less. Requiring drivers to give way to buses when leaving bus stops will signal that public transport has priority in urban areas, as buses usually carry more people than cars.

This rule change would come at a cost to other motorists, in vehicle operating costs and time lost. However, the subsequent reduction in travel delay times for buses and the large number of people that they carry will improve access to social and economic opportunities for travellers and make public transport more appealing as a mode of travel.

This proposed change will not:

- Give buses priority when leaving an area that is not marked or signed as a bus stop. For example, if a bus is merging into traffic at the end of a bus lane, or if cars are parked in a bus lane and the bus must move into a regular traffic lane. In these situations, there will not be a requirement for vehicles to give way to buses.
- Give priority to unscheduled bus services, for example on-demand shared mobility services.

Enforcement and effectiveness

This change would be enforceable by the NZ Police. The effectiveness will be measured by using data available from Regional Councils on factors such as bus reliability and punctuality, average trip times and patronage.

It is anticipated there would be a transitional 'grace' period following the enactment of the rule change before full enforcement of the rule change is implemented to enable awareness raising via a public information campaign. The awareness raising activities could include signage on the backs of buses.

¹⁸ Abley Transportation Consultants Limited (2017) *Research Report 609: Quantifying the economic and other benefits of enabling priority bus egress from bus stops*, 1-77. <https://www.nzta.govt.nz/assets/resources/research/reports/609/609-quantifying-the-benefit-of-bus-egress.pdf>

Rule reference: Changes will be in the Land Transport (Road User) Rule 2004. Rule reference to be confirmed after peer review.

Questions for your submission:

1. Do you think that traffic approaching a bus stop should give way to urban buses leaving the bus stop?
2. Vehicles will only be required to give way to urban buses leaving bus stops. Do you think this should be extended to anything else? For example, a bus leaving a bus lane?
3. Do you think it is appropriate for unscheduled bus services (for example, on-demand shared mobility services) to be excluded from the changes? Why/why not?
4. The proposed change will allow for a transition 'grace' period before giving way to a bus exiting a signed bus stop will be enforceable. Do you think this is appropriate?

What are Land Transport Rules?

Land Transport Rules (Rules) are legislation made by the Minister of Transport or his delegate ('the Minister') under the *Land Transport Act 1998* (the Act).

The Act sets out principles and the legal framework, and main offences and obligations of particular road users. Rules contain detailed requirements, including standards and processes, for putting those principles and policy into operation. Rules cover a range of land transport issues. Among the outcomes that Rules aim to achieve are: safeguarding and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and ensuring environmental sustainability.

Compliance with Rules is required because they form part of New Zealand law. The specific offences and penalties that apply to each Rule are set out in the Act or in regulations.

The Act provides the legal framework for making Land Transport Rules. Section 161 states the procedures by which the Minister makes ordinary Rules.

Most Rules are drafted by the Transport Agency, by an arrangement with the Secretary for Transport, working closely with the Ministry of Transport's policy and legal advisors.

Rules are drafted in plain language to be understood by a wide audience and to help ensure compliance with requirements. The Transport Agency is responsible for ensuring that appropriate consultation is undertaken on proposed Rules, and a draft Rule may be changed in response to submissions received.

Application of Rule-making criteria

Proposed activity or service

Section 164(2)(b) of the Act requires that appropriate weight be given to the nature of the proposed activity or service for which the Rule is being established.

The Accessible Streets Regulatory Package directly addresses the focus of the Government Policy Statement on Land Transport 2018/19 – 2027/28 on improving New Zealanders' access to economic and social opportunities. It intends to support mode shift for short trips in urban centres from private vehicles to more energy efficient, healthier, low cost modes like walking, cycling and transport devices. It will also assist with the goal of reducing harmful transport emissions. It recognises the importance of creating liveable cities that value public space, enhance safety outcomes and improve access. The package also supports the current safe system approach to road safety in New Zealand.

Risk to land transport safety

Section 164(2)(a), (b), (c) and (d) requires the Minister to take into account the level of risk to land transport safety in each proposed activity or service, the level of risk existing to land transport safety in general in New Zealand, and the need to maintain and improve land transport safety and security.

The regulatory package supports the current safe system approach to road safety in New Zealand and has been designed to increase safety and accessibility for people.

It seeks to increase people's safety when using the transport system by changing who is allowed on paths and cycle lanes and under what conditions, changing the priority of road users in some circumstances to favour the most vulnerable users, mandating a safe overtaking gap for motor vehicles when passing different road users and encouraging safer options by supporting public transport uptake in urban areas.

Assisting achievement of strategic objectives for transport

Section 164(2)(e) of the Act requires that the Minister have regard and give such weight as he or she considers appropriate in each case, to whether a proposed Rule (i) assists economic development; (ii) improves access and mobility; (iii) protects and promotes public health; and (iv) ensures environmental sustainability.

Assists economic development

The proposed new Rule and existing Rule amendments assists economic development by improving New Zealanders' access to economic opportunities. The Accessible Streets Regulatory Package is a collection of land transport rules that reallocates space and priority to different users to help people connect with places for working, shopping, and accessing services.

Improves access and mobility

The proposed new Rule and existing Rule amendments will improve access and mobility by recognising and providing for all people (including allowing children to cycle on the footpath and the increasing number of medical mobility device users). The package will provide greater options for people within existing transport spaces.

The package will enable the accessibility benefits of electronic transport devices to be better realised. Low-cost forms of transport for short trips will be supported by removing some current restrictions for users and reassigning priority to these low-cost modes within the transport system.

The package will also improve efficiency and reliability of public transport services by supporting scheduled services to run to timetable thereby encouraging a greater uptake of public transport patronage.

Protects and promotes public health

The proposed amendments and new Rule will support mode shift for short trips from private vehicles to more energy efficient and active modes like walking, cycling and

transport devices. This will improve the uptake of transport modes that improve health and wellbeing.

Ensure environmental sustainability

The proposed new Rule and amendments to existing rules will support environmental sustainability by support mode shift for short trips from private vehicles to more energy efficient modes like walking, cycling and transport devices (powered and unpowered).

Costs of implementing the proposed changes

Section 164(2)(ea) of the Act requires that the Minister have regard to the costs of implementing measures proposed in a Rule. A summary of the costs, and benefits, of the proposed changes, together with links to the regulatory impact statements on the Ministry of Transport's website, can be found on page:

[\[link to RIS on MoT website\]](#)

International considerations

Section 164(2), (eb) and (f) of the Act requires that, in making a Rule, the Minister must have regard to New Zealand's international obligations concerning land transport safety, and the international circumstances in respect of land transport safety.

The proposed amendment does not conflict with New Zealand's international obligations or circumstances concerning land transport safety.

How the amendment Rule fits with other legislation

Offences and penalties

Land Transport Rules do not contain offences and penalties for breaches of Rule requirements. These provisions are usually set out in regulations.

A consequential change to the *Land Transport (Offences and Penalties) Regulations 1999* is required to amend and create new offences and penalties to support enforcement for the proposed new rule and amendment to existing rules.

Fees and Charges

No changes

Publication and availability of Rules

Access to consultation material

Copies of this consultation document may be obtained by calling the Transport Agency Contact Centre on 0800 699 000. It is also available on the Transport Agency's website at:

[link]

Availability of Rules

Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation. They are also available to read free of charge at the offices of the NZ Transport Agency. Final versions of Rules are also available on the NZ Transport Agency's website at:

<http://www.nzta.govt.nz/resources/rules/about/>

The current consolidated version of the Road User Rule is available at:

[link]

The current consolidated version of the Traffic Control Devices Rule is available at:

[link]

The current consolidated version of the Setting of Speed Limits Rule is available at:

[link]

Information about Rules

Information about Rules is available online at:

<http://www.nzta.govt.nz/resources/rules/about/>

If you wish to register your interest in this proposed amendment Rule (or other Rules), you can do so by contacting the Transport Agency at our addresses shown in the *Making a submission* section at the front of this document, or at:

<http://www.nzta.govt.nz/resources/rules/about/registration.html>. This includes a form for registering an interest in Rules.

Appendix

Regulatory impact of proposed Rule amendments

A Regulatory Impact Statement on the proposed Rule changes is available for you to read, should you wish, in conjunction with the overview.

The document can be downloaded from the Ministry of Transport's website at:

[\[link to RIS on MoT website\]](#)

A summary table of the benefits and costs of the Rules proposals are set out in Table 1.

Table 1: Summary table of costs and benefits

Summary table of costs and benefits

Note: Cost-benefit analysis to be completed following public engagement on draft.

Affected parties <i>(identify)</i>	Comment: nature of cost or benefit (e.g. ongoing, one-off), evidence and assumption (e.g. compliance rates), risks	Impact <i>\$m present value, for monetised impacts; high, medium or low for non-monetised impacts</i>
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Additional costs of proposed approach, compared to taking no action

Regulated parties	Some vehicles currently sold as mobility devices may no longer be permitted. This could cause hardship to people who have already purchased these vehicles. There may also be impacts on businesses holding stock which would no longer be permitted on the footpath. Some users may seek exemptions for over-width vehicles	TBD following consultation
	There may be more low-speed collisions between cyclists, powered vehicles and cars on driveways and between users of the footpath.	Medium
	Footpath use by cyclists may pose a barrier to walking for some people (safety and comfort dis-benefits).	Low
Regulators	Public information campaign, including cost of temporary staff and communications activities (NZ Transport Agency) IT changes (NZ Transport Agency) FTEs required to process exemptions Compliance costs e.g. enforcement, infringement fee processing and collection costs (NZ Police)	Approx. \$350,000 Communications consultant \$220,000 (shared across whole package) (excluding staff costs) Approx. \$100,000 Further consultation required with NZ Police.

	Road controlling authorities will need to designate existing shared paths where higher speeds are desired and introduce road/path markings and signage	Cell phone use ban was estimated in 2009 to cost \$850,000 in the first year and \$720,000 over the next two years. Approx. \$1 million nationally
Wider government		
Other parties		
Total Monetised Cost		The total monetised costs are yet to be determined.
Non-monetised costs		The total non-monetised costs are yet to be determined.

Expected benefits of proposed approach, compared to taking no action		
Regulated parties	Improved understanding of requirements – simpler rules around who can use footpaths. Increased access to transport and uptake of cycling. Increased cycling safety, particularly for children and vulnerable users. Safety benefits for cyclists and pedestrians, as this will allow safe footpath cycling to be proactively taught, with clear expectations of pedestrian priority reinforced.	Medium / High (some benefits already realised through current illegal use of the footpath). Increased access \$ Reduced DSI \$
Regulators	Reduced resourcing for processing exemption requests for mobility devices outside proposed dimensions	
Wider government	Public health benefits of encouraging active transport modes.	
Other parties	Increased market for low speed new and emerging vehicles, increased bicycle sales	
Total Monetised Benefit		The total monetised benefit is yet to be determined.
Non-monetised benefits		The total non-monetised costs are yet to be determined.

What other impacts is this approach likely to have?
Allowing cyclists and additional powered devices on footpaths in some situations will impact on particular groups. It is possible this would increase the number of cyclists and other users

on the footpath. This would have flow-on effects for the safety of cyclists and pedestrians and especially, vulnerable users such as the young or disabled people. It could also have effects on the provision of on-road facilities for cyclists. However, research suggests that the current rule is not well-known or observed by children, meaning the change is unlikely to have a significant effect on the number of children cycling on footpaths.

There is a possibility that allowing cyclists and more powered devices on footpaths could be considered inconsistent with New Zealand's obligations under the UN Convention on the Rights of People with Disabilities, if it were to result in restricted accessibility. This will be considered as part of consultation.

APPENDIX B

DRAFT OF THE LAND TRANSPORT RULES

Appendix B (1) - Paths and Road Margins 2019

Appendix B (2) - Land Transport (Road User) (No 2) 2019

Appendix B (3) - Setting of Speed Limits Amendment (No 2) 2019

Appendix B (4) - Traffic Control Devices Amendment Rule (No 2) 2019

Land Transport Rule

Paths and Road Margins 2019

Rule [number]

Draft for consultation

Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Paths and Road Margins 2019 [Rule[number]]**.

If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **[DATE]**.

Land Transport Rule

Paths and Road Margins 2019

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Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Paths and Road Margins 2019*.

1.2 Commencement

This Rule comes into force on [date].

1.3 Purpose

The purpose of this Rule is to—

- (a) define the users of footpaths, shared paths, and cycle paths, and outline the requirements for those users in those spaces; and
- (b) give effect to a national framework to govern which vehicles can be used on footpaths under which conditions; and
- (c) empower road controlling authorities to—
 - (i) vary the speed limit on footpaths, shared paths, and cycle paths in their jurisdiction; and
 - (ii) restrict the use of footpaths, shared paths, and cycle paths in their jurisdiction; and
 - (iii) declare a path in their jurisdiction to be a shared path or a cycle path; and
 - (iv) impose parking restrictions on berms in their jurisdiction.

Section 2 Creation of shared paths and cycle paths

2.1 Road controlling authority may declare path to be shared path

2.1(1) Without limiting any other power, a road controlling authority may make a resolution that declares a path to be a shared path.

2.1(2) A road controlling authority must register with the Agency in accordance with *clause 2.3(2)*—

- (a) a shared path created under this clause; and
- (b) a shared path created under any other enactment after [date of commencement].

2.2 Road controlling authority may declare path to be cycle path

2.2(1) Without limiting any other power, a road controlling authority may make a resolution that declares a path to be a cycle path.

