

Points to consider for inclusion in letters to editors and MPs concerning footpaths being used by people riding bikes or other wheeled devices

Background

People of any age are currently allowed to ride wheeled devices on footpaths if the wheel size is less than 355mm. The devices may have low-powered motors attached. Mobility devices are also allowed to be used on footpaths and these can have somewhat higher-powered motors.

It is being proposed (and will very likely happen unless lots of people express their opposition to it) that children up to the age of 12 and their accompanying caregivers be allowed to ride bikes of any size on footpaths.

Also, there is some likelihood that a wide range of new types of wheeled devices such as Segways, YikeBikes, hoverboards, motorised kick scooters and skateboards will also be allowed on, and may even be required to use, footpaths.

Points to consider including

Here are some points that you might want to address in your letters to the editor or MPs.

For letters to editors, please address just one or two major points per letter (any more and it will be impossible to do it justice in a short letter – see accompanying guide on writing letters to editors if you haven't done one before).

If you're itching to comment on several points, then please write several letters, several days apart (to increase the chance of them all being printed).

For letters to MPs, a few more points (but not all) might be included but still keep it relatively short. They have lots to read and multiple letters from different people raising different points will have more effect than one person including everything.

Each heading below is a potential topic of a letter and the points underneath each heading are things you might be able to incorporate into your letter. There's no need to use them all as other people will likely pick other points to include and so all points will be covered. And you may have other points also that you prefer to include.

Please put any points you use into your own words (otherwise letters begin to look too similar and that decreases the chance of them being published).

1. Children under 12 riding bikes on footpaths

Yes, we want more children to be active and independent and having more cycling is one way to achieve these goals. But it should not be at the expense of other footpath users. (This is a key message to include)

The roads need to be made safe and feel safe to children and care-givers so they will be comfortable riding on the road. This can be done by lowering speeds on most streets and installing protected bike lanes on major streets. (This is a second key message to include)

It is claimed that it would increase the number of children cycling. Yet officials argue that it won't actually result in any more children riding on footpaths because they do it already. Most children say they don't know it is illegal. So why change the law? When something is illegal, even people who do it are more cautious about doing it (e.g. are likely to temporarily leave the footpath or stop if they encounter a legitimate user). Wouldn't it be better to teach children that it is illegal to ride on the footpath while at the same time teaching them how to safely ride on the road?

Some people advocate making it legal so children could be taught appropriate behaviour for riding on footpaths. They can be taught this now in keeping with the current law. Small-wheeled bikes are allowed to be ridden on footpaths now but riders have to give way to pedestrians and mobility device users, ride their bikes considerately of other users and mustn't go at a hazardous speeds.

Some claim it would encourage children to ride but what is the evidence for this? Countries like Australia have relatively low cycling rates (Australian National Cycling Participation Survey 2011, 2013, 2015, New Zealand Household Travel Survey 2015) despite allowing children to ride on footpaths. In contrast, countries where proper provision is made for cycling on road or on completely separated, wide paths such as in Denmark and the Netherlands have much higher cycling rates for both children and adults right into older age.

Footpaths are not designed for such use. Apart from in retail areas, footpaths in NZ are often 1.5m or less wide. The government is considering making it law that vehicles must not pass people on bikes closer than 1 or 1.5m (depending on the speed environment). Will it consider this for people riding bikes past pedestrians (some of whom may not be able to see or hear approaching riders)?

Riding on footpaths, especially for children, is not safe for the riders themselves. Although the severity of injury may be lower than in crashes on the road, US research has found that far more crashes occur on footpaths per kilometre travelled on them than on the road. The most significant hazards for riders are vehicles coming out of driveways. In many parts of NZ, fences or walls block vision of the footpath from driveways and children are even harder to see than adults. Walkers can often stop in time to avoid a collision with an exiting car but riders of bikes and many low-powered devices are less able to because of the higher speed they travel at. This may increase the number of such collisions.

Allowing children to ride on footpaths doesn't overcome the hazards they encounter at intersections. With a lower need to develop the skills to be aware of and negotiate with other traffic, children who ride on footpaths may be ill-equipped to deal with traffic at intersections and even away from intersections.

Allowing children to ride on footpaths may excuse councils from providing appropriate on-road facilities for all cyclists.

Shared paths are already fraught with conflict between people using different modes of transport. Allowing children to ride on footpaths turns them all into shared paths yet most footpaths are much narrower than what is regarded as required widths for shared paths.

Riding on footpaths doesn't provide children any experience in following road rules nor does it develop skills for anticipating and understanding the behaviour of other road users or for negotiating with them.

