

Policy Statement on Use of Footpaths
Living Streets Aotearoa
15th October 2015

Footpaths are for Feet

Footpaths are the foundation of our public spaces, used by all members of the community – including older people, families, those in wheelchairs and people with disabilities. Footpaths are not only thoroughfares – they are for stopping, talking, playing, living and learning on. Footpaths provide for independence, promote health, and connect neighbours.

Increasingly footpaths are coming under pressure to be used by vehicles of all types. Fortunately, throughout New Zealand the law is clear that footpaths are principally for pedestrians. Pedestrians are people on foot and include people in wheelchairs and children in pushchairs.

Walking is the most popular, affordable and easy to do form of physical activity.¹ It is important people **are safe** and **feel safe** when walking on footpaths.

Living Streets Aotearoa wants the current New Zealand law to be retained so that footpaths are for pedestrians, and vehicles are only permitted in very limited circumstances.

Living Streets Aotearoa wants to see use of new vehicles restricted to roads or specially provided recreational areas. They do not belong on our footpaths.

Living Streets supports current legislation which does not permit parking on footpaths, and urges local authorities to enforce this.

This position statement covers 3 areas of concern:

1 Parking on footpaths

Vehicles parked on footpaths force people to walk unsafely in the roadway. Children and people with pushchairs should not have to do this. Cluttered or blocked footpaths can make older people fearful, and deter them from leaving their homes if they aren't sure that they can use the footpaths on their local streets safely. People with visual or mobility impairments may not be able to see these parked vehicles or negotiate their ways around them.

Parking on the footpath can cause substantial damage to footpaths, kerbs and grassed berms. This costs ratepayers thousands of dollars each year to repair.

1 Sport and Active Recreation in the Lives of NZ Adults: 2013/14 Active NZ Survey Results (Sport NZ 2015)

Vehicles are not allowed to park on footpaths in New Zealand [see the New Zealand legislation excerpts in Appendix 1].

Living Streets supports this legislation and would like to see it be more effectively enforced.

2 Cycling on footpaths

Cycling is not allowed on footpaths in New Zealand (except for mail deliveries) and cycling is not allowed on pedestrian crossings.

Cycling on footpaths is intimidating and creates an unsafe feeling for pedestrians. It disrupts the activity of people walking, children playing or people socialising on the footpath. These fast moving vehicles pressure pedestrians to 'keep left' or 'keep moving' or 'get out the way'.

Footpaths are critical for all members of our community, including older people and people with limited mobility or vision, to move around their neighbourhoods. Having cyclists ride on footpaths deters people from walking and utilising these important public spaces. Nothing should undermine the important role of footpaths in our community.

The evidence indicates that riding on footpaths is no safer for cyclists than cycling on the road. A comprehensive literature review of European and North American research found "Most studies that considered sidewalk-riding suggested that it is particularly hazardous for cyclists, with estimates of 1.8 to 16 times the risk of cycling on-road."²

Australian evidence suggests that cyclists do not necessarily slow down when they share a path with pedestrians. A study from Sydney and Newcastle found the average speed of cyclists on footpaths was 21 km/h, exactly the same speed as cyclists on roads with a speed limit of 50 km/h or less.³

The interaction between pedestrians and cyclists is increasingly causing safety concerns. Some of these concerns are real and others are perceived, but nevertheless important in terms of people's willingness to walk. No 'improvements' in safety or perception of safety for one group should be at the expense of safety or perceived safety for another.

2 [□] Reynolds, C; Harris, M; Teschke, K; Cripton, P; and Winters, M (2009). 'The Impact of Transportation Infrastructure on Bicycling Injuries and Crashes: A Review of the Literature.' *Environmental Health*, Vol. 8, 2009.

3 [□] Grzebieta R; McIntosh A; and Chong S (2011). *Pedestrian-Cyclist Collisions: Issues and Risk*. Australasian College of Road Safety Conference, Melbourne 1-2 September 2011.

Living Streets Aotearoa strongly supports retention and better enforcement of the existing law so that footpaths are for pedestrians.

3 New vehicles on footpaths

Importers are bringing a whole new range of vehicles into New Zealand with the hope that they will be able to be used on footpaths. This will require law changes and the pressure is on our elected representatives to allow this.

These vehicles include motorised foot scooters, skateboards, electric bicycles, four wheel 'golf' cart style vehicles for NZ Post use, segways, large 'mobility' scooters, and more.

These new vehicles will create more of the same issues seen with parking or cycling on footpaths. They are fast and big, they take up pedestrian space and require further public provision to service them, and are intimidating. It will be difficult to monitor and enforce conditions on their use as we have seen on 'shared paths' and in 'shared zones'. Already some deliverers are riding motorcycles on footpaths without approval of the road controlling authority and at dangerous speeds.