2.2(2) Every cycle track made under the Local Government Act 1974 or the Land Transport Act 1998 is a cycle path for the purposes of land transport rules, except that the road controlling authority is not required to comply with *clause 2.2(3)*.

2.2(3) A road controlling authority must register with the Agency in accordance with *clause 2.3(2)*—

- (a) a cycle path created under this clause; and
- (b) a cycle path created under any other enactment after [date of commencement].

2.3 Consultation requirements for creating shared paths and cycle paths

Before creating a shared path or a cycle path under this section, a road controlling authority must—

- (a) consult with any persons or groups who the road controlling authority considers to be affected by the proposal; and
- (b) allow those persons or groups a reasonable time to make submissions on the proposal; and
- (c) take account of submissions received during consultation on the proposal.

2.4 Agency must establish and maintain register of shared paths and cycle paths

2.4(1) The Agency must—

- (a) establish and maintain a register of shared paths and cycle paths that contains all information provided to it under *clauses 2.1(2)* and *2.2(3)*; and
- (b) make the register of shared paths and cycle paths publicly available at all reasonable times.

2.4(2) When registering a shared path or cycle path with the Agency, a road controlling authority must include—

- (a) a full description of the shared path or cycle path, including references to details of maps or other documents as appropriate; and
- (b) the date on which the shared path or cycle path begins operation.

Section 3 Requirements for cyclists, riders of transport devices and mobility devices, and pedestrians

3.1 Use of footpaths

- 3.1(1) A person may ride a cycle or transport device or drive a mobility device on a footpath if they comply with this clause.
- 3.1(2) A cycle, transport device, or mobility device must have a width no greater than 750 mm, including any accessories or auxiliary equipment.
- 3.1(3) A person riding a cycle or transport device on a footpath must—
 - (a) keep to the left of the footpath unless it is impracticable or unsafe to do so; and
 - (b) give way to pedestrians and drivers of mobility devices.
- 3.1(4) A person riding a cycle or transport device or driving a mobility device on a footpath must ride or drive in a manner that is—
 - (a) careful and considerate; and
 - (b) not hazardous to other users of the footpath.
- 3.1(5) A person riding a cycle or transport device or driving a mobility device on a footpath must not ride or drive the cycle or device at a speed that exceeds—
 - (a) the default speed limit; and
 - (b) if a speed limit has been set under *clause 4.11(1)*, that speed limit.
- 3.1(6) If there is a restriction on the use of a footpath, the class or classes of users to whom that restriction applies must not use the footpath contrary to the restriction.
- 3.1(7) If there is a sign or marking that indicates a restriction on the use of a footpath, the class or classes of users to whom that restriction applies must not use the footpath contrary to the sign or marking.
- 3.1(8) A pedestrian must not unduly impede the passage of—

- (a) a rider of a cycle or transport device; or
- (b) a driver of a mobility device; or
- (c) a rider of a moped or motorcycle permitted to use the footpath to deliver printed material to letterboxes by *clause 2.13(2) of the Land Transport (Road User) Rule 2004*.

3.1(9) The requirements for mobility devices in this clause do not apply to powered wheelchairs (*see the definition of pedestrian*).

Compare: SR 2004/427 r 11.1(4), (5), (6)

3.2 Use of shared path and cycle paths

3.2(1) A person using a shared path or a cycle path—

- (a) must use it in a careful and considerate manner; and
- (b) must not use it in a manner that constitutes a hazard to other persons using it.

3.2(2) A rider of a cycle or transport device or driver of a mobility device on the path must not ride or drive the cycle or device at a speed that constitutes a hazard to other persons using the path.

3.2(3) A user of a path must not unduly impede the passage of any other user of the path.

3.2(4) A person riding a cycle or transport device or driving a mobility device on a shared path or cycle path must not ride or drive the cycle or device at a speed that exceeds—

- (a) the default speed limit; and
- (b) if a speed limit has been set under *clause 4.11(1)*, that speed limit.

3.3 Priority on shared paths

3.3(1) On a shared path,—

- (a) cyclists and riders of transport devices must give way to drivers of mobility devices and pedestrians; and
- (b) driver of mobility devices must give way to pedestrians.

3.3(2) Despite *clause 3.3(1)*, if a sign or marking on the shared path gives priority to a class or classes of user on the path or part of that path, all other users on the path must give priority to that class or classes of users.

3.3(3) If a sign or marking on the shared path specifies the part or parts of a path which may be used by a class or classes of user (for

example, a lane reserved for pedestrians), a user of a path must not use any part of the path contrary to that sign or marking.

Compare: SR 2004/427 r 11.1A

3.4 Prohibition on riding cycles and transport devices on gardens etc

A person must not ride a cycle or transport device or drive a mobility device on a garden or other cultivation forming part of a road.

Compare: SR 2004/427 r 11.11

Section 4 Speed limits on paths

4.1 Road controlling authority must comply with Rule

A road controlling authority must comply with this Rule when setting a speed limit for vehicles using a footpath, shared path, or cycle path, or an area of footpaths, shared paths, or cycle paths.

4.2 Application of speed limits on footpaths, shared paths, and cycle paths

A speed limit on a footpath, shared path, or cycle path does not apply to a pedestrian.

Speed limits on footpaths

4.3 Default speed limit on footpaths

The default speed limit on a footpath is 15 km/h.

4.4 Variations from default speed limit on footpath

4.4(1) A speed limit on a footpath or an area of footpaths that is set in accordance with this section must be one of the following:

- (a) 5 km/h:
- (b) 10 km/h:
- (c) 15 km/h.

4.4(2) A road controlling authority may make a resolution to set a speed limit on a footpath or an area of footpaths in its jurisdiction.

4.4(3) A speed limit set under *clause 4.4(2)* may apply for a specified period or periods.

Speed limits on shared paths and cycle paths

4.5 Default speed limit on shared paths and cycle paths

The default speed limit on a shared path or a cycle path is,—

- (a) if there is a roadway immediately adjacent to the shared path or cycle path, the speed limit on that roadway set under *Land Transport Rule: Setting of Speed Limits 2017*; or
- (b) if there is no roadway immediately adjacent to the shared path or cycle path, 50km/h.

4.6 Variations from default speed limit on shared paths and cycle paths

4.6(1) A speed limit on a shared path or cycle path or an area of shared paths or cycle paths that is set in accordance with this section must be—

- (a) no lower than 10km/h; and
- (b) no higher than the speed limit on the immediately adjacent roadway or, if there is no immediately adjacent roadway, 50km/h.

4.6(2) A road controlling authority may make a resolution to set a speed limit on a shared path or cycle path or an area of shared paths or cycle paths.

4.6(3) A speed limit set under *clause 4.6(2)* may apply for a specified period or periods.

Setting speed limits on paths

4.7 Criteria for setting speed limits on paths

A road controlling authority may set a speed limit on a path after considering—

- (a) any relevant guidance developed by the Agency; and
- (b) any other matter relevant to public safety.

4.8 Consultation requirements for speed limits on paths

Before setting a speed limit for a path, a road controlling authority must—

- (a) consult with any persons or groups who the road controlling authority considers to be affected by the proposed speed limit; and

- (b) allow those persons or groups a reasonable time to make submissions on the proposal; and
- (c) take account of submissions received during consultation on the proposed speed limit.

4.9 Setting speed limits on paths

- 4.9(1) A road controlling authority that sets a speed limit on a path must register the speed limit on the National Speed Limit Register maintained by the Agency under *clause 2.8(6) of Land Transport Rule: Setting of Speed Limits 2017*.
- 4.9(2) *Subclause (1)* does not apply to a default speed limit set under *clause 4.3* or *4.5*.

4.10 Markings for speed limits on paths

- 4.10(1) A road controlling authority may install a speed limit marking within an area covered by a speed limit set under *clause 4.9* to inform path users of the speed limit.
- 4.10(2) A speed limit set under *clause 4.9* is valid whether or not the road controlling authority installs speed limit markings under this clause.
- 4.10(3) The design, format, shape, colour, and size of a speed limit marking must comply with the applicable requirements for speed limit markings in *Land Transport Rule: Traffic Control Devices 2004*.

Section 5 Restrictions on use of footpath, shared path, or cycle path

5.1 Road controlling authority may restrict use of footpath or other pedestrian facility

- 5.1(1) A road controlling authority may make a resolution to restrict the use of a footpath or an area of footpaths in its jurisdiction in the following ways:
- (a) by specifying the class or classes of user (other than pedestrians and drivers of mobility devices) that may not use the footpath or area of footpaths:
 - (b) by specifying the part or parts of a footpath or an area of footpaths which may be used by a class or classes of users:

- (c) by specifying the periods in which a class or classes of user (other than pedestrians and drivers of mobility devices) may not use the footpath or the area of footpaths.

5.1(2) A road controlling authority may make a resolution to restrict the use of a shared path or an area of shared paths in its jurisdiction in the following ways:

- (a) by specifying the part or parts of a shared path which may be used by a class or classes of users:
- (b) by specifying the times at which a class or classes of user may not use the shared path.

5.1(3) A road controlling authority may make a resolution to restrict the use of a cycle path or an area of cycle paths in its jurisdiction in the following ways:

- (a) by specifying the class or classes of user (other than riders of cycles) that may not use the cycle path:
- (b) by specifying the part or parts of a cycle path which may be used by a class or classes of user:
- (c) by specifying the times at which a class or classes of user (other than riders of cycles) may not use the cycle path.

5.2 **Criteria for restricting use of footpath, shared path, or cycle path**

A road controlling authority may propose a restriction under *clause 5.1* after considering—

- (a) any relevant guidance developed by the Agency; and
- (b) any alternative routes or facilities that will be available to the class or classes of user that are the subject of the proposed restriction; and
- (c) any other matter relevant to public safety.

5.3 **Consultation requirements for restricting the use of footpaths, shared paths, and cycle paths**

Before restricting the use of a footpath, shared path, or cycle path, a road controlling authority must—

- (a) consult with any persons or groups who the road controlling authority considers to be affected by the proposed restriction; and
- (b) allow those persons or groups a reasonable time to make submissions on the proposal; and

- (c) take account of submissions received during consultation on the proposed restriction.

5.4 Restricting the use of a footpath, shared path, or cycle path

A road controlling authority that restricts the use of a footpath, shared path, or cycle path must register the restriction on the National Speed Limit Register maintained by the Agency under *clause 2.8(6) of Land Transport Rule: Setting of Speed Limits 2017*.

5.5 Marking restrictions on the use of footpaths, shared paths, and cycle paths

- 5.5(1) A road controlling authority may install signs or markings within an area covered by a restriction created under *clause 5.4* to inform path users of the restriction.
- 5.5(2) A restriction set under *clause 5.4* is valid whether or not the road controlling authority installs signs or markings under this clause.
- 5.5(3) Any signs or markings installed under this clause must comply with any applicable requirements of *Land Transport Rule: Traffic Control Devices 2004*.

Section 6 Restrictions on motor vehicle parking on berms

6.1 Road controlling authority may restrict motor vehicle parking on berms

- 6.1(1) Without limiting any other power, a road controlling authority may make a resolution to restrict motor vehicles from parking on a berm or an area of berms in its jurisdiction.
- 6.1(2) A road controlling authority must register with the Agency in accordance with *clause 6.3(2)*—
 - (a) a berm parking restriction created under this clause; and
 - (b) a berm parking restriction created under any other enactment after [date of commencement].

6.2 Consultation requirements for berm parking restrictions

Before restricting motor vehicles from parking on a berm or an area of berms under *clause 6.1*, a road controlling authority must—

- (a) consult with any persons or groups who the road controlling authority considers to be affected by the proposed restriction; and

- (b) allow those persons or groups a reasonable time to make submissions on the proposal; and
- (c) take account of submissions received during consultation on the proposal.

6.3 Agency must establish and maintain register of berm parking restrictions

6.3(1) The Agency must—

- (a) establish and maintain a berm parking restriction register that contains all information provided to it under *clause 6.1*; and
- (b) make the berm parking restriction register publicly available at all reasonable times.

6.3(2) When registering a berm parking restriction with the Agency, a road controlling authority must include—

- (a) a full description of the roads or area to which it applies, including references to details of maps or other documents as appropriate; and
- (b) the date on which the berm parking restriction comes into force.

6.4 Signs and markings relating to berm parking restrictions

6.4(1) A road controlling authority may install signs or markings within an area covered by a restriction created under *clause 6.1* to inform path users of the restriction.

6.4(2) A restriction set under *clause 6.1* is valid whether or not the road controlling authority installs signs or markings under this clause.

6.4(3) Any signs or markings installed under this clause must comply with any applicable requirements of *Land Transport Rule: Traffic Control Devices 2004*.

Section 7 Agency's powers regarding road controlling authority decisions under this Rule

7.1 Agency's powers to investigate and direct road controlling authority

7.1(1) The Agency may investigate road controlling authorities for compliance with this Rule.

- 7.1(2) The Agency must notify a road controlling authority in writing if it considers that the road controlling authority has not complied with this Rule, and give the road controlling authority a reasonable opportunity to respond to the notification.
- 7.1(3) If the Agency is not satisfied by a road controlling authority's response under *clause 7.1(2)*, the Agency may issue directions to the road controlling authority regarding matters to be addressed.
- 7.1(4) A road controlling authority must comply with directions given by the Agency under *clause 7.1(1)*, 7.2, 7.3, 7.4, or 7.5.

7.2 Agency may direct road controlling authority to review speed limits or procedures relating to speed limits

If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or setting a speed limit, or that a speed limit set by a road controlling authority does not comply with this Rule, the Agency may direct the road controlling authority to—

- (a) review, change, or modify the application of the speed limit:
- (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to set speed limits:
- (c) carry out the instructions under *paragraph (a)* or *(b)* within a stated period.

