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Pedestrian Manifesto

Looking to the future:

The Dunedin Pedestrian Action Network (DPAN) welcomes the challenges created by the e-scooter invasion as a golden opportunity to plan a transport system for New Zealand that will work for everyone far into the future.

DPAN appreciates that the future will bring a stream of innovative vehicles we cannot even imagine. We don't know how fast they'll go. We don't know whether they'll be propelled by human muscle power or a fuel yet to be invented. But if we don't start planning now, we'll have endless repeats of the current e-scooter crisis every time a new vehicle is introduced.

Some things won't change:

- * There will always be risk takers and thrill seekers. They need to let off steam and have fun without getting killed or injured, and without killing or injuring others. Thrill seekers need to race, play sport, climb mountains, ride skateboards, whatever takes their fancy - and in the caring communities we all need, they have to learn that footpaths are not speedways, but places of gentleness, courtesy and respect.
- * There will always be a need for safe, attractive, welcoming footpaths because:
 - Footpaths are the only part of our transport system where vulnerable pedestrians can feel safe and be safe.
 - People-friendly footpaths encourage walking - our most popular, affordable, sustainable, inclusive, accessible, healthy and environmentally friendly mode of transport.
 - As the gap between rich and poor widens, attractive, safe and welcoming footpaths are vital public spaces where people of all ages and abilities, and from all cultures, religions and backgrounds, can mix and mingle and get to know each other better.

First steps on the path to positive change:

1. **DPAN proposes that the Minister of Commerce and Consumer Affairs order an urgent compulsory product recall of all Lime scooters under s.32 of the Fair Trading Act** on the following grounds:
 - a. Lime is using Kiwis as crash test dummies for its faulty Gen 1 e-scooters. Faults include brakes that switch on unpredictably, batteries that burst into flames and give off toxic fumes, small hard tyres, no suspension, and a front wheel that can spin through 90 degrees and pitch the rider over the handlebars when it hits a pothole. These faults have been addressed in Lime's Gen 3 e-scooters, currently being rolled out in the US;
 - b. Lime arrived uninvited. It has unlimited free commercial use and free parking on all 945 kilometres of Dunedin footpaths for hundreds of faulty e-scooters. Lime voluntarily removed its scooters on 22 February, and launched a shrill social media campaign next day demanding their return. Lime is not a responsible corporate citizen. Its divisive and dishonest PR tactics have no place here. NZ has home-grown e-scooter hire companies that deserve consideration.

- c. NZTA misused the power delegated to it by Parliament under s.168A of the Land Transport Act to re-classify e-scooters as not motor vehicles. The wording of s.168A, and the relevant Hansard debates, show that Parliament intended the delegated power to be used to spare riders of push bikes with auxiliary motors, and children with motorised ride-on toys, the hassle of having to register their vehicles and obtain driving licences. Parliament never intended s.168A to be used to enable adult speedsters on e-scooters to take over our footpaths;
- d. NZTA ignored District Court findings that low powered electric scooters are motor vehicles.
- e. NZTA's misuse of s.168A of the Land Transport Act to re-classify e-scooters as not motor vehicles has:
 - i. enabled reckless users of faulty e-scooters to cause unacceptable levels of injury, distress and disruption to pedestrians of all ages and abilities on our footpaths;
 - ii. enabled e-scooter users to drive at high speeds with no requirement for prior training or licensing;
 - iii. enabled e-scooter users to drive faulty vehicles at high speeds without helmets;
 - iv. enabled e-scooter users to avoid the legal consequences (currently applicable only to drivers of motor vehicles) of driving recklessly and driving drunk;
 - v. enabled Lime to avoid the compulsory vehicle inspections for safety and roadworthiness required for all motor vehicles, both before they're released by Customs and when they're speeding around our roads;
 - vi. enabled Lime to avoid having to pay ACC levies on its vehicles.
 - vii. enabled un-inspected e-scooters to be sold that boast speeds of up to 80kph.

1. DPAN proposes that the compulsory product recall of Lime e-scooters be lifted as soon as all the following conditions are met:

- a. when Parliament has legislated to ensure that all existing and future footpaths are built and maintained for the exclusive use of pedestrians of all ages, children in pushchairs, and people who through mobility or neurological impairments are unable to walk;
- b. when adequate provision has been made at national, regional and local level for the policing of footpath safety rules and regulations;
- c. when Parliament has widened the definition of vehicle to include all current and future on-road, off-road and airborne vehicles, and has legislated to ensure that appropriate technical standards, independent testing protocols and rules for their use are developed for, and applied to, all new vehicles prior to and during their use on New Zealand roads;
- d. when Parliament has legislated to ensure that space for the movement and parking of new vehicles is created primarily by the reallocation of road space currently occupied by conventional motor vehicles.
- e. when pedestrians are recognised as key stakeholders in all transport planning decisions.