An increasing number of schools are getting bicycle tracks and children are receiving skills training there, so there is less need for footpaths to be used as places to acquire the basic skills involved in riding bikes.

Allowing children to ride on footpaths will lead to calls for other-aged people to also be allowed to do so. In Australia, children under 12 are generally allowed to ride on footpaths and, since October 2015, South Australia has extended this to adults. Adults are also allowed to ride on footpaths in ACT, Northern Territories, Queensland and Tasmania while in NSW and Victoria they are only allowed to do so while accompanying children. There is a push for people up to 16 years of age to be allowed to ride on footpaths (See <https://www.bykbikes.com/riding-bikes-on-the-footpath-the-laws-for-kids-and-adults-in-australia/>)

Some members of our community rely on footpaths to carry out their everyday lives and may be discouraged from doing so if they think they will meet more wheeled device users on the paths. Disabled and older people's independence, their participation in society and their maintenance of better health is often reliant on having safe and comfortable footpaths. A fall for an older person can easily result in a fracture and this can have severe repercussions. The safety of one group shouldn't be traded off against the safety of another group.

Having more children riding on footpaths may decrease the number of children walking as child-child interactions may be less considerate than child-adult ones. One can easily imagine bicycles being used as tools of dominance by those children inclined to such behaviour. Cycling has no more merit than walking in terms of health and social development.

Footpaths are already the poor cousin of roadways. Their maintenance is totally reliant on local council funding whereas the roadways get about half paid for by central government. In many places, footpaths are uneven or cracked. This inequity of funding and maintenance should be addressed before any further efforts go into expanding who can use them. Many are not fit for purpose now and are definitely unfit for the proposed increase in the types of users.

Current rules about parking on footpaths and giving way to pedestrians on footpaths are already commonly ignored and enforcement of these rules is rare. So what resources will be put into enforcing any rules concerning riding on footpaths? In our overly-assertive society, without enforcement of rules it becomes a matter of getting away with what you can get away with and the most assertive pushing others aside (in this case it may be literally).

2. Using low-powered vehicles on footpaths

All the same issues exist for these devices as for cycling on footpaths but are worse because of the generally higher speeds they are capable of. Also, they are more likely to be operated by older children and adults some of whom may be more risk-taking and less considerate of existing footpath users than younger children.

Low-powered vehicles shouldn't be interpreted as low-speed vehicles as many are capable of speeds in excess of 30km/h. Would there be a speed limit for their use if allowed on footpaths? Would users have to be licensed?

These vehicles already exist in NZ and are being sold in rapidly increasing numbers each year so provision needs to be made for safe use of them. There is actually potential for them to become a major mode of transport because they are relatively affordable to buy and operate and because many are compatible with public transport use as they are easily carried. Together, these factors may decrease private car use. In turn, this could free up road space that could be allocated to creating safe space for cycling and use of these low-powered vehicles on roads.

A drawback with these devices is that they may actually decrease the amount of exercise people get if they are used to replace walking and cycling. This could increase obesity, diabetes and other health conditions related to reduced exercise in NZ.

These devices may increase mobility for some people with disabilities and we support such use. But that could be dealt with by only allowing them to be used on footpaths by mobility-impaired people and with speed governors on them. Currently, mobility parking permits require certification that a person has a mobility-impairment. A similar system could operate for use of these low-powered devices on footpaths.

3. General points

If government want to increase the types of legal users on footpaths it needs to ensure the footpaths are fit for purpose and follow world best practice for design. This will involve creating new design standards for footpaths and helping to finance footpath construction (or reconstruction) and maintenance, just as is done for roads.

Why is government looking into changing the rules to allow riding on footpaths before getting broad agreement that this is a good thing to allow? There isn't such broad agreement. Even those who ride bikes are strongly divided on the issue.

Government should focus attention first and foremost on making roads safe and seem safe. Measures to achieve lower speeds on most urban streets and protected cycle and low-powered vehicle lanes on others where traffic levels are over some threshold. Lower speeds could be required during certain periods of the day (e.g. 7.30-8.45am and 3-4.30pm when many children are making their way to and from school)

Appendix 1

The specifics of the current rules concerning the use of bicycles and other wheeled devices on footpaths are specified in the Land Transport (Road User) Rule 2004 as:

11.1 Use of footpath and roadway

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

...

(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 mobility device or wheeled recreational device on the footpath.

11.11 Riding cycles or mopeds on footpaths, etc

(1) A person must not ride a cycle or moped 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

In addition to these sections, section 2.13(2) covers driving on footpaths and 6.14 covers parking on footpaths. See

<http://www.legislation.govt.nz/regulation/public/2004/0427/latest/DLM302188.html#DLM303618>