7.3 Agency may direct road controlling authority to review restrictions on use of paths or procedures relating to restrictions on use of paths

If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or creating a restriction on the use of a footpath, shared path, or cycle path, or that a restriction on the use of a footpath, shared path, or cycle path does not comply with this Rule, the Agency may direct the road controlling authority to—

- (a) review, change, or modify the restriction on the use of the footpath, shared path, or cycle path:
- (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to create restrictions on the use of footpaths, shared paths, and cycle paths:

- (c) carry out the instructions under *paragraph (a) or (b)* within a stated period.

7.4 Agency may direct road controlling authority to review restrictions on motor vehicle parking on berms

If the Agency considers that a road controlling authority has not complied with this Rule in reviewing or creating a restriction on the parking of motor vehicles on berms, or that a restriction on the parking of motor vehicles on berms does not comply with this Rule, the Agency may direct the road controlling authority to—

- (a) review, change, or modify the restriction on the parking of motor vehicles on berms:
- (b) review or change, in accordance with this Rule, the procedures used by the road controlling authority to create restrictions on the parking of motor vehicles on berms:
- (c) carry out the instructions under *paragraph (a) or (b)* within a stated period.

7.5 Agency may direct road controlling authority to install, modify, or remove signage or markings

7.5(1) The Agency may direct a road controlling authority to install, modify, or remove a footpath, shared path, or cycle path use restriction sign or marking to comply with this Rule.

7.5(2) The Agency may direct a road controlling authority to install, modify, or remove a speed limit sign or marking to comply with this Rule.

7.6 Agency may exercise powers of road controlling authority in certain circumstances

7.6(1) If a road controlling authority does not comply with directions given under *clause 7.1(1), 7.2, 7.3, 7.4, or 7.5*, the Agency may, by notice in the *Gazette*, exercise the appropriate responsibilities of a road controlling authority under this Rule and—

- (a) change or modify the application of a speed limit; or
- (b) change or modify the application of a restriction on the use of a footpath, shared path, or cycle path; or
- (c) change or modify the application of a restriction on the parking of motor vehicles on
- (d) register the change.

- 7.6(2) A road controlling authority is liable for the reasonable expenses incurred by the Agency under *clause 7.6(1)*.

Part 2

Definitions

(1) In this Rule,—

Act means the *Land Transport Act 1998*

Agency means the New Zealand Transport Agency established under *section 93* of the *Land Transport Management Act 2003*

berm means an area of road margin separated from the roadway

Commissioner means the Commissioner of Police

cycle path—

- (a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists and riders of transport devices, but which may be used also by pedestrians, drivers of mobility devices; and
- (b) includes a cycle track formed under *section 332* of the *Local Government Act 1974*

footpath—

- (a) means a path or way principally designed for, and used by, pedestrians; and
- (b) includes a footbridge; but
- (c) does not include a shared path

pedestrian means—

- (a) a person on foot on a road; or
- (b) a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or
- (c) a person operating—
 - (i) a powered wheelchair;
 - (ii) a contrivance listed in *paragraph (c)* of the definition of vehicle in *section 2(1)* of the Act

powered transport device—

- (a) means a vehicle that—
 - (i) is a wheeled conveyance (other than a cycle with a wheel diameter exceeding 355 mm); and
 - (ii) is propelled by one or more propulsion motors; and

- (b) includes a vehicle that the Agency has declared, under *section 168A(2) or (3) of the Act*, is not a motor vehicle; but
- (c) does not include—
 - (i) a mobility device; and
 - (ii) a vehicle of a class mentioned in *Table A of Part 2 of Land Transport Rule: Vehicle Standards Compliance 2002*, other than a vehicle of Class AA (Pedal Cycle) or Class AB (Power-assisted pedal cycle)

powered wheelchair—

- (a) means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface; but
- (b) does not include a mobility device steered by a tiller or handlebar

road controlling authority, in relation to a path,—

- (a) means the authority, body, or person having control of the path; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority

road margin has the same meaning as in *clause 1.6 of the Land Transport (Road User) Rule 2004*

roadway has the same meaning as in *clause 1.6 of the Land Transport (Road User) Rule 2004*

(to) set a speed limit means to establish or change a speed limit in accordance with this Rule

shared path means a path that is intended to be used as a path by some or all of the following persons at the same time:

- (a) pedestrians;
- (b) cyclists;
- (c) drivers of mobility devices;
- (d) riders of transport devices

speed limit—

- (a) means the maximum speed at which a vehicle may legally be operated on a particular path; but
- (b) does not mean the maximum permitted operating speed for classes or types of vehicle specified in any Act, regulation, or rule

transport device means a powered transport device or an unpowered transport device

unpowered transport device means a vehicle that is a wheeled conveyance (other than a cycle with a wheel diameter exceeding 355 mm) propelled by human power or gravity.

- (2) A term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act.

IN CONFIDENCE

Land Transport (Road User) Amendment Rule (No 2) 2019

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Associate Minister of Transport makes the following ordinary rule,—

- (a) after having complied with the requirements of section 161(2) of that Act; and
- (b) after having had regard to the criteria specified in section 164(2) of that Act.

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2019**

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Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule (No 2) 2019.

2 Commencement

This rule comes into force on 1 June 2020.

3 Principal rule

This rule amends the Land Transport (Road User) Rule 2004 (the **principal rule**).

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of any consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 1.5 amended

In clause 1.5(c), replace “wheeled recreational devices” with “transport devices”.

7 Clause 1.6 amended (Interpretation)

(1) In clause 1.6, insert in their appropriate alphabetical order:

bus stop means—

- (a) a place where passengers may board or alight from a bus indicated by a sign that includes the text ‘Bus Stop’ as specified in Schedule 1 of the Land Transport Rule: Traffic Control Devices 2004; and
- (b) includes an area of the road in the vicinity of the place that is reserved for a bus to stop to allow passengers to board or alight from the bus.

powered transport device has the meaning given by clause 1.6A.

powered wheelchair —

- (a) means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface; but
- (b) does not include a mobility device operated by a tiller or handlebar

shared path means a path that is intended to be used as a path by some or all of the following persons at the same time:

- (a) pedestrians;
- (b) cyclists;
- (c) riders of mobility devices;

- (d) riders of transport devices
- transport device** means—
- (a) a powered transport device; or
 - (b) an unpowered transport device
- unpowered transport device** means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) propelled by human power or gravity
- (2) In clause 1.6, definition of **bus lane**, in paragraph (b), after “cycles,”, insert “transport devices”.
- (3) In clause 1.6, replace the definition of **cycle lane** with:
- cycle lane** means a longitudinal strip within a roadway that is reserved for the use of—
- (a) cycles; and
 - (b) transport devices (unless specifically excluded from using the lane by a marking or traffic sign).
- (4) In clause 1.6, definition of **cycle path**, paragraph (a), replace “but which may be used also by pedestrians” with “but which may also be used by pedestrians and riders of mobility devices and transport devices”.
- (5) In clause 1.6, definition of **driver**, replace “wheeled recreational device” with “transport device”.
- (6) In clause 1.6, definition of **headlamp**, in paragraphs (a) and (b), replace “cycle,” with “cycle or transport device”.
- (7) In clause 1.6, replace the definition of **pedestrian** with:
- pedestrian** means—
- (a) a person on foot on a road; or
 - (b) a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or
 - (c) a person operating a powered wheelchair.
- (8) In clause 1.6, definition of **rider**, replace “wheeled recreational device” with “transport device”.
- (9) In clause 1.6, definition of **special signal for pedestrians**,—
- (a) after “pedestrians,”, insert “cyclists,”; and
 - (b) replace “wheeled recreational devices” with “transport devices”.
- (10) In clause 1.6, definition of **transit lane**, after paragraph (a)(iii) insert:
- (iiia) transport devices:
- (11) In clause 1.6, revoke the definition of **wheeled recreational device**.

8 New clause 1.6A inserted

After clause 1.6, insert:

1.6A Meaning of powered transport device

- (1) A **powered transport device** means—
- (a) a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm); and
 - (b) is propelled by 1 or more propulsion motors; and
 - (c) includes a vehicle the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
- (2) However, a **powered transport device** does not include—
- (a) a mobility device; or
 - (b) a vehicle of a class mentioned in Table A of Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002, other than a vehicle of the Class AA (Pedal Cycle) or Class AB (Power-assisted pedal cycle).

9 Clause 2.3 amended (Use of lanes)

In clause 2.3(1)(f), replace subparagraph (ii) with:

- (ii) the vehicle is a mobility device or transport device and the special vehicle lane is—
 - (A) a cycle lane; and
 - (B) the lane closest to the left edge of the road; and
 - (C) the vehicle would usually be travelling on a footpath or shared path adjacent to the roadway, but it is impracticable for the vehicle to travel on the path or there is no path available; or
- (iii) the vehicle is an emergency vehicle being used in an emergency.

10 Clause 2.4 replaced (Route of driving at intersections marked or signed in lanes)

Replace clause 2.4 with:

2.4 Specific manoeuvres only from marked or signed lanes at intersections

- (1) If, at the approaches to an intersection, markings or traffic signs designate specific lanes for specific manoeuvres, a driver must not use the lane for a manoeuvre other than a manoeuvre specified on the markings or signs.
- (2) However, a cyclist or rider of a transport device may proceed straight ahead at the intersection from a lane that is designated by markings or traffic signs as a lane from which a driver must turn left, unless a marking or sign prohibits the cyclist or rider of a transport device from proceeding straight ahead.

11 Clause 2.5A amended (Cyclists turning right at intersections)

- (1) In the heading to clause 2.5A, after “Cyclists”, insert “and riders of transport devices”.
- (2) In clause 2.5A(1), (2), after “cyclist”, insert “or rider of a transport device” in each place.
- (3) In clause 2.5A(2)(d), after “cycle”, insert “or transport device”

12 Clause 2.8 amended (Passing on left)

In clause 2.8, replace subclause (2) with:

- (2) A driver may pass or attempt to pass on the left of another vehicle moving or facing in the same direction only if,—
 - (a) the 2 vehicles are in different lanes and the driver’s vehicle does not encroach on a lane that is unavailable to a driver; or
 - (b) the driver’s vehicle is a cycle or a transport device; or
 - (c) the vehicle to be overtaken is stationary or its driver is giving the prescribed signal of that driver’s intention to turn right; or
 - (d) the vehicle to be overtaken is a light rail vehicle and is not—
 - (i) signalling an intention to turn left or stop; or
 - (ii) stopped to allow passengers to alight from it or board it.

13 New clause 2.11A inserted

After clause 2.11, insert:

2.11A Passing cyclists and users of other devices on road

- (1) This clause applies if—
 - (a) a person is lawfully—
 - (i) a pedestrian on a road; or
 - (ii) riding a cycle, a horse, or a transport device, on a road; or
 - (iii) driving a mobility device on a road; and
 - (b) the person is moving in the same direction as a driver of a motor vehicle; and
 - (c) if the road is marked in lanes—the person and the driver are in the same lane.
- (2) The driver must not,—
 - (a) if the speed limit is 60km/h or less—pass the person at a lateral distance from the person of less than 1m; or
 - (b) if the speed limit is more than 60km/h—pass the person at a lateral distance from the person of less than 1.5m.

- (3) In this clause, **lateral distance**, from a person, means the distance between the following points:
- (a) the furthestmost point to the left on the driver’s vehicle or any projection from the vehicle (whether or not attached to the vehicle);
 - (b) the furthestmost point to the right of the person’s cycle, transport device or mobility device, any cycle trailer being towed by the cycle, the person or any passenger in or on the trailer.

14 Clause 3.2 amended (Traffic signals in form of disc)

- (1) In clause 3.2(1)(b)(ii), (4)(b), and (5)(b) replace “riders of mobility devices, and riders of wheeled recreational devices” with “cyclists, riders of mobility devices, and riders of transport devices”.
- (2) In clause 3.2(1)(b)(iii), replace “motor vehicles and cycles lawfully proceeding straight ahead” with “motor vehicles, cycles, and transport devices lawfully proceeding along the roadway”.
- (3) In clause 3.2(2), replace “and riders of wheeled recreational devices” with “cyclists, and riders of transport devices”.
- (4) In clause 3.2(5)(a), after “cyclist”, insert “or rider of a transport device that is proceeding along the roadway”.

15 Clause 3.3 amended (Traffic signals in form of arrow)

In clause 3.3(1)(b), (2)(b), and (3)(b), replace “wheeled recreational devices” with “transport devices”.

16 Clause 3.5 amended (Traffic signals in form of standing or walking human figure)

In clause 3.5(1) and (2), replace “wheeled recreational devices” with “transport devices”.

17 Clause 3.6 amended (Traffic signals in form of T or B)

In clause 3.6(5)(a), after “cycle,”, insert “transport device,”.

18 Clause 3.7 amended (Traffic signals in form of cycle symbol)

- (1) In clause 3.7(1), (2), and (3), after “cyclists”, insert “and riders of transport devices”.
- (2) In clause 3.7(3), delete “a cyclist”.

19 Clause 3.10 amended (Drivers’ signals)

- (1) In clause 3.10(2)(b), replace “or a cycle” with “a cycle, a mobility device, or a transport device”.
- (2) In clause 3.10(6A), after “cycle”, insert “or a transport device”.

