

Submission Guide on the Accessible Streets Regulatory Package

1. This is a guide for writing basic submissions on the Accessible Streets Regulatory Package that the Government is consulting on.
2. If the proposals in it are approved then the rules around the use of footpaths and shared paths will change.
3. This does not have to go back to Parliament for scrutiny. The Minister, Julie Ann Genter, gets to approve them after her Ministry provides comments on the submissions received so **your submission is important**.
4. The closing date is currently 22nd April at 5pm. Remember to include your name and contact details.
5. If you would like to see the detail of what is proposed go to <https://www.nzta.govt.nz/about-us/consultations/accessible-streets> .
6. You can request a physical copy of the proposals by calling 0800 699 000 or emailing accessible.streets@nzta.govt.nz .
7. If you have questions about any of it, please email accessible.streets@nzta.govt.nz .
8. Submissions can be made
 - a) as a set of paragraphs or points on the proposals and emailing them to accessible.streets@nzta.govt.nz or posting them to

Free Post 65090
NZ Transport Agency
National Office
Private Bag 6995
WELLINGTON 6141
Attention: Accessible Streets consultation
 - b) as a video and emailing that to accessible.streets@nzta.govt.nz
 - c) online using the form at <https://www.surveymonkey.com/r/MXTDZBC>
 - d) by downloading the submission form [Accessible Streets submission form \[PDF, 1.1 MB\]](#), filling it out and then emailing it to accessible.streets@nzta.govt.nz or posting it to the address given above. Living Streets has created a set of answers to the questions NZTA asks and you can use those as you see fit. They are on Living Streets Accessible Streets webpage <https://www.livingstreets.org.nz/node/4952> – all you need to do to it is to fill out your name and contact details, adjust any responses that you want to, save the file to your computer and then email or post it to NZTA.
9. We recommend using method (a) or (b) so that you can do more than just answer their questions.
10. It would be useful to say a little bit about yourself and explain the importance to you of being able to walk, safely and feeling safe, on footpaths. And, if you have had any experiences with people riding bikes, e-scooters or other devices on the footpath, it would be good to give an example. Also, please say how you think the proposals, if approved, will affect you, both physically and mentally.
11. There are 9 different proposals but only proposals 1, 2, 3 and 6c directly affect pedestrians. We

support 6c but we oppose Proposals 1, 2, and 3 because they are bad for pedestrians. We also support the proposals which will make cycling safer and more convenient and the proposal requiring other road users to give way to buses pulling out from stops.

12. **Proposal 1:** This changes the definition of vehicles and devices designed for individual transport and says where they can be used.
13. The definitions do need changing because the current definitions overlap but they should be based on how fast the vehicle/device is capable of going and the mass of the vehicle/device. These are the major factors affecting the likelihood of a crash and the severity of injury resulting from crashes. The wattage of a motor doesn't translate directly into the speed the vehicle can go so is not an appropriate criterion to use to define vehicle/device categories.
14. The bigger concern is that all the vehicles and devices will be allowed to be ridden on footpaths. This effectively turns footpaths into shared paths even though most footpaths do not meet the width requirements for shared paths. It would allow anything designed for transporting one person and propelled by human effort or gravity or by a motor with an output of less than 300 watts, including many e-bikes and e-scooters, to be ridden on footpaths. This should be opposed.
15. We propose that the only people allowed to use footpaths are:
 - a) People in wheelchairs (either powered or unpowered)
 - b) Pedestrians (people walking)
 - c) People riding mobility devices
 - d) People using unpowered transport devices (skates, kick scooters, skateboards)
 - e) Children 10 years old and younger, and people qualified to train them to ride, riding cyclesand they must abide by rules of footpath use (see Proposal 2 below).
16. It is widely accepted that up to about 10 years of age many children have not developed enough mentally to be able to ride safely on roads. However, we are not aware of any evidence that children riding bikes on footpaths prepares them for dealing with the traffic on roads, nor that it increases the number of older children or adults riding bikes.
17. There is, in fact, considerable danger to people riding on footpaths from vehicles coming out of driveways and not giving way to people on the footpath.
18. Nevertheless we are prepared to give our support to children 10 years old or younger riding on the footpath if they (or more likely their parents) feel it is safer because we recognise perception of safety as an important component of accessibility (which is one of the stated aims of this package and should apply to children as well as teenagers and adults).
19. We don't support older children being allowed to ride cycles on footpaths because they, generally speaking, are more likely to deliberately break rules, are capable of going faster and are bigger so the consequence of any collision and the feeling of danger is likely to be greater for other footpath users.
20. Only adults who have successfully completed a recognised cycle instructor training courses (e.g. the Pedal Ready instructor training course or the National Certificate in Recreation and Sport - Coaching and Instruction (Cycle skills instructor), Level 3) should be allowed to ride with children on footpaths. Most adults have inadequate cycling skill and knowledge of best practice to be able to competently teach children to ride. Adults can ride on the road near the children or walk or use an unpowered transport device on the footpath while the children ride.
21. **Proposal 2:** This sets out the rules for people using the footpath. They would have to
 - a) behave in a courteous and considerate manner
 - b) travel in a way that is not dangerous for other people using the footpath
 - c) give right of way to pedestrians

