

ACCESSIBLE STREETS CONSULTATION

Submission form

The Ministry of Transport and Waka Kotahi NZ Transport Agency are proposing a collection of rule changes that we call the Accessible Streets Regulatory Package.

Thank you for taking time to tell us what you think. Please answer as many or as few questions as you choose to answer.

You can find information about these proposals in the Accessible Streets Overview (available at www.nzta.govt.nz/accessible-streets-consultation), which includes the same questions included in this online submission form. You may want to have the Accessible Streets Overview open in a different window or printed alongside you.

Please remember your submission is public information and we will use your submission to help us make the changes to the rules.

Please note that the Transport Agency will publish a summary of submissions. If you do not want your name or any identifying information to be included in anything we publish (including because you believe your comments are commercially sensitive) please indicate this clearly in your submission.

Please note that your submission is also subject to the Official Information Act 1982 (OIA). This means that other people will be able to obtain copies of submissions by making a request under the OIA. If you think there are grounds for your information to be withheld under the OIA, please note this in your submission. We will take your reasons into account and may consult with you when responding to requests under the OIA.

1. Please answer a few questions about yourself

NAME:

ORGANISATIONS
REPRESENTING:

ADDRESS:

EMAIL:

PHONE:

Proposal 1: Change and re-name the types of devices that used on footpath, shared paths, cycle paths and cycle lanes

Proposal 1A: Pedestrians and powered wheelchair users

2. We are proposing to include people using powered wheelchairs in the pedestrian category. How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

Proposal 1B: Changing wheeled recreational devices

3. Our proposed change will replace the wheeled recreational device category with two new groups of devices: unpowered transport devices (for example push-scooters, skateboards) and powered transport devices (for example e-scooters, YikeBikes).

We are proposing to include people using powered wheelchairs in the pedestrian category. How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

4. We're proposing that the new category of powered transport devices will consist of low-powered devices that have been declared by the Transport Agency not to be a motor vehicle.

What steps (if any), do you think the Transport Agency should take before declaring a vehicle not to be a motor vehicle?

5. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions?
- ☐ Yes
- ☐ No
6. If yes, should the Transport Agency be able to apply conditions regardless of the power output of the device?
- ☐ Yes
- ☐ No

What was the reason for your answer? Do you have any other comments?

7. We propose to clarify that:
- a) low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency (e.g. hover boards, e-skateboards and other emerging devices) are not allowed on the footpath
 - b) these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards and cannot be registered.
 - c) if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes).

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

Proposal 1C: Clarifying cycles and e-bikes

8. Child cycles that are not propelled by cranks, such as balance bikes, will be defined as transport devices.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

Proposal 1D: Mobility devices

9. We're proposing that users of mobility devices will have the same level of access as pedestrians, but they will have to give way to pedestrians and wheelchair users.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

10. Do you think there will be any safety or access-related problems with mobility devices operating in different spaces? Please explain.

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

Alternative proposal

12. We have outlined an option to not change vehicle definitions. This means we would make changes at a later date instead. Do you prefer this option to our proposal to change vehicle definitions now (see proposals 1A, 1B, 1C, 1D for more details)? Why/why not?

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

13. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath – provided users meet speed, width and behavioural requirements.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

14. Do you think there should be any other requirements, in addition to speed, width and behaviour?

15. We have outlined two alternative options to address cycling on the footpath. These are:

- a) Allow cyclists up to 16 years of age to use the footpath
- b) Continue the status quo, where most cyclists are not allowed to use the footpath.
- c) Neither option.

What option do you prefer instead of allowing cyclists on the footpath?

- ☐ A
- ☐ B
- ☐ C

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

- ☐ Yes, I would support an age limit
- ☐ No, I would not support an age limit

If yes, what age would you prefer?

17. We propose to allow road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments, including on the proposed process?

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

- ☐ Yes
- ☐ No

What are the reasons for your answer? Do you have any other comments?

Alternative proposal

19. We're proposing that road controlling authorities consider and follow certain criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. These criteria are:

- consider relevant guidance developed by the Transport Agency
- consider any alternative routes or facilities that will no longer be available to the user due to a restriction
- consider 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
- take their submissions into account

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments about how will this affect you or whether you think the proposed changes are practical?

20. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements? Why/why not?

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

21. We propose that pedestrians should always have right of way on the footpath.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Do you have any other comments?

22. This proposal will require footpath users to operate vehicles in a courteous and considerate manner; travel in a way that isn't dangerous; and give way to pedestrians.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was the reason for your rating? Are there any other requirements we should consider?

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

23. We are proposing to set a default speed limit of 15km/h for footpaths.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Do you think the proposed speed limit should be higher or lower?

24. Under the proposed changes, road controlling authorities will be able to lower the default speed limit for a footpath or area of footpaths.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Do you have any other comments?

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

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

26. We are proposing that the width of devices used on the footpath should not exceed 750mm (with the exception of wheelchairs). Do you think this is:

- ☐ Too wide
- ☐ About right
- ☐ Too narrow

What is the reason for your rating? Do you have any other comments?

27. Do you use a mobility device?

- ☐ Yes
- ☐ No

If yes, what is the width of your device? Would the proposed width restriction impact you?

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

- ☐ Yes
- ☐ No

What is the reason for your response?

29. We propose that people who already own a device wider than 750mm could apply for an exemption. We're also considering three alternative approaches to mitigate the impact on existing device owners.

Which is your preferred option?

- ☐ a. Mobility devices purchased before the rule changes would be automatically exempt from the width limit.
- ☐ b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act and exclude them from width requirements.
- ☐ c. Apply a separate width limit to mobility devices.

Do you have any comments on these alternatives?

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

30. We are proposing that a person using a shared path or cycle path must travel:

- a) in a careful and considerate manner
- b) at a speed that is not dangerous to other people on the path
- c) in a way that doesn't interfere with other people using the path.

How much do you agree or disagree with these proposed behavioural requirements?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Should there be other requirements or rules to use a shared path or cycle path?

31. We propose that all users will need to give way to pedestrians when using a shared path.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Do you have any other comments?

32. We propose that, if a shared path or cycle path is adjacent to a roadway, the speed limit will be the same as the roadway – which is currently the case. If a shared path or cycle path is not located beside or adjacent to a roadway, then our proposed change clarifies that the path has a default speed limit of 50km/h.

How much do you agree or disagree with the proposed speed limits for shared paths and cycle paths?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Do you have any other comments, including on the proposal to allow road controlling authorities to change limits?

33. We are proposing that road controlling authorities should be able to declare a path a shared path or a cycle path by making a resolution.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? What factors should be considered when road controlling authorities make this decision?

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

How much do you agree or disagree with this proposal?

- ☐ Yes
- ☐ No

What is the reason for your response? Do you have any other comments?

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

35. We are proposing that devices other than cycles should be allowed to use cycle lanes and/or cycle paths?

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Should there be any other requirements?

36. We are proposing that road controlling authorities should be able to exclude transport devices from cycle lanes and/or cycle paths?

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What is the reason for your rating? Should there be any other requirements?

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

37. We are proposing that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

39. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at night time?

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

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

40. We propose that cyclists and users of transport devices (like skateboards and scooters) should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

41. We propose that cyclists and users of transport devices (like skateboards and scooters) should be allowed to 'undertake' slow-moving traffic.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

42. We propose that turning traffic should give way to buses, cyclists, and users of transport devices travelling straight through an intersection from a separated lane.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

43. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary?

- ☐ Yes
- ☐ No

What was your reason for your response? Do you have any other comments about the proposal?

44. Should the definition of a separated lane include the distance between the lane and the road?

- ☐ Yes
- ☐ No

What was your reason for your response? Do you have any other comments about the proposal?

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

45. We propose that turning traffic should give way to path users crossing a side road with the proposed minimum markings of two parallel white lines.

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

Additional questions for road controlling authorities

46. Do you think that the proposed minimum markings of two parallel white lines are appropriate? Please explain.

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

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

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

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

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

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

Proposal 9: Give buses priority when exiting bus stops

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

How much do you agree or disagree with this proposal?

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly agree
- ☐ I don't know

What was your reason for your rating? Do you have any other comments about the proposal?

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

- ☐ Yes
- ☐ No

In what situations should traffic give way to buses? What was your reason for your response? Do you have any other comments?