20 New clause 4.2A inserted

After clause 4.2, insert:

4.2A Giving way where path crosses a roadway

- (1) This clause applies to drivers travelling onto or out of a roadway that—
 - (a) separates a cycle path, footpath or shared path; and
 - (b) has a path priority marking.
- (2) The driver must give way to pedestrians, cyclists and riders of mobility devices and transport devices who are—
 - (a) travelling on the path and approaching the roadway; or
 - (b) crossing the roadway from the path, whether or not with the intention of continuing to travel on the path on the other side of the roadway.
- (3) In this clause, **path priority marking** means a path priority marking within the meaning of clause 8.9 of the Land Transport Rule: Traffic Control Devices Rule 2004.

21 Clause 4.3 amended (Giving way where intersection controlled by enforcement officer)

In clause 4.3, replace “and 4.2” with “, 4.2 and 4.2A”.

22 Clause 4.4 amended (Giving way when entering or exiting driveway)

In clause 4.4(1), delete “(as described by clause 11.1A(1))”.

23 New clause 4.4A inserted

After clause 4.4, insert:

4.4A Giving way to buses leaving bus stops

- (1) This clause applies to a driver of a motor vehicle or a person riding a cycle, mobility device, or transport device (the **relevant road user**) if—
 - (a) the relevant road user is on a road that has a speed limit of 60km/h or less; and
 - (b) a bus in front of the relevant road user is—
 - (i) stopped at a bus stop; or
 - (ii) leaving a bus stop; and
 - (c) the right direction indicator lights of the bus are operating.
- (2) If the road is marked in lanes, the relevant road user must give way to the bus if—
 - (a) the relevant road user is—
 - (i) in the first lane running parallel to the bus stop (the **closest lane**);
or

- (ii) if the closest lane is a cycle lane—in the cycle lane or the first lane running parallel to the right of the closest lane (the **first lane**); and
 - (b) the bus is about to proceed in or enter the lane in which the relevant road user is travelling.
- (3) If there is an obstruction in the closest lane or the first lane (for example, a parked car or roadworks) and the bus must proceed in or enter the next lane running parallel to the right of the closest lane or the first lane (the **next lane**) to avoid the obstruction, a relevant road user in the next lane must also give way to the bus.
- (4) If the road is not marked in lanes, the relevant road user must give way to the bus if the bus is about to proceed in or enter the line of traffic in which the relevant road user is travelling.

24 Clause 4.5 amended (Approaching and entering intersections)

In clause 4.5(3), after “a cyclist”, insert “or rider of a transport device”.

25 Clause 5.4(5) amended (Speed limits for vehicles towing other vehicles)

In clause 5.4(5), after “motorcycle”, insert “transport device,” in each place.

26 Clause 6.2 amended (Parking vehicles off roadway)

Replace clause 6.2(2) with:

- (2) Subclause (1) does not apply if the road controlling authority—
 - (a) makes and registers a resolution under clause 6 of the Land Transport Rule: Paths and Road Margins 2019 that restricts motor vehicles parking on the berm; or
 - (b) otherwise provides signs or markings, or makes a bylaw, indicating that a rule different from the one in subclause (1) applies.

27 Clause 6.5 amended (Parking on or near pedestrian crossings)

In clause 6.5(3)(a), after “a cycle”, insert “or transport device”.

28 Clause 6.9 amended (Obstructing vehicle entrances and exits)

In clause 6.9(3), replace “an authorised” with “a”.

29 Clause 6.13 amended (Parking at angle)

- (1) In clause 6.13(1), after “cycle”, insert “or transport device”.
- (2) In clause 6.13(2), replace “or a cycle” with “a cycle, or a transport device”.

30 Clause 6.14 amended (Parking on footpaths or cycle paths)

- (1) In the heading to clause 6.14, replace “**footpaths or cycle paths**” with “**footpaths, cycle paths, and shared paths**”.

- (2) In clause 6.14(1), replace “footpath or on a cycle path” with “footpath, cycle path, or shared path”.
- (3) In clause 6.14(2), replace “footpath or cycle path” with “footpath, cycle path, or shared path”.
- (4) In clause 6.14(3), replace “wheeled recreational device” with “transport device”.

31 Clause 10.1 amended (Pedestrian crossings)

In clause 10.1(1)(a), replace “wheeled recreational devices” with “transport devices”.

32 Cross-heading above clause 11.1 replaced

Replace the cross-heading above clause 11.1 with:

Pedestrians, cyclists, and riders of mobility devices and transport devices

33 Clauses 11.1 and 11.1A replaced

Replace clauses 11.1 and 11.1A with:

11.1 Travelling along a roadway

- (1) A pedestrian or a driver of a mobility device—
 - (a) must not travel along a roadway, unless—
 - (i) a footpath or shared path is not available; or
 - (ii) if there is a footpath or shared path adjacent to the roadway—it is impracticable for the pedestrian or driver to travel on the footpath or shared path; and
 - (b) must not remain on the roadway longer than necessary for the pedestrian or driver to travel on the roadway within a reasonable time.
- (2) A pedestrian or driver of a mobility device travelling along a roadway must keep as near as practicable to the edge of the roadway.

34 Clause 11.3 replaced (Using crossings, underpasses, or footbridges)

Replace clause 11.3 with:

11.3 Pedestrians and riders of cycles and devices crossing roadway

- (1) A pedestrian or rider of a cycle, mobility device or transport device must not cross a roadway other than at a designated crossing point if—
 - (a) there is a designated crossing point reasonably available to the pedestrian or rider for the purpose of crossing the roadway; and
 - (b) the pedestrian or rider is 20m or less from the designated crossing point.

- (2) A pedestrian or rider crossing a roadway other than at a pedestrian crossing or school crossing point must, whenever possible, cross the roadway at right angles to the kerb or side of the roadway.
- (3) However, subclause (2) does not apply at an intersection where traffic signals control pedestrian traffic if the pedestrian or rider is complying with a notice, sign, or marking maintained by a road controlling authority that indicates a person may or must cross the roadway other than at right angles.
- (4) A pedestrian or rider crossing a roadway, including at a pedestrian crossing or school crossing point, must not remain on the roadway longer than necessary for the purpose of crossing the roadway within a reasonable time.
- (5) In this clause, **designated crossing point** means—
 - (a) a pedestrian crossing; or
 - (b) a school crossing point; or
 - (c) an underpass; or
 - (d) a footbridge; or
 - (e) a place where traffic signals control pedestrian traffic.
- (6) This clause does not apply to a pedestrian or rider of a cycle, mobility device or transport device who is proceeding along the roadway.

35 Clause 11.4 revoked (Crossing roadway)

Revoke clause 11.4.

36 Clause 11.5 amended (Entering crossings)

- (1) In clause 11.5, replace “mobility device or wheeled recreational device” with “cycle, mobility device or transport device”.
- (2) In clause 11.5, delete the words “or the driver”.

37 Clause 11.6 revoked (Loitering on crossing or roadways)

Revoke clause 11.6.

38 Clause 11.6A replaced

Replace clause 11.6A with:

11.6 Washing of vehicles

A person must not wash or offer to wash a vehicle, or part of a vehicle, on a road unless the vehicle is legally parked.

39 Clause 11.7 amended (Carrying restrictions)

In clause 11.7, after “cycle”, insert “, transport device,”.

40 Clause 11.9 amended (Towing restrictions)

- (1) In clause 11.9(1), replace “cycle or moped” with “cycle, moped, or transport device”
- (2) In clause 11.9(2), replace “wheeled recreational device” with “transport device”.
- (3) after “cycle”, insert “transport device,” in each place.

41 Clause 11.10 amended (Riding abreast)

- (1) In clause 11.10, replace “cycle or moped” with “cycle, transport device, or moped” in each place.
- (2) In clause 11.10(1)(b), replace “cycles or mopeds” with “cycles, transport devices, or mopeds”.

42 Clause 11.11 revoked (Riding cycles on footpaths, etc)

Revoke clause 11.11.

43 Clause 11.12 amended (Lighting and reflector requirements for cyclists)

Replace clause 11.12(2) with:

- (2) A person must not ride a cycle or transport device on a road, during a time referred to in subclause (1)(a) or (b), unless—
 - (a) the cycle has pedal reflectors or the transport device is fitted with reflectors; or
 - (b) the person is wearing reflective material.

Schedule 1 Objective of rule

cl 4

This Land Transport (Road User) Amendment Rule (No 2) 2019 (the **amendment rule**) amends the Land Transport (Road User) Rule 2004 (the **principal rule**). The principal rule establishes the rules under which traffic operates on roads.

The objective of the amendment rule is to—

- relocate provisions of the principal rule relating exclusively to footpaths, shared paths and cycle paths, to the extent that it is practicable, to the Land Transport Rule: Footpaths, Shared Paths, and Cycle Paths 2019;
- amend references to wheeled recreational devices to instead refer to transport devices;
- insert new definitions of transport devices, powered transport devices, unpowered transport devices, and powered wheelchairs to identify devices currently being used on roads to clarify the rules that apply to each device:

-
- insert a new definition of bus stop, for the purpose of a new requirement that a driver of a motor vehicle, mobility device, transport device or a cyclist on a road must give way to a bus leaving a bus stop:
 - amend the definitions of cycle lane, cycle path and pedestrian to align with equivalent definitions in the Land Transport Rule: Footpaths, Shared Paths, and Cycle Paths:
 - create a stand-alone definition of shared path to align with the revocation of clause 11.1A from the principal rule and proposed changes to the Land Transport Rule: Traffic Control Devices 2004:
 - provide that mobility devices may use cycle lanes when a footpath or shared path is not available, or, there is a footpath or shared path adjacent to the roadway, but it is impractical for the mobility device to use the path:
 - provide that a cyclist riding in a lane that is designated by road markings or traffic signs as a lane from which a driver must turn left may proceed straight ahead at the intersection, unless a marking or sign prohibits the cyclist from proceeding straight ahead:
 - provide that if a road is marked in lanes and a cyclist is travelling in the same lane as a vehicle, the cyclist may pass the vehicle to the left of the vehicle:
 - provide that a driver of a motor vehicle must pass a cyclist, transport device or mobility device on a road at a distance of at least 1m (if the speed limit is 60km/h or less) or at least 1.5m (if the speed limit is more than 60km/h):
 - provide that where a cycle path, footpath or shared path is separated by a roadway and the roadway has a path priority marking, as defined in the Land Transport Rule: Traffic Control Devices 2004, a driver must give way to a person travelling on the path and approaching the roadway or crossing the roadway from the path:
 - clarify that a pedestrian or driver of a mobility device must not travel along a roadway unless a footpath or shared path is not available, or, if there is a footpath or shared path adjacent to the roadway, it is impracticable for the pedestrian or driver to use the path:
 - clarify that if a pedestrian or driver of a mobility device is travelling lawfully on a roadway, the pedestrian or driver must not remain on the roadway longer than is necessary:
 - clarify that a pedestrian, or a driver of a mobility device or transport device travelling along a roadway must keep as far to the edge of the roadway as is practicable:
 - clarify that a pedestrian, cyclist, or a rider of a mobility device or transport device crossing a roadway must not remain on the roadway longer than necessary for the purpose of crossing the roadway within a reasonable time:
 - provide that a person, instead of a pedestrian, must not wash or offer to wash a vehicle on a road unless the vehicle is legally parked.

Schedule 2
**Consultation carried out under section 161(2) of Land Transport Act
1998**

cl 5

For the purposes of consultation, amendments proposed to the Land Transport (Road User) Rule 2004 (the **principal rule**) ...

Note**Detail to be provided after consultation has been completed.**

Dated at Wellington this day of 2019.

Associate Minister of Transport.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

This rule, which comes into force on 1 June 2020, amends the Land Transport (Road User) Rule 2004 (the **principal rule**) to implement the objective described in *Schedule 1*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These rules are administered by the Ministry of Transport.

Land Transport Rule

Setting of Speed Limits Amendment (No 2) 2019

Rule 54001/2017/2

Draft for consultation

Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Setting of Speed Limits Amendment (No 2) 2019 [Rule 54001/2017/2]**.

If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **[DATE]**.

Land Transport Rule
Setting of Speed Limits Amendment (No 2) 2019
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Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Setting of Speed Limits Amendment (No 2) 2019*.

1.2 Commencement

This Rule comes into force on [date to come].

1.3 Principal Rule amended

This Rule amends *Land Transport Rule: Setting of Speed Limits 2017* (the **principal Rule**).

Section 2 Amendments to principal Rule

2.1 New clause 1.5 (Application)

After *clause 1.4*, insert:

1.5 Application

Nothing in this Rule applies to a speed limit that is set under *Land Transport Rule: Paths and Road Margins 2019*.

2.2 Amendments to Part 2 (Definitions)

2.2(1) In *Part 2, subclause (1)*, insert the following definitions in their appropriate alphabetical order:

cycle path has the same meaning as in *Part 2 of Land Transport Rule: Paths and Road Margins 2019*

footpath has the same meaning as in *Part 2 of Land Transport Rule: Paths and Road Margins 2019*

shared path has the same meaning as in *Part 2 of Land Transport Rule: Paths and Road Margins 2019*

Land Transport Rule

Traffic Control Devices Amendment (No 2) 2019

Rule 54002/2004/13

Draft for consultation

Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Traffic Control Devices Amendment (No 2) 2019 [Rule 54002/2004/13]**.

If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **[DATE]**.

Land Transport Rule

Traffic Control Devices Amendment (No 2) 2019

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Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Traffic Control Devices Amendment (No 2) 2019*.

1.2 Commencement

This Rule comes into force on [date to come].

1.3 Principal Rule amended

This Rule amends Land Transport Rule: Traffic Control Devices 2004 (the *principal Rule*).

