

Living Streets Aotearoa



www.livingstreets.org.nz

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Regulatory Performance Review of the New Zealand Transport Agency 2019

Thank you for the opportunity to make a submission.

About Living Streets

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking friendly planning and development around the country. Our vision is "More people choosing to walk more often and enjoying public places".

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.

For more information, please see: www.livingstreets.org.nz

NZTAs regulatory role in relation to footpath management

Our comments relate only to NZTAs role in regulating the footpath environment.

1 Regulation (and enforcement of those regulations) of use of footpaths in general has been devolved to councils and this results in highly inconsistent approaches across the country of those aspects devolved. This means the walking environment for pedestrians is unpredictable so that especially our most vulnerable road users, children and those with disabilities, have difficulty navigating footpaths and pedestrian spaces. NZTA has failed to adequately monitor regulation of footpaths, and the impact this has on pedestrians. A nationally consistent approach is required. The e-scooter issue is one such instance of the failings of the current approach.

2 Recently a declaration has allowed e-motor scooters that can travel at 27kmhour, and upwards, to use the footpath despite the definition in the Land Transport (Road User) Rule 2004 that a footpath 'is principally designed for, and used by, pedestrians', a definition consistent with the definition in the 1974 Local Government Act.

This declaration was a significant reversal of the presumption in the rules and yet was made with no public consultation, with no Ministerial oversight, and no reference to local government, the manager of most of New Zealand's footpaths. This does not meet any test for adequate consultation for ordinary rule changes let alone significant policy shifts such as this. At least the public should have had the opportunity to comment on the change.

The NZTA reasoning (as identified in an OIA response <https://fyi.org.nz/request/8768/response/28680/attach/html/7/OIA%204225%20FINAL%20Ellen%20Blake.pdf.html>) was apparently that e-scooters are recreational vehicles like children's toys, not a serious viable alternative transport. That substantive consultation occurred in 2004 (when e-scooters were a rarity). That there was no increase in crashes from e-scooter use. That e-scooters could not travel at 27 km hour as they had been depowered. All of these presumptions are shown to be unfounded.

The OIA response further stated that 'careful' and 'considerate' use was to be further defined shortly. This is the only control on user behaviour provided. This has not occurred.

The declaration that it is not a motor-vehicle has also meant that e-scooters are not subject to safety checks that other motor vehicles must meet.

We consider this a poor performance of regulatory function, and lack of proper assessment of a novel business model and new vehicle type.

We would like to see these matters specifically addressed by the review. There is an opportunity to address some of these issues in the Accessible Streets road rules package due this year.

3 The WoF regulatory failures could have a significant effect on pedestrian safety given any braking, headlight or steering issues may endanger pedestrians on footpaths but particularly affect them when crossing the road.

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