Living Streets Aotearoa supports slower speeds in urban areas; 30km hour is plenty on many urban roads. This will make them safer and seem safer for cyclists and those who choose to use these new vehicles.

Living Streets Aotearoa wants to see use of new vehicles restricted to roads or specially provided recreational areas. They do not belong on our footpaths.

Appendix 1.

New Zealand legislation excerpts (October 2015) - You will see as you read through these excerpts from New Zealand law that the definitions are not entirely consistent. Living Streets Aotearoa would welcome a thorough overhaul of transport legislation to strengthen provision and consistency for pedestrians.

Land Transport Act 1998

road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

vehicle—

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair:
 - (ii) a shopping or sporting trundler not propelled by mechanical power:
 - (iii) a wheelbarrow or hand-trolley:
 - (iv) *[Repealed]*
 - (v) a pedestrian-controlled lawnmower:
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - (vii) an article of furniture:
 - (viii) a wheelchair not propelled by mechanical power:
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
 - (x) any rail vehicle

Land Transport (Road User) Rule 2004

footpath means a path or way principally designed for, and used by, pedestrians; and includes a footbridge

pedestrian—

- ! (a) means a person on foot on a road; and
- ! (b) includes a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle

pedestrian crossing means a pedestrian crossing duly established and marked on a roadway in accordance with clause 8.2 of Land Transport Rule 54002: Traffic Control Devices 2004

road user means a driver, rider, passenger, or pedestrian

roadway means that portion of the road used or reasonably usable for the time being for vehicular traffic in general

6.14 Parking on footpaths or cycle paths

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

(2) Subclause (1) does not apply to cycles if a road controlling authority indicates otherwise by means of signs or markings or if it installs facilities for the parking, standing, or storage of cycles on a footpath or cycle path.

(3) Nothing in subclause (1) prevents a person from stopping, standing, or parking a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.

11.1 Use of footpath and roadway

(1) A pedestrian must, at all times when practicable, remain on the footpath if one is provided.

(2) A driver must not drive a mobility device on any portion of a roadway if it is practicable to drive on a footpath.

(3) A pedestrian or driver of a mobility device or a wheeled recreational device using the roadway must remain as near as practicable to the edge of the roadway.

(4) A driver of a mobility device or wheeled recreational device on a footpath

(a) must operate the device in a careful and considerate manner; and

(b) must not operate the device at a speed that constitutes a hazard to other footpath users.

(5) A person using a wheeled recreational device on a footpath must give way to pedestrians and drivers of mobility devices.

(6) A pedestrian must not unduly impede the passage of—

(a) a mobility device or wheeled recreational device permitted to use the footpath by this clause; or

(b) a moped or motorcycle permitted to use the footpath by [clause 2.13\(2\)](#). [in the course of delivering newspapers, mail, or printed material to letter boxes if the road controlling authority has authorised the use of the footpath for that purpose.]

11.11 Riding cycles on footpaths, etc

(1) A person must not ride a cycle on a footpath or on a lawn, garden, or other cultivation forming part of a road.

(2) Subclause (1) does not apply to a person who rides a cycle on a footpath in the course of delivering newspapers, mail, or printed material to letterboxes.

Transport legislation excerpts October 2015

Local Government Act 1974

access way means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve

footpath means so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof

road means the whole of any land which is within a district, and which—

(a) immediately before the commencement of this Part was a road or street or public highway; or

(b) immediately before the inclusion of any area in the district was a public highway within that area; or

(c) is laid out by the council as a road or street after the commencement of this Part; or

(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or

(e) is vested in the council as a road or street pursuant to any other enactment; and includes—

(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the [Public Works Act 1981](#) or in any regulations under that Act, does not include a motorway within the meaning of that Act or the [Government Roding Powers Act 1989](#)

331 Footpaths and channels

(1) The council may, in such manner as it thinks fit, form or upgrade footpaths on one side or both sides of any road, and may construct those footpaths of such dimensions and of such materials and in such manner as it thinks fit, and may impose a charge not exceeding half the cost of those works upon the owners of lands and buildings fronting the road. The amount so imposed shall be payable to the council and until paid shall be in every case a charge on the land.

(2) In forming or reforming any road or part thereof (not being a road in a rural area), the council shall ensure that reasonable and adequate provision is made for the kerb and channel of any footpath or part thereof to be formed or reformed so as to permit safe and easy passage from kerb to kerb of any mechanical conveyance normally and lawfully used by a disabled person:

provided that the New Zealand Transport Agency may at any time exempt in whole or in part the forming or reforming of any road or part thereof from any requirements of this subsection, if, having regard to all the circumstances, the New Zealand Transport Agency considers that it is reasonable to grant the exemption.