Section 2 Amendments to principal Rule

2.1 Amendment to clause 4.2 (Provision of traffic signs)

In *clause 4.2(1)*, after “at which they may travel”, insert “on a roadway”.

2.2 Amendment to clause 5.2 (Provision of markings)

2.2(1) After *clause 5.2(3)*, insert:

5.2(4) A road controlling authority may provide a regulatory marking on a footpath within its jurisdiction to instruct footpath users of the speed limit, as specified in *section 3* of *Land Transport Rule: Paths and Road Margins 2019*.

5.2(5) A road controlling authority may provide a regulatory marking to instruct users of a footpath, shared path, or cycle path restriction or prohibition as specified in *section 4* of *Land Transport Rule: Paths and Road Margins 2019* that replicates in legend, shape, size, and colour those signs in *Schedule 1* that describe the relevant restriction or prohibition.

2.3 Amendment to clause 6.4 (Steady vehicle displays in the form of a continuous display)

2.3(1) In *clause 6.4(12)*, after “cycle lane”, insert “or a cycle path”.

2.3(2) In *clause 6.4(12)(b)*, after “cycle lane”, insert “or the cycle path”.

- 2.4 Amendment to heading to section 8 (Pedestrian crossings, school crossing points, school patrols, and other facilities for pedestrians and path users)**
- In the heading to *section 8*, replace “**and other pedestrian facilities**” with “**, and other facilities for pedestrians and path users**”.
- 2.5 Amendments to clause 8.1 (Provision of traffic control devices for pedestrians and other path users)**
- 2.5(1) In the heading to *clause 8.1*, after “**pedestrians**”, insert “**and other path users**”.
- 2.5(2) In *clause 8.1(1)*, replace “pedestrians” with “pedestrians and other path users”.
- 2.5(3) After *clause 8.1(1)(c)*, insert:
- (d) providing a path priority marking:
- 2.6 Amendments to clause 8.2 (Pedestrian crossings)**
- 2.6(1) In *clause 8.2(12)*, replace “presence of a pedestrian” with “presence of a pedestrian or other path user”.
- 2.6(2) In *clause 8.2(12)(b)*,—
- (a) replace “when a pedestrian” with “when a pedestrian or other path user”; and
- (b) replace “permit the pedestrian” with “permit the pedestrian or other path user”.
- 2.7 Amendment to clause 8.3 (School patrols)**
- In *clause 8.3(8)*, after “pedestrians”, insert “and other path users”.
- 2.8 Amendments to clause 8.4 (School crossing points)**
- In *clause 8.4(6)*, after “pedestrians”, insert “and other path users”.
- 2.9 Amendments to clause 8.5 (Pedestrian traffic signals)**
- 2.9(1) In *clause 8.5(1)*, after “pedestrians”, insert “and other path users”.
- 2.9(2) In *clause 8.5(2)*, after “pedestrians”, insert “and other path users”.
- 2.9(3) In *clause 8.5(3)*, after “pedestrians”, insert “and other path users”.

2.10 Amendments to clause 8.8 (Other pedestrian facilities)

2.10(1) In *clause 8.8(4)*, after “pedestrian”, insert “or other path user”.

2.10(2) In *clause 8.8(5)*, after “pedestrian”, insert “or other path user”.

2.11 New clause 8.9 (Path priority markings)

After *clause 8.8*, insert:

8.9 Path priority markings

8.9(1) On a side road for which a speed limit of 50 km/h or less is set, a road controlling authority may, at a place where a footpath crosses a roadway within 5 m of an intersection not controlled by traffic signals, install a path priority marking on the roadway to indicate to road users that pedestrians and other path users crossing the roadway have priority over any road user travelling on the roadway.

8.9(2) On a side road for which a speed limit greater than 50 km/h is set, a road controlling authority may, at an intersection not controlled by traffic signals, install a path priority marking on the roadway to indicate to road users that pedestrians and other path users crossing the roadway have priority over any road user travelling on the roadway if—

- (a) the road controlling authority has obtained the approval of the Agency; and
- (b) the road controlling authority complies with any conditions specified in the approval.

8.9(3) Unless the road surface makes it impracticable, a road controlling authority must mark a path priority marking by installing, in accordance with *section 5*, two approximately parallel white line markings of at least 100mm wide spaced at a width that reflects the width of the path meeting the roadway.

8.9(4) A road controlling authority may provide additional traffic control devices to draw attention to the likely presence of path users entitled to the use of the path priority marking.

8.9(5) If white lines installed in accordance with *clause 8.9(3)* do not contrast with the colour of the adjacent roadway, the roadway must be resurfaced or marked to provide a contrast to the white lines.

8.9(6) A path priority marking must be placed so that—

- (a) it is visible to a driver approaching the path priority marking from any direction; and

(b) the driver’s view of the entire length of the path priority marking is unobstructed by any permanent growth, construction, or physical feature.

2.12 Amendments to clause 11.4 (Facilities for cycles, transport devices, and mobility devices)

- 2.12(1) In the heading to *clause 11.4*, replace “**wheeled recreational devices**” with “**transport devices**”.
- 2.12(2) In *clause 11.4(2)*, replace “wheeled recreational devices” with “riders of transport devices”.
- 2.12(3) In the cross-heading above *clause 11.4(3)*, replace “wheeled recreational device” with “transport device”.
- 2.12(4) In *clause 11.4(3)*, replace “wheeled recreational devices” with “transport devices,”.
- 2.12(5) In *clause 11.4(4)*, replace “wheeled recreational devices” with “transport devices”.
- 2.12(6) In *clause 11.4(5)*, replace “, in the same manner as described in 10.5 for an intersection” with “as described in *clause 6.4(12)*”.

2.13 Amendment to Part 2 (Definitions)

- 2.13(1) In *Part 2*, in its appropriate alphabetical order, insert:
- transport device** has the same meaning as in *Part 2 of Land Transport Rule: Footpaths, Shared Paths, and Cycle Paths 2019*
- 2.13(2) In *Part 2*, revoke the definition of **wheeled recreational device**.

2.14 Amendments to Schedule 2

- 2.14(1) In *Schedule 2*, after **M2-4**, insert the marking **M2-4A** set out in the *Schedule* to this Rule.
- 2.14(2) Replace the heading to symbol M2-3C with “**Symbol for use at a path priority marking or driveway crossing for cycle path, shared path, or footpath**”.
- 2.14(3) Replace the heading to symbol M2-3D with “**Symbol for use at a path priority marking or driveway crossing for cycle path, shared path, or footpath**”.
- 2.14(4) In *Schedule 2*, after **M7-1**, insert:

Note: the word ONLY may be marked above a left turn arrow to indicate that all classes of road user must turn left, including cycles.

Schedule

Amendments to Schedule 2 of Land Transport Rule: Traffic Control Devices 2004

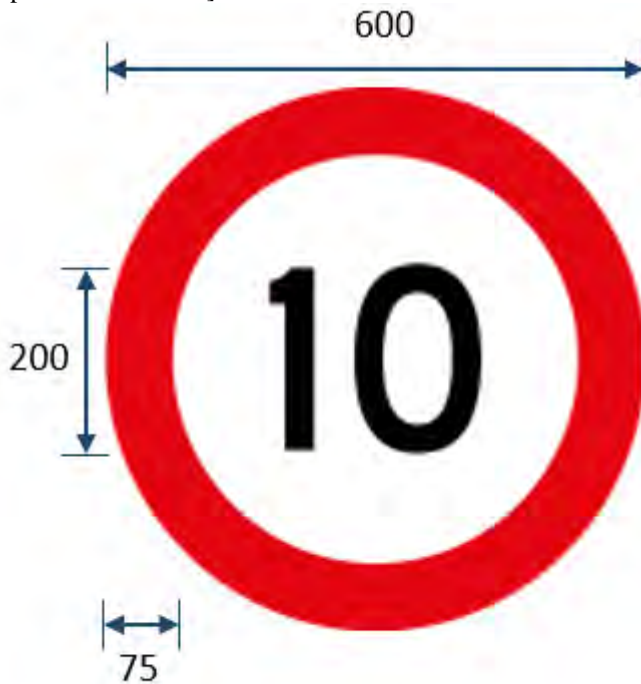
M2-7A Path speed limit

Shape and size: circle 600 mm diameter

Background: white

Border: red 75 mm

'[speed limit in km/h]' in black numerals size 200/31



Note – M2-7A can only be used in association with speed limits on paths as described in Land Transport Rule: Paths and Road Margins [2019].

In Confidence

Office of the Associate Minister of Transport

Chair
Cabinet Economic Development Committee

ACCESSIBLE STREETS REGULATORY PACKAGE: PUBLIC CONSULTATION

Proposal

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

Executive summary

2. The Accessible Streets Regulatory Package (Accessible Streets) is a collection of rule changes designed to increase the safety and accessibility of our footpaths, shared paths, cycle lanes and cycle paths. It supports the strategic objectives of the Government Policy Statement on Land Transport 2018 (the GPS) to improve people's access to social and economic opportunities, and to increase people's safety when using the transport system.
3. Cabinet was informed about these potential rule changes in a March 2018 paper outlining a planned programme of key short-to medium-term initiatives to improve road safety in New Zealand [DEV-18-MIN-0025 refers]. This include proposed rule amendments to improve safety and accessibility for vulnerable users¹. Accessible Streets is also identified in the 2018/19 Rules programme.
4. On 1 May 2019, Cabinet authorised Ministers to develop the package of draft amendments to land transport rules to give effect to the proposed Accessible Streets Package. I am now reporting back to Cabinet seeking approval to consult on proposed rules.
5. The proposed rules would:
 - 5.1. re-categorize the types of transport devices that are used on footpaths, shared paths, cycle paths and cycle lanes
 - 5.2. establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, while enabling localised decision making in regard to the use of these paths
 - 5.3. clarify rules and road controlling authority powers in relation to berm parking

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

- 5.4. enable transport devices², including e-scooters, to use cycle lanes
 - 5.5. establish consistent lighting requirements for transport devices and cyclists at night time
 - 5.6. improve the safety of vulnerable users at intersections and in traffic through a variety of give way rule changes
 - 5.7. mandate a minimum overtaking gap for motor vehicles when passing vulnerable road users
 - 5.8. give public transport buses priority when exiting bus stops.
6. The proposed rule changes respond, in part, to cyclists being disproportionately killed and injured on our roads. By increasing pedestrian and cyclist safety and priority, the proposed changes support the Government's focus on increasing the uptake of active transport modes.
 7. The rule changes also respond to the increasing use of different vehicles on our streets and paths. The increased use of these vehicles comes with significant transport benefits. However, there are also risks, as these vehicles are operated in contested space on the footpath and roadway.
 8. The proposed rules create a national framework where wide and fast moving vehicles are prohibited from using the footpath, and users of these vehicles have a safe alternative in shared paths, cycle lanes and cycle paths. The safety and priority of cyclists and users of transport devices is also increased at intersections and in traffic, further encouraging these users to avoid footpaths.
 9. Alongside this national approach, I propose to consult on an enabling framework that supports localism by allowing road controlling authorities to vary the speed limits and vary the permitted users of footpaths, shared paths, and cycle paths.
 10. In addition, the proposed rule changes support more efficient provision of public transport, and would help resolve ongoing disagreement about the powers of road controlling authorities to regulate berm parking.
 11. Most of the proposed changes are intended to support new behavioural norms on our roads and paths. To support these changes a national information and education campaign would be developed by the NZ Transport Agency. Significant changes may be required as a result of consultation. I will return to Cabinet before finalising the rules. I anticipate any rule amendments coming into force in June 2020.

Background to the Accessible Streets package

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

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

13. One of the initiatives identified in the March 2018 paper was a package of amendments to land transport rules to help make walking, cycling, and public transport safer and more accessible.
14. On 1 May 2019, Cabinet authorised a group of Ministers comprising the Minister of Finance, Minister of Transport, Attorney General, Associate Minister of Transport (Hon Shane Jones) and the Associate Minister of Transport (Hon Julie Anne Genter) to finalise the proposed draft amendment rule and associated materials for public consultation. I have issued drafting instructions to the Parliamentary Counsel Office. This paper seeks agreement to undertake public consultation on draft rules attached as Appendix A to give effect to these proposals. Associated materials (Overview, Communications Plan and Preliminary Regulatory Impact Assessment) are also attached as Appendices B-D, for your consideration.
15. Accessible Streets is a collection of rule changes that support the new focus in the GPS of improving New Zealanders' safety and access to economic and social opportunities. In particular, it aims to support a mode shift for trips in urban centres from private vehicles to more energy efficient, low-cost and healthier modes like walking, cycling and public transport. In doing so, it will help achieve the goal of reducing harmful transport emissions. It will also support other government agencies, such as the Ministry of Health, to increase value for money and reduce overall public spend, by increasing the uptake of transport modes that improve health and wellbeing.
16. We know that cyclists are being disproportionately injured and killed on our roads. Approximately three percent of on-road fatalities over the last decade were cyclist deaths. However, cycling only contributes 1.5 percent to total time spent travelling. Approximately 10 percent of on-road fatalities and 11 percent of serious injuries over the last decade were pedestrians. Walking comprises 10 per cent of the total time spent travelling.³
17. These statistics indicate that the current settings are not supporting walking and cycling as accessible and safe forms of travel. Internationally, greater priority is provided for users of active modes, and steps need to be taken in New Zealand to shift the culture to achieve greater priority for these users. Since the Government is focussed on increasing uptake of active modes, there is an opportunity to support this shift by changing the road rules.
18. Alongside addressing safety and priority issues for cyclists and pedestrians, the rule changes also respond to the increasing use of different vehicles on our streets and paths. These vehicles, including mobility scooters, e-bicycles and e-scooters offer significant transport benefits. They provide low-cost forms of mobility for short trips, often require no parking and compliment public transport. When used as an alternative to a private car their use has a public benefit of reducing congestion and harmful vehicle emissions.