Thank you for making a submission on the Accessible Streets Regulatory Package.

Visit www.nzta.govt.nz/accessible-streets-consultation for updates or if you have any questions please email us at accessible.streets@nzta.govt.nz

Full responses to questions where TCC commentary was larger than the visible response box:

32

- Question
 - We propose that, if a shared path or cycle path is adjacent to a roadway, the speed limit will be the same as the roadway – which is currently the case. If a shared path or cycle path is not located beside or adjacent to a roadway, then our proposed change clarifies that the path has a default speed limit of 50km/h. How much do you agree or disagree with the proposed speed limits for shared paths and cycle paths?
- TCC Response
 - DISAGREE
 - TCC supports speed limits but believes a default 50km/h limit for shared paths is too high and that the speed limit of the adjacent roadway should not be the deciding factor in the speed of the shared/cycle path. TCC recommends a speed limit be established as the lesser of 40km/h or speed limit of the adjacent roadway. TCC supports the ability for RCAs to change speed limits, but believes a national approach is beneficial, with RCAs should only make exceptions when necessary.

37

- Question
 - We are proposing that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night. How much do you agree or disagree with this proposal?
- TCC Response
 - DISAGREE
 - TCC recognizes the potential safety benefits of having a headlamp, rear facing light, and reflector for use at night. However, some devices will need to fall into the "grandfathered" category and other devices would be a challenge to find after-market parts to satisfy this requirement. TCC proposes that the requirements not be tied to the device, but apply to the use of the device, of which a combination of user or device could satisfy the requirement.

43

- Question
 - Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary?
- TCC Response
 - YES
 - TCC supports having national guidance be provided but contends a default rule for all non-signalized intersections and a broad educational campaign is more practical than requiring RCAs to implement signage or markings at each intersection. Costs (and additional funding) to install and maintain any type of signage or markings need to be strongly considered when making a final decision.

45

- Question
 - We propose that turning traffic should give way to path users crossing a side road with the proposed minimum markings of two parallel white lines. How much do you agree or disagree with this proposal?

- TCC Response
 - AGREE
 - TCC strongly agrees that priority should be provided to footpath, shared path, and cycle paths users when crossing a side road and suggests priority be given to those path users over turning traffic holistically (not just when marked) - unless they approach a signalized intersection. If that became the rule, then the markings would not be necessary - as any type of markings would be a large strain to install and maintain given the potential number of locations required. A better investment may be a very broad education campaign and driver education as part of overall communications with all the rule changes in the package.

46

- Question
 - Do you think that the proposed minimum markings of two parallel white lines are appropriate? Please explain
- TCC Response
 - TCC has some slight reservations with two parallel lines approach as they would be new markings and would be seeking behaviour for users similar to that of a zebra crossing. However, we recognize that the proposed markings do balance the need for some visual cues to distinguish a change in priority of users without a very costly burden on councils. As stated above, TCC's preference would be that no markings are required and that a broad education campaign be undertaken to educate road users on the new rules.

49

- Question
 - We are proposing that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register. How much do you agree or disagree with this proposal?
- TCC Response
 - AGREE
 - TCC supports the proposal to not require signs to identify areas where and when parking behind the kerb / berm parking is banned. TCC recommends that the proposal goes further in this regard on the basis that parking behind the kerb on the berm is more often inappropriate than it is appropriate. This type of parking often compromises sightlines for vehicle users, places vulnerable road users at increased safety risk and reduces street amenity value. TCC recommends that in the urban environment the default position should be that parking partially or wholly behind a formed kerb is not permitted.
 - Councils should, through the bylaw process or by the proposed resolution process, be able to designate locations where and when berm parking is permitted. Councils would also be able to use discretion in the enforcement of the rule. The current proposal will not resolve the continual catch up that Councils are doing as they respond to more and more inappropriate and unsafe parking behaviours. A stronger position from a national level is sought.
 - Given that some of the confusion that exists currently around berm parking has resulted from a lack of clarity around the definition of a footpath, resulting in uncertainty as to whether parking on a grass berm can legally be interpreted as parking on the footpath, TCC recommends that this matter should be clarified in the package.