- d) ensure the width of any vehicle/device they are using on a footpath is no more than 750mm
 - e) go no faster than 15km/h.
22. Rules a, b, and c already exist but we know that some people ignore them. We support a) and b), even though they are subjective, because they set expectations of behaviour.
23. However, we propose that Rule c give the following priority to footpath users:
- Young children and their trainers riding Cycles give way to Users of Unpowered Transport Devices give way to Users of Mobility Devices give way to Pedestrians give way to People in Wheelchairs.
24. We also support Rule d as most footpaths are only 1.5m wide so this would generally leave space for others to move (single file) along the path at the same time. We believe exceptions to the width rule should be possible for wheelchairs and on a case by case basis, for other vehicles/devices (e.g. if somebody was of a size that they needed a 900mm wide mobility scooter).
25. Rule e is the real problem. We support a speed limit being specified because without it, we are reliant just on rules a) and b) to manage behaviour on the footpath. But 15km/h is much too high. Healthy, fit adults typically walk at about 4-6 km/h while older people typically walk at about 2-3 km/h. So 15 km/h is dangerously fast. Higher speeds increase both the risk of crashes as well as the severity of injuries sustained. It is a speed that will also make footpaths feel unsafe to pedestrians. It is also a speed that will increase the likelihood of injury to riders themselves from colliding with vehicles coming out of driveways and from losing control when they hit one of the many defects that are commonly found in footpaths.
26. We propose that the speed limit should be walking speed (6 km/h). Footpaths are, first and foremost, for people on foot and people using wheelchairs and mobility devices. Rules should be set so that these users feel safe and are safe on footpaths. Needs of other groups which can use other spaces like cycle paths and cycle lanes and roadways should be secondary. This will help achieve the Government's stated aim of everyone having a space in which to move and in which they are safe and feel safe. If people do not feel safe they are less likely to use a mode of transport or a given route and so their community becomes less accessible to them.
27. **Proposal 3:** Clarifies who's allowed on shared paths and introduces rules they need to follow when using the paths.
28. We support these matters being clarified because there is currently considerable conflict between different users. Most conflict arises from people riding vehicles/devices too quickly along shared paths making it uncomfortable and dangerous for walkers. There is also conflict from pedestrians not keeping left and moving less predictably than do people on vehicles.
29. We agree there should be a speed limit on shared paths but setting them at 50 km/h by default (and 100km/h when next to roads with that speed limit) is absurd. The speed limit for motor vehicles on adjacent roads has no relevance to what is a safe speed for mixed users on a shared path. The speed limit should match the intended use of the path and the mix of users.
30. Although the proposals allow councils to set lower speed limits it would make more sense to set low default limits (and allow councils to increase them if certain conditions are met, such as use by pedestrians and other slow speed users being rare).
31. Shared paths should be defined to be primarily for leisure purposes and not intended for high speed use. The speed limit should be set for the safety and feeling of safety of pedestrians. Two alternative approaches are suggested:
- a) set a speed limit of 10km/h (faster than on footpaths because shared paths are wider and powered individual transport devices and cycles would be allowed on them), or
 - b) set a speed limit of 20km/h but require users of cycles, powered transport devices and

unpowered transport devices to:

- b.i. pass pedestrians no closer than 1m (comparable to the rules being proposed for motorists passing riders on roads),
 - b.ii. pass pedestrians at speeds no more than 10km/h, and
 - b.iii. ring a bell when approaching pedestrians from either front or rear (of benefit to vision-impaired- and sighted-pedestrians although not to completely deaf ones).
32. It might be sensible to allow a Council to set different speed limits on different sections of a shared path according to the prevalence of different types of users or covering different times of day.
33. These rules could be complemented by also having rules that require:
- a) all users to keep left except when passing other users
 - b) all users to move off the path when stopped
 - c) leashes (if used) for animals to be highly visible
 - d) all users to use the path in a careful and considerate manner, without creating a hazard to other users or unnecessarily obstructing them
 - e) any vehicles/devices (other than maintenance or emergency ones) used on the path to be no wider than half the width of the path.
34. There also needs to be a rule covering who has right of way. We propose an extension of the rule we proposed for footpaths so the priority would be:
- People riding Powered Transport Devices give way to People riding Cycles give way to People using Unpowered Transport Devices give way to People using Mobility Devices give way to Pedestrians give way to People in Wheelchairs.
35. We support the proposal for road controlling authorities to be able to declare that a path is a shared path or cycle path by resolution. However, there should be nationally set guidance about the criteria to be used for deciding this. The criteria might include the purpose of the path, the suitability of nearby roads for the use of bikes and the other vehicles/devices, the observed number of pedestrians, children and disabled users etc.
36. **Proposal 6c:** This would enable councils to give priority to pedestrians walking along a road and crossing a side road over turning vehicles. Vehicles turning into or out of the side road would have to give way to the pedestrians if there were road markings indicating pedestrians have priority.
37. This would bring NZ into line with many other countries and would be a small step in raising the status of pedestrians. It would treat all forms of transport the same (we have to give way to vehicles travelling straight along the main road when we leave or turn into a side road). We recommend supporting this proposal but there is scope for improving it.
38. The proposal leaves it up to Councils to decide where the proposed rule would apply and this is likely to lead to it being different in different places making it harder for drivers and pedestrians to know what rules apply.
39. We suggest making it the default rule, requiring Councils to implement changes over a 5-year period (to spread the cost). This may require painting white lines on the road, installing raised platform crossings or modifying intersection design, depending on the intersection.
40. 75% of the cost should be provided from the National Land Transport Fund.

41. The rule should also be slightly modified so that in those situations where a driver, wanting to leave the side road, would not be able to see what traffic is coming along the main road if she/he stopped behind the pedestrian priority markings, then the driver should be able to proceed and pause over the markings **after** having let any pedestrians cross the side road.

ENDS