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

19. Growth in the use of these vehicles, however, comes with risks as these vehicles are operated in contested space on the footpath and roadway. For example, pedestrians can be at risk from the higher speed of vehicles on the footpath, while people using these vehicles can be at risk from larger, faster moving motor vehicles on the road.
20. I want to ensure the Government supports increased mobility in our towns and cities and makes them more liveable and vibrant, while ensuring that safety is paramount. The proposed rule changes strike a balance between supporting the use of different transport devices, increasing the safety and uptake of active modes, and ensuring pedestrians continue to have priority on footpaths.

Wider benefits of Accessible Streets

21. An important part of making our streets safer and more accessible is ensuring that our design standards and guidelines support this. I expect the actions in the new road safety strategy to enable this, specifically in our urban areas where lower speed and risk environments should allow more trialling and innovation.
22. In the long-term, changes to street design will allow us to reap the benefits of vehicles like e-scooters and e-skateboards, and mitigate their risks. For example, greater provision of wide shared paths or bike lanes on busy streets will separate people using these types of vehicles from fast moving car traffic, as well as people walking on the footpath. The Government's increased investment in walking and cycling infrastructure in the GPS will help to facilitate this outcome over time.
23. The proposed changes are intended to give effect to recommendations from the 2014 Cycling Safety Panel's report *Safer journeys for people who cycle*, and respond to the report from the Transport and Industrial Relations Select Committee on the petition of Joanne Clendon in May 2016 [2014/59] on children cycling on the footpath.
24. I expect these changes will collectively improve access and safety, especially for people cycling, people using transport devices such as e-scooters, and other path users.

Defining what is meant by different types of pathways

25. The proposed rule changes will affect the use of footpaths, shared paths, cycle lanes, cycle paths, and the roadway. These different terms are defined in the Road User Rule as follows.
26. A *footpath* is a path or way principally designed for, and used by, pedestrians. It can currently be used by mobility devices and transport devices and by particular other vehicles in the course of making deliveries. Very small bicycles with a wheel circumference less than 355mm are also able to use the footpath – the largest wheel size that fits that measurement is about the bike size a five or six year old child would typically ride.
27. A *shared path* is a *path*, which may be used by pedestrians, cyclists, riders of mobility devices and riders of transport devices. A shared path can be used by the vehicles stated above, and a sign or marking can be used to give priority to a particular user

(e.g. pedestrians or cyclists). Road controlling authorities also have the ability to restrict the use of shared paths to certain users.

28. A *cycle lane* is a longitudinal strip within the roadway (often painted) designed for the passage of cycles, meaning users are in a separate lane from other traffic. They can be located next to parking, next to the kerb, and between two traffic lanes (for example, when approaching an intersection). Currently cycle lanes can only be used by cyclists.
29. A *cycle path* is a part of the road that is physically separated from motor traffic. They are generally next to the roadway, usually within the road reserve. They are intended for the use of cyclists, but may also be used by pedestrians, users of transport devices and users of mobility devices, unless signed and/or marked otherwise.
30. The *roadway* is the part of the road generally used by vehicles. Motor vehicles and bicycles can be used on the roadway, as can transport devices as long as they are used as far to the left as practicable. Pedestrians and mobility device users may use the roadway where there is no footpath provided.
31. A *berm* is a plot of grass, dirt, or cultivated garden located beside the roadway. They are typically located on raised kerb but can be located beside a roadway without a kerb.
32. The road is a broad term, including the road margin⁴ as well as the part of the road that motor vehicles use, cycle paths, cycle lanes, and footpaths.

Regulatory changes will be made through land transport rules

33. The primary changes are amendments to the Land Transport (Road User) Rule 2004 (the Road User Rule), the Land Transport (Traffic Control Devices) Rule 2004 and the drafting of a new Land Transport: Paths and Road Margins Rule 2019 (Paths Rule).⁵ Consequential amendments to other land transport rules including the Transport Rule Setting of Speed Limits Amendment (No 2) 2019 and to the Land Transport (Offences and Penalties) Regulations 1999 will also be required.
34. Accessible Streets is comprised of eight components and will amend rules to:
 - 34.1. re-categorize the types of transport devices that are used on footpaths, shared paths, cycle paths and cycle lanes
 - 34.2. establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, while enabling localised decision making in regard to the use of these paths
 - 34.3. clarify rules and road controlling authority powers in relation to berm parking

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

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

- 34.4. enable transport devices, including e-scooters, to use cycle lanes and cycle paths
- 34.5. improve the safety of vulnerable users at intersections and in traffic through a variety of give way rule changes
- 34.6. mandate a minimum overtaking gap for motor vehicles when passing vulnerable road users
- 34.7. establish consistent lighting requirements for transport devices and cyclists at night time
- 34.8. give buses priority when exiting bus stops

Components of the Accessible Streets package

Re-categorise vehicles and transport devices allowed on paths

- 35. I propose to consult on the new Paths Rule and amendments to the Road User Rule to redefine the categories of vehicles and transport devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes.
- 36. The current rules governing the use of these paths have not easily accommodated the growth of vehicles and transport devices like mobility scooters and e-scooters. The vehicles referred to in this paper, such as mobility devices⁶, e-scooters, e-skateboards, e-bikes, bicycles and push scooters are illustrated in Appendix E. In attempting to regulate new and emerging vehicles like e-scooters, it has become clear that the categories we use need to be updated to accommodate new and emerging technology.
- 37. I propose to create new categories of path users (Appendix F)⁷ to better regulate new and emerging transport devices. These categories will include:
 - 37.1. pedestrians (people on foot, unpowered and powered wheelchairs)
 - 37.2. powered wheelchairs (has its own category but is counted as a pedestrian)
 - 37.3. mobility devices (retaining the definition in the Land Transport Act 1998) are vehicles designed and constructed for use by people that require mobility assistance
 - 37.4. transport devices (replaces wheeled recreational devices) will refer to the same devices, consisting of two categories:
 - unpowered transport devices (small unpowered devices propelled by human power or gravity like skateboards, push scooters and roller blades)
 - powered transport devices (small electric devices like e-scooters and e-skateboards)

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

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

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

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

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

39. I propose to consult on establishing a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths. This framework is comprised of rules that:
- 39.1. clarify what and how vehicles can be used on footpaths
 - 39.2. provide for the creation and regulation of shared paths and cycle paths
 - 39.3. govern what and how vehicles can use shared paths and cycle paths
 - 39.4. enable local decision making in regard to what and how vehicles use footpaths, shared paths, and cycle paths.

Clarifying what and how vehicles use footpaths

40. The current rules governing our footpaths did not anticipate the growth of vehicles like e-scooters and e-skateboards. While these vehicles offer significant accessibility benefits, their use on footpaths needs to be managed to ensure pedestrians feel safe and their access is prioritised.
41. I propose to consult on a framework of new rules in the Paths Rule to govern how vehicles can be used on footpaths⁸. Under this framework vehicles being used on footpaths would:
- 41.1. have to be operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right-of-way to pedestrians⁹
 - 41.2. not be able to travel faster than 15km/h (to ensure the safety of others sharing the footpath)
 - 41.3. not be wider than 750mm.
42. The framework outlined above comprises general and easily understood requirements that are designed to promote behaviour change. Under this framework wide and fast moving vehicles will not be permitted to use footpaths. This will help manage the possibility of new and emerging technologies including, for example, small driverless delivery vehicles that might operate on footpaths for some, or all, of their journey. Permitted vehicles will also need to give way to pedestrians, in addition to the existing requirement to be courteous, considerate, and not constitute a hazard. This

⁸ Non-powered wheelchairs, prams, baby buggies and similar devices are not legally “vehicles” and would not be affected by any of these requirements. Existing provisions that prevent vehicles that can be registered for use on the road, such as motor bikes, mopeds or cars, from using the footpath would continue.

⁹ Users of non-powered wheelchairs are legally considered pedestrians.

recognises that with new and emerging vehicles, like e-scooters in use, pedestrian use of footpaths needs to be protected.

43. The 15km/h speed limit was chosen as it aligns with the speed restrictions on e-scooters that have been trialled in Auckland. The outcome of that trial will help inform consultation on whether this limit is too high or too low. Although Police have noted the challenges of enforcing a speed limit, a maximum speed is more enforceable than current requirements around wattage and power outputs of transport devices on the footpath.
44. The maximum width limit will ensure that multiple users can still access the footpath. I will also maintain existing exemption powers that allow the NZ Transport Agency to exempt certain classes of vehicles from specific legislative requirements. In addition, I will consult on whether there are certain classes of vehicle that should be automatically excluded from the width requirement. The NZ Post's Paxster small electric delivery vehicles currently operate under a provision that allows mail delivery services to operate motor vehicles on the footpath. They are expected to be exempted from any maximum width limit under the proposals, but would still need to comply with the proposed speed limit of 15km/h when on the footpath.
45. Powered wheelchairs will be excluded from the maximum width limit as they are defined as a pedestrian. All other vehicles that are wider than 750mm will not be permitted on the footpath, including mobility devices unless an exemption is granted. This is because a mobility device that exceeds 750mm is considered a mini-vehicle, not a mobility device. Devices such as pushchairs, manual wheelchairs and shopping trolleys will not be impacted by this width limit as they are not considered vehicles.
46. I am conscious that these changes may impact owners of mobility devices¹⁰ that are over 750mm wide that are currently unregulated. Owners of these devices would not be (legally) able to use them on the road either. This restriction may have a negative impact on public accessibility, participation and independence of some users. These concerns will need to be balanced against the potential for improved safety for other users of the footpath.
47. It is unclear what number of vehicles that currently use the footpath would be impacted by the proposed width restriction. Officials will seek feedback on this through the consultation process. I will consider whether there needs to be any special transitional arrangements for these users.
48. Public understanding of these rule changes will be supported through an information and education campaign that will be undertaken by the NZ Transport Agency before any rule changes are enacted. This campaign is explained in more detail in the publicity section below.

Allowing people to cycle on the footpath under the proposed restrictions

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

¹⁰ Ibid 2.

50. The intention is to primarily accommodate children cycling at slow speeds in places where cycling on the road would put them at risk.
51. The current rule that restricts cycling on the footpath is inconsistent and confusing for children. For example, young children can ride a push scooter on the footpath but cannot legally ride a normal sized bicycle. Under current rules very small bicycles with a wheel circumference less than 355mm are also able to use the footpath¹¹ – the largest wheel size that fits that measurement is about the bike size a five or six year old child would typically ride.
52. Most children are unaware that it is illegal to ride any bike larger than this on the footpath and the vast majority (86 percent of child cyclists between 7 and 15) have ridden on the footpath.¹²
53. Anecdotal evidence suggest that bad experiences cycling on the road deters children from cycling and parents from letting children do so. Submissions on Joanne Clendon's petition to Parliament in 2017 to allow children to cycle on the footpath also confirmed this view.
54. While this rule change would effectively allow anyone to cycle on the footpath, my expectation is that the proposed speed limit of 15km/h would deter the vast majority of adult cyclists, who travel at higher speeds, from doing so.
55. The associated information and education campaign would emphasise the message that this change is being made to keep children safe and that confident cyclists should continue using the road, cycle lanes, and cycle paths.

Providing for the creation of shared paths and cycle paths

56. I propose to consult on a framework in the Paths Rule that allows road controlling authorities to create shared paths and cycle paths. Currently shared paths are supported by provisions in the Traffic Control Devices Rule, but otherwise only exist in bylaws. There are no other empowering provisions in land transport rules. Meanwhile cycle paths are created under the Local Government Act 2002 or the Land Transport Act 1998.
57. This proposal would establish a single rule to empower the creation of these paths, alongside a national framework to regulate their use. Road controlling authorities would be able to establish shared paths and cycle paths by resolution and through registering these paths with the NZ Transport Agency. In creating this framework, the status of existing paths would not be affected.

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

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

¹¹ Because they come within the current "wheeled recreational device" definition.

¹² This is according to a 2016 survey by the Office of the Children's Commissioner:
<http://www.occ.org.nz/assets/Publications/Children-Riding-Bikes-on-Footpaths-submission2.pdf>, August 2016.

- 58.1. defining what vehicles can use shared paths and cycle paths, and what priority rules exist by default
- 58.2. establishing default speed limits for these paths that is the same as the adjacent road, or if there is no adjacent road, 50km/h.
59. Under the proposals the permitted users of shared paths would be largely the same as footpaths, except the speed limit and width limit would not apply. Currently shared paths do not have a default priority hierarchy, unless one is provided by a sign or marking. I intend to consult on establishing a default priority for shared paths where:
 - 59.1. cyclists and riders of transport devices give way to riders of transport devices, drivers of mobility devices, and pedestrians
 - 59.2. drivers of mobility devices give way to pedestrians.
60. This matches the current priority hierarchy of footpaths, and reflects the expected travel speeds of the different user types.
61. Meanwhile, transport devices, such as e-scooters, would be permitted to use cycle paths by default. Cycle paths would not have a default priority hierarchy, but users would be required to be courteous and considerate.
62. I don't expect this proposal to substantially alter the use or regulation of shared paths and cycle paths. However, it would clarify what rules apply to these spaces and ensure there is still a distinction between the different path types and the expected behaviours on each. It would also address an apparent oversight where, in some cases, councils have specified that cycle paths are only to be used by cycles.

Enabling local decision making

63. I propose to consult on a local decision-making framework in the Paths Rule that allows road controlling authorities to adopt variations to the national framework to account for local conditions and community views.
64. Road controlling authorities will be able to vary the default speed limits and the types of vehicles that may use footpaths, shared paths, and cycle paths. The road controlling authority will make the variation by registering it with the NZ Transport Agency through the National Speed Limit Register. A speed limit set by the road controlling authority would apply and be enforced under the rule in place of the default speed limit.
65. I envisage that road controlling authorities that are local authorities will decide to vary the default speed limit or permitted users by making a resolution, rather than by making a bylaw. Resolutions are a more efficient and effective means of enabling local authorities to vary national rules for local conditions, and enable the power to be delegated within the local authority. To support this, the draft rule does not specify that the local authority makes its decision by resolution. However, the overview document that will accompany the draft rule for consultation seeks feedback on whether this should be stated to provide certainty to local authorities.

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

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

67. I propose to consult on rules that would clarify that road controlling authorities can restrict motor vehicle parking on berms and the restrictions are enforceable whether signs are installed or not.
68. 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 they consider it unenforceable unless signs are erected every 100m. This would be costly and Auckland Transport has suggested the signs could create visual amenity issues.
69. Meanwhile, Christchurch City Council has a bylaw that prohibits berm parking that they consider is enforceable without the use of signs.
70. At the Local Government New Zealand (LGNZ) conference in July 2019, Auckland Council proposed a nationwide ban on berm parking as a mechanism to resolve the issue. The proposal was not supported by the LGNZ conference, with provincial councils speaking against it. As a result, I am proposing to retain the current rule, that motor vehicles can be parked on berms unless a road controlling authority makes a restriction.
71. Under the proposed change road controlling authorities will not be required to install signs to notify the public of berm parking restrictions. I am aware that the enforcement of parking restrictions in the absence of signs could be seen as unfair, since some people, such as visitors, may not be aware of a local restriction. To address this situation, the rules will require these parking restrictions to be registered with the NZ Transport Agency, which will be recorded on a national register that is available to the public.

Enabling safer and more accessible use of cycle lanes

72. I propose to consult on amendments to the Road User Rule to enable transport devices¹³, including e-scooters, to be used in cycle lanes¹⁴, to improve the safety and accessibility of vulnerable users.
73. Currently, only bicycles are allowed to use on-road cycle lanes. Along with the restrictions on footpath use, this rule change will encourage faster transport devices to move off the footpath, and onto parts of the road where they are less likely to come into conflict with either pedestrians or fast-moving motor vehicles. This will enable the accessibility benefits of transport devices to be better realised and improve the safety of other path users, especially pedestrians.

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

¹³ Ibid 3.

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

74. I also propose to consult on rule changes to address situations where people walking, cycling, using transport devices, or taking public transport are given less priority compared to people using cars, and to enable existing road user behaviour that is safe but currently illegal. Together with the proposed rules for footpaths, these changes will make it more appealing for users of transport devices, including e-scooters, to use roadways when other options are not available.
75. I propose to consult on amendments to rules to:
- 75.1. *Legitimise the practice of cyclists and users of transport devices riding straight ahead from a left-turn lane*: the left turning lane can be a safer option when cycle lanes are not available, as the lane usually has less traffic and slower travel speeds. As cyclists and transport devices need to ride as far left as practicable, left turning lanes can unfold beneath them on the approach to an intersection and it may be difficult to find a gap to move safely into the straight through lane in traffic.
 - 75.2. *Allow cyclists and users of transport devices to carefully pass slow-moving motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn)*: undertaking allows cyclists and users of transport devices to maintain a safe, steady speed past slow-moving and stop-start traffic, while following the rule requiring them to ride as far left as practicable. This contributes to shorter travel times for active and low emission transport modes, and helps cyclists and users of transport devices to access advanced stop boxes. It also helps them avoid the risks associated with moving between lanes of faster traffic. This change will legitimise already wide-spread practice by cyclists and allow this practice by users of transport devices.
 - 75.3. *Give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where the required traffic control devices are installed*: this change will mean path users going straight ahead through an intersection are treated consistently with other road users going straight through where appropriate traffic control devices are installed. This will reduce delays to path users and help to make active modes more attractive, without Road Controlling Authorities needing to resort to the expense of installing signalised crossings or full pedestrian crossings across more minor side roads.
76. In addition, Accessible Streets will clarify that cyclists, users of transport devices, and buses have priority over left-turning traffic when they are travelling straight through an intersection from a separated cycle or bus lane respectively. Officials have advised that this requirement already exists, and a rule change is not necessary. However, I propose to consult on the nature of the problem – and whether it can be addressed primarily through education.
77. Attached as Appendix G are graphic descriptions of the above proposed rule changes.
78. Again, public understanding of these rule changes will be supported through the information and education campaign.

Mandating a minimum overtaking gap for vehicles passing vulnerable road users

79. I propose a rule change to require minimum overtaking gaps for vehicles passing vulnerable users, including cyclists, pedestrians, horses, mobility device users and users of transport devices.
80. I propose to mandate a 1 metre minimum overtaking gap when travelling at or under 60km/h, and 1.5 metres when travelling over 60km/h.
81. Nine percent of cyclist crashes in New Zealand between 2008 and 2017 involved overtaking vehicles. These types of crashes are much more likely to be fatal than other types, with 20 percent of fatal cyclist crashes involving overtaking vehicles. The proposal is consistent with the Cycling Safety Panel's 2014 report, which made a recommendation that New Zealand should introduce a trial of a minimum overtaking gap rule change.
82. Other vulnerable users are equally exposed to risks from overtaking vehicles, and hence I am proposing to extend this proposal to a variety of users that could be using the roadway.
83. A rule change would help to clarify the current legal situation where cyclists and other vulnerable users are involved in accidents with overtaking motor vehicles, by providing an explicit offence. A mandated minimum overtaking gap rule may also, arguably, make a stronger case for the prosecution of vulnerable user fatalities for dangerous driving, if it can be proven that the closeness of the vehicle passing the user was a cause of the crash.
84. This change would set a clear expectation about what a safe minimum passing distance is, by legitimising what is currently a guideline and by raising awareness of this practice. I note there is existing guidance for passing horses in the New Zealand road code, which suggests (among other things) slowing down and passing carefully, giving the horse and rider plenty of room. My intention is that the minimum passing distance will not replace this guidance, but will establish a legal minimum alongside it.
85. While a number of other jurisdictions mandate minimum passing distances, such as most states in Australia, parts of the United Kingdom, and many states in the United States of America, there is only a small amount of research on the safety benefits of the policy. Some international evidence shows that mandatory minimum overtaking gaps lead to safety benefits for cyclists by reducing the number of dangerous close passes.
86. NZ Police have noted that mandatory passing distances would be difficult to actively enforce, however, these rules have been successfully enforced and prosecuted by Police in other jurisdictions. For example, the West Midlands Police force in the UK run a 'close passes' operation where unmarked police cyclists identify and radio in the details of close-pass drivers for in-car colleagues to stop. They have also used videos recorded by drivers and cyclists as an enforcement tool.
87. Public understanding of these rule changes will be supported through the information and education campaigns, explained in the publicity section below.

Consistent lighting requirements for transport devices and cyclists at night time

88. I propose to consult on a rule change that would require users of transport devices to meet similar lighting requirements to cyclists.
89. The proposed rule changes prohibit wide and fast moving transport devices from using the footpath and encourage users of these devices to use alternative paths or the road if no other path exists. To help ensure the safety of these users, and that they are visible to other road users, I propose to require the use of head lights and position lights at night time.
90. I anticipate there will be some users that will now need to use or wear lights, who did not previously, as a result of this change. This could have a cost impact on these users, but in my view the safety benefits are likely to outweigh this cost.
91. In particular, I will consult on whether the proposed requirement is practical for all users of transport devices and what impact there could be for existing share schemes for transport devices, such as e-scooters.

Giving buses priority when exiting bus stops in urban areas

92. I propose to consult on a change to a rule that would give buses legal priority when leaving a bus stop on a road with a posted speed limit of 60km/h or less. Currently, motorists do not have to give buses priority when pulling out from bus stops and back into the flow of traffic. This has become an increasing problem in Auckland but a law change would also benefit other urban centres. Bus drivers would still be required to indicate for three seconds and otherwise behave in a safe manner before pulling out.
93. Giving way to buses leaving a bus stop is currently only considered a courtesy. When this courtesy is not extended, it creates delays for buses as they must wait for a suitable break in traffic before merging back into the traffic flow. If this delay is repeated many times on a bus route, it significantly impacts on travel time reliability, and the efficient operation and perception of public transport.
94. This rule change would come at a small cost to other motorists, in time lost. It has a low safety risk, would provide a time benefit to bus passengers and operators, promote public transport and reduce confusion over who should give way. The change is intended to signal that public transport has priority in traffic flows, as buses are carrying more people than cars.
95. This rule shows the Government's broader support for the increased use of public transport to reduce congestion in urban areas. In addition, this rule change would assist with the full implementation of the Employment Relations Amendment Act 2018 provisions concerning rest and meal breaks, which will take effect for bus drivers from 6 May 2020. Reducing time spent at individual bus stops along routes would improve reliability and thereby make it easier to accommodate breaks within drivers' shifts.

Matters out of scope of rule changes

ACC and infrastructure levies

96. A number of Mayors and other commentators have questioned whether new vehicles, such as e-scooters, should contribute to the cost of providing transport infrastructure and ACC levies. I have therefore directed officials to consider the current situation regarding ACC and infrastructure levies, and how they might apply to transport devices.
97. ACC is considering how it might respond to the kinds of emerging technology and business models, such as e-scooter sharing companies. ACC is already working on injury prevention strategies and is looking to better understand the incidence and severity of injuries caused by e-scooters. It notes that funding to cover treatment and rehabilitation for injuries from e-scooters is already provided for, primarily through the earner's and non-earner's accounts.
98. Councils already have the power to apply an infrastructure levy to a company operating an e-scooter or bike hiring scheme. This is enabled through the Local Government Act 2002. Sections 150 and 151 allow for the setting of fees via council bylaw.

Accessible Streets will not make changes to helmet wearing requirements

99. Several stakeholders, including the Mayor of Auckland, raised the issue of whether helmets should be made mandatory for e-scooters.
100. In many respects, New Zealand is an outlier having previously made a decision to mandate helmets be worn by cyclists. Many other jurisdictions do not mandate helmet use by cyclists and the same requirement in New Zealand does not currently apply for users of skateboards or other transport devices.
101. I am aware there remain different views about the net safety benefits of helmet requirements. On one hand, it is clear that helmets provide a level of protection to individual users in the event of some crashes. On the other, there is evidence that the mandatory requirement serves as a deterrent to the uptake of active travel, which is likely to reduce health and other benefits; although the magnitude of this is debated.
102. A full analysis of the effectiveness of mandatory helmet requirements has not been undertaken and therefore I do not propose any changes to these requirements as part of Accessible Streets. Nevertheless, I anticipate some submissions on this matter.
103. While I encourage people to wear helmets when riding on the road, whether they are using a skateboard, push scooter or e-scooter, I have not asked officials to explore a mandatory standard.
104. The NZ Transport Agency view is that e-scooter and other wheeled device users are vulnerable to high speed conflicts with vehicles of much greater mass when using on-road cycle lanes. Its preferred approach is that users of transport devices be required to wear a helmet in such situations.
105. It is my view that until such time as we provide safer, separated infrastructure for users of active modes it would be inappropriate to consider removing the mandatory requirement for cyclists to wear a helmet.

Risks

106. Consultation on the Accessible Streets package is likely to create strong media and public interest (including potential diverse views from some sector groups). Issues around the use of the footpath and the equal treatment of people cycling are likely to be contentious among different interest groups, particularly those concerned about safety impacts for existing footpath users.
107. A communications package has been developed to support the consultation process and to manage the communications risks and is attached. The communications package include addressing the role of local government, particularly around e-scooter issues.
108. Most of the proposed changes are intended to support new behaviour norms, or in some cases, legitimise existing practices. Following consultation, a national public information and education campaign would be developed by the NZ Transport Agency to ensure that the desired behaviour changes actually occur.

Stakeholder views

109. This paper seeks agreement to consult on the Accessible Streets package of proposed rule changes. There has been no formal consultation with any groups so far. In some cases, targeted, initial consultation has been undertaken as part of research projects that ultimately led to the development of Accessible Streets and, where relevant, the views of stakeholders from this phase have been reflected in this paper and in the preliminary Regulatory Impact Assessment.
110. Diverse views are expected from consultation on Accessible Streets. I know that some stakeholders, such as some disabled person representatives and pedestrian advocates may be opposed to changes regarding allowing cycling on the footpath. Heavy vehicle operators and representatives of private motorists may also oppose the minimum overtaking gap and give way rule changes as they may consider them impractical to comply with. However, I expect most groups are likely to react positively to most elements of Accessible Streets.
111. Police supports the principles of the proposed Accessible Streets package. However, Police notes that there are significant enforcement challenges associated with some of the proposed rule changes, specifically those relating to potential speed limits for vehicles using the footpath, and minimum overtaking gaps for vulnerable users. These issues are discussed in paragraphs 43 and 86 respectively. Furthermore, Police notes that the changes also create an expectation that the proposed rules will be enforced. While Police is committed to ensuring the safety of all road users, Police must continually prioritise enforcement to those behaviours with the greatest road safety risk.
112. Accessible Streets is intended to support new behavioural norms on our roads and paths. While enforcement will be part of achieving this, the associated offences and penalties will predominantly be for minor infringements. For more serious offences there are existing regulations to support enforcement. I am aware that recently a rider of an e-scooter was charged with careless use of a vehicle causing injury after

colliding with a woman that was getting off a bus in Auckland. Accessible Streets will help change behaviour to reduce these sorts of incidents, however, the current regulations that allow enforcement of more serious offences will still remain.

Next Steps

113. I will return to Cabinet before making the rule changes to give effect to Accessible Streets. I will provide revised draft rules to Cabinet prior to signing, incorporating issues and changes as a result of the consultation process.
114. Officials have prepared an overview of the draft rules, which seeks feedback the proposals. I expect there will be media interest in the proposals and it is critical to send a clear message that the proposed changes to the rules are for consultation. Feedback will be taken into account to support any decisions on final rule changes.
115. A timeline will be developed for the preparation and delivery of an information and education campaign prior to the implementation of Accessible Streets. I anticipate that changes would come into effect in mid-2020.
116. Consequential changes to the Land Transport (Offences and Penalties) Regulations 1999 will be required to address any offences and penalties that need to be amended or prescribed. Once these have been identified, I will seek necessary policy approvals when returning to Cabinet with the revised rules. Subsequently a Cabinet paper seeking approval of any regulations will be prepared for consideration by the Cabinet Legislation Committee.

Consultation

117. The following departments were consulted on the development of this paper: ACC, LGNZ, Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, New Zealand Transport Agency, Office for Disability Issues, Te Puni Kokiri, Treasury, and WorkSafe New Zealand. The Department of the Prime Minister and Cabinet (PAG) was informed.
118. All organisations consulted support the proposals being used as the basis for consultation and are generally supportive of their intent. However, the Ministry of Health and the Ministry of Social Development raised concerns with the lack of consultation with the disability sector, and LGNZ with the local government sector. I have requested officials undertake targeted engagement with the local government sector and disability representatives during the consultation process.

Financial implications

119. There are no financial implications arising from Accessible Streets.
120. An education campaign is needed to support the implementation of parts of Accessible Streets. Implementation of the campaign is contingent on funding, which will be sought from the National Land Transport Fund.

Human rights implications

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

Legislative implications

122. A new Land Transport: Footpaths, Shared Paths, and Cycle Paths Rule 2019 will need to be put into effect to implement the changes proposed in the Accessible Streets package. The Land Transport (Road User) Rule 2004 and the Land Transport (Traffic Control Devices) Rule 2004 will need to be amended.
123. Consequential amendments to other land transport rules including the Transport Rule Setting of Speed Limits Amendment (No 2) 2019 and to the Land Transport (Offences and Penalties) Regulations 1999 is also required to give effect to the proposals in this paper.

Regulatory Impact Analysis

124. The Regulatory Impact Analysis requirements apply to Accessible Streets, and a preliminary Regulatory Impact Assessment has been prepared and is attached as Appendix D.
125. The preliminary Regulatory Impact Assessment has been reviewed by the Ministry of Transport's Regulatory Impact Assessment Panel as partially meeting the quality assurance criteria. The Regulatory Impact Assessment demonstrates a clear problem definition and sets out an adequate range of options and evaluation criteria.
126. The initial analysis in the preliminary Regulatory Impact Assessment has been used to support rule drafting and will be tested throughout the consultation process.
127. A final Regulatory Impact Assessment will be prepared before any amendment to rules are signed. It will be published on the Ministry of Transport's website.
128. We note that the minimum overtaking gaps chapter of the preliminary Regulatory Impact Assessment only considered impacts on cyclists, and not vulnerable road users. We will update this for the final Regulatory Impact Assessment.

Transitional arrangements

129. Once Accessible Streets is agreed, transport officials will develop an implementation plan, to go along with the communications package, to identify any necessary transitional arrangements.
130. The implementation plan will map out the development and timing of education and information campaigns around rule changes. I anticipate that the Accessible Streets package will come into effect in mid-2020.

Gender implications

131. No gender implications were identified by officials during the development of the proposals in this paper.

Disability perspective

132. It is recognised that the proposed changes may disproportionately impact people with disabilities, whose reliance on the footpath is higher than other parts of the population. These proposals may affect current users of mobility devices, whose use may be constrained compared to under current legislation. It may also affect people with limited visibility or hearing, who may feel at more risk if people are allowed to cycle on the footpath.
133. However it is also noted that the proposals aim to be implemented alongside the increase in cycling infrastructure and the 15km/h speed restriction on the footpath which will lower the risk to the more vulnerable footpath users.
134. I will work with disability organisations (in a way or manner that is accessible to disabled people) and other stakeholders during consultation to ensure their feedback is appropriately incorporated and any identified risks are minimised.
135. If Accessible Streets is implemented, the Ministry of Transport will work with the NZ Transport Agency, the Office for Disability Issues, the Ministry of Health and disability organisations to monitor and respond to any change in the level of services for people with disabilities, should it be necessary.

Publicity

136. The NZ Transport Agency have prepared a communications plan for the release of the draft amendment rule, as part of the normal rule making process.
137. A separate communications plan will also be developed for the final Accessible Streets package of changes once agreed.
138. I intend that this paper and the final Regulatory Impact Assessment, reflecting the feedback from consultation, will be publicly released on the Ministry of Transport's website.

Public information and education campaign

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

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

Proactive Release

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

Recommendations

142. The Associate Minister of Transport recommends that the Committee:
1. **agree** to proceed to public consultation on draft rules for the Accessible Streets Regulatory Package.
 2. **agree**, subject to consultation, to re-categorise vehicles and transport devices allowed on footpaths, shared paths, cycle paths and cycle lanes
 3. **agree**, subject to consultation, to establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths that:
 - 3.1. clarifies what and how vehicles can be used on footpaths;
 - 3.2. provides for the creation and regulation of shared paths and cycle paths;
 - 3.3. governs what and how vehicles can use shared paths and cycle paths; and
 - 3.4. enables local decision making in regard to what and how vehicles use footpaths, shared paths, and cycle paths.
 4. **agree**, subject to consultation, that the conditions under which vehicles operate on the footpath are that they:
 - 4.1. are operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians;
 - 4.2. do not travel faster than 15km/h (to ensure the safety of others sharing the footpath); and
 - 4.3. are not wider than 750mm (to enable multiple users to still access the footpath).
 5. **agree**, subject to consultation, to clarify that road controlling authorities can restrict motor vehicle parking on berms and the restrictions are enforceable whether signs are installed or not
 6. **agree**, subject to consultation, that road controlling authorities can vary the default speed limits and permitted users of paths, and establish berm parking restrictions by resolution, and for these variations to be made by inclusion on a publicly available register maintained by the NZ Transport Agency.





7. **agree** subject to consultation, to enable transport devices, including e-scooters, to be used in cycle lanes and cycle paths.
8. **agree**, subject to consultation, to improve the safety of cyclists and other road users at intersections by:
 - 8.1. allowing cyclists and users of transport devices to ride straight ahead from a left-turn lane;
 - 8.2. allowing cyclists and transport devices to carefully pass slow-moving motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn);
 - 8.3. enabling road controlling authorities to give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where the required traffic control devices are installed.
9. **agree**, subject to consultation, to mandate a minimum overtaking gap for motor vehicles when passing cyclists, pedestrians, horses, mobility device users and users of transport devices on the road. This will require a gap of 1 metre when travelling at or under 60km/h, and 1.5 metres when travelling at over 60km/h.
10. **agree**, subject to consultation, to require users of transport devices to use of head lights and position lights at night time, as is currently required of cyclists.
11. **agree**, subject to consultation, to give buses priority when exiting bus stops on roads where the posted speed limit is 60km/h or less.
12. **invite** the Associate Minister of Transport to proceed to public consultation on the draft rules.
13. **authorise** the Associate Minister of Transport to make any necessary editorial or minor policy changes that arise in between cross party consultation and prior to its release for public consultation.
14. **invite** the Associate Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to develop a draft final amendment to the Land Transport (Road User Rule) 2004 and consequential amendments to regulations following consultation on the Accessible Streets Regulatory Package
15. **note** that work on standards and guidelines for our roads and streets is being progressed through the road safety strategy.
16. **note** that ACC is considering how it might respond to the kinds of emerging technology and business models seen in the micro-mobility sector.
17. **note** that councils are able to impose levies on e-scooter sharing operators through existing bylaw-making powers under the Local Government Act 2002.

18. **note** that the Accessible Streets Regulatory Package will not address whether helmets should be mandatory for transport devices nor whether helmets should continue to be mandatory for cycling.
19. **note** that the initial analysis in the preliminary Regulatory Impact Assessment were used to support the development of the draft amendment rules and will be tested through the consultation process.
20. **note** that a final Regulatory Impact Assessment will be prepared before any amendments to rules are signed and will be published on the Ministry of Transport's website.
21. **note** that a communication plan has been prepared for the release of the draft amendment rule and is attached to this paper. A final communication plan will also be prepared for the final Accessible Streets Regulatory Package of changes once agreed, as part of the normal rule making process.
22. **note** that an implementation plan will be prepared that will map out the timing for bringing the amendment rule into force and for the required education campaigns on rule changes.
23. **note** this paper, along with the Regulatory Impact Assessment, will be proactively released following Cabinet's approval of the paper.

Hon Julie Anne Genter
Associate Minister of Transport

Dated: _____







**Appendix E:
Types of device and vehicles and where they can go under the current state**

Category (Device/vehicle)	Footpath	Shared path	Cycle path	Cycle lane	Road
Pedestrian 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Mobility device 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Wheeled 	✓	✓	✓	✗	✓
Cycles and e-bikes 	✗	✓	✓	✓	✓

- An orange tick means the device/vehicle can have access if an RCA permits it.
- A green tick means the device/vehicle has access by default. If there is an orange blurb around the green tick, this means a RCA can restrict its use via a bylaw.
- A red cross means the device/vehicle is not permitted in that space at all.

Appendix F: Types of devices/vehicles and where they can go under the proposed changes

NB: This includes medical mobility devices as their own category

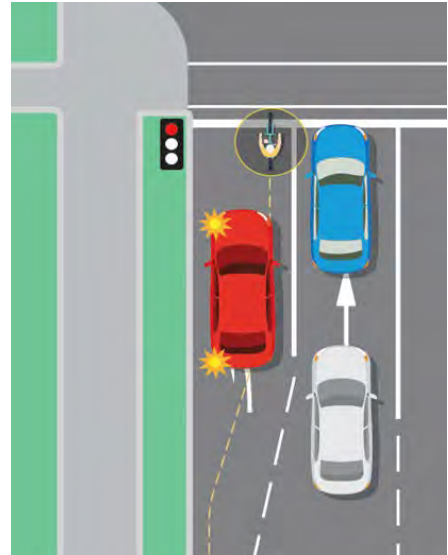
Category	Footpath	Shared path	Cycle path	Cycle lane	Road
Pedestrian 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Powered wheelchair 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Mobility device 	✓	✓ (Cannot be excluded if no footpath is available)	✓	✓ (If footpath is not available)	✓ (If footpath is not available)
Unpowered transport device 	✓	✓	✓	✓	✓
Powered transport device 	✓	✓	✓	✓	✓
Cycles and e-bikes 	✓	✓	✓	✓	✓

- An orange tick means the device/vehicle can have access if a road controlling authority permits it.
- A green tick means the device/vehicle has access by default. If there is an orange border around the green tick, this means a road controlling authorities can restrict its use.
- A red cross means the device/vehicle is not permitted in that space at all.

Appendix G: Graphic descriptions of give way rule changes

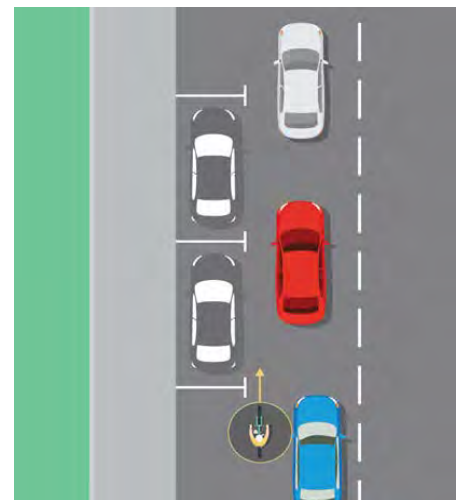
Legitimise the practice of cyclists riding straight ahead from a left-turn lane.

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



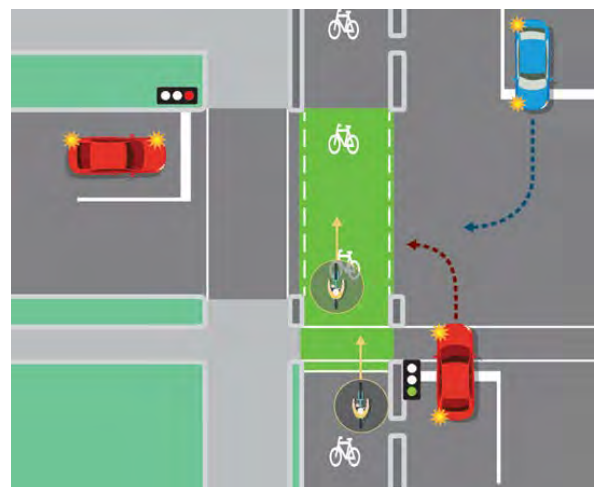
Allow cyclists to carefully pass slow-moving or stationary motor vehicles ('undertake') on the left (unless the motor vehicle is indicating a left turn).

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



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

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



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

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

