

Living Streets Aotearoa



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Submission from Living Streets Aotearoa on Petition 2014/59 Jo Clendon

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Living Streets appreciates the opportunity to submit on this petition.

Living Streets Aotearoa supports integrated sustainable transport – this means a system that works for all users and leads to sustainable use of our resources. Transport developments should enhance people's choices of how they move about rather than favouring only one mode. In particular, perceived safety gains for one mode should never be achieved by compromising the safety of another.

Living Streets Aotearoa supports footpaths that are safe for all pedestrians, especially the young and old, and that footpaths are pleasant to use so that more walking and healthy physical and social activity is promoted.

Submission

The petition (2014/59) seeks to significantly change New Zealand footpath law to allow footpaths to be shared-use with cyclists, this would have a significant impact on pedestrians. The current law provides that footpaths are primarily for pedestrians. It is important to identify:

What is the benefit and impacts for pedestrians from the proposed change?

The petition proposes significant changes to New Zealand footpath use but does not provide evidence of any benefit to pedestrians with these changes or assessment of the risks to others. There is no evidence of benefit for pedestrians in jurisdictions where cyclists are allowed to ride on footpaths and in fact there are inevitable conflicts. While walking has some similarities with cycling (healthy activity) it is a completely separate activity with significant

differences (e.g. speed, easy social interactions, everyone walks) although the two are often conflated.

There is also little evidence that cycling on footpaths has any benefit for cyclists, of any age – either through an increase in mode share or improved safety¹. In fact there is research that shows the more cyclists on the road the safer it is for all cyclists – the well-known 'safety in numbers' phenomenon. A recent report² concluded that cycling participation has not increased or decreased significantly in Australia over the life of the National Cycling Strategy 2011-2016 despite cycling being increasingly allowed on footpaths in some states.

1 Research

There is very little research internationally, and none in New Zealand, on the impact of cycling on footpaths on the primary users of footpaths - pedestrians.

Victoria Walks has done some research that shows older pedestrians find people cycling on footpaths is a deterrent to them walking on those footpaths and getting out in the community³. The unpredictability of cyclist behavior was a factor in older peoples concern. Walking becomes more important as a daily activity the older people become.

There is limited research about pedestrians in New Zealand, and there is none identifying why there is a decline in walking to work and to school. New Zealand research into walking (e.g. Ministry of Transport Household Travel Survey, Auckland Transport active mode surveys⁴, Wellington City Council cordon count) provides general information on walking and pedestrians but with no data about barriers or why people choose one mode over another. Similarly the NZ Recreation survey⁵ while identifying walking as the most popular recreational activity does not provide data on why people choose to walk or not to walk. International research into what barriers there are to walking, particularly for the most vulnerable groups of children and older people, is limited. While there is evidence of the benefits of having people out walking there is limited research on what the barriers to people walking are.

The Children's Commission was requested to undertake a poll (5 August 2016) and asked 176 school children "should children be allowed to ride their bicycles on the footpath?" The bias in the question is obvious and poll results

¹ Impact of transportation infrastructure on bicycling injuries and crashes

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2776010/>

² Bicycle Council of Australia, National Cycling Strategy Implementation Report 2015 <http://bicyclecouncil.com.au/publication/national-cycling-strategy-implementation-report-2015>

³ <http://www.victoriawalks.org.au/Assets/Files/FINALSeniorsSummary.pdf>

⁴ <https://at.govt.nz/media/706866/AT-Active-Modes-Research-Report-2014.pdf>

⁵ <http://www.srknowledge.org.nz/wp-content/uploads/2015/03/Active-NZ-Survey-WEB-FINAL1.pdf>

predictable. Such polls cannot be used to make inferences or draw conclusions. Even with this bias some children recognised the issue of safety for pedestrians. The poll did suggest a lack of education on road rules for child cyclists.

New Zealand does not have good information on existing injury rates between pedestrians and cyclists and this appears similar to overseas. Living Streets Aotearoa is aware that the reporting rates for pedestrian injury are low overall, and that some pedestrian – cyclist injuries are not reported⁶. General pedestrian injury information relies on emergency services to record an incident after the event, or, hospitals to detail where an incident happened, or, ACC to identify where an injury occurred, and for many reasons this doesn't always occur. New Zealand information on pedestrian injury is patchy.

Children's cognitive abilities are raised as a reason for allowing them to cycle on footpaths. Children's cognitive abilities are the same whether they are walking, being driven in a car, catching a bus or riding their bikes. Their ability to interact with their environment is moderated by education and training. For instance children are trained from an early age to walk safely – i.e a constant parent refrain 'stay on the footpath'. Previously children were encouraged early to ride their bikes on the road as a normal progression, and trained to do this safely – and this at a time when the vehicle fleet and roading system was much less safe than today. Education and training are a means to allow children to safely use all environments.

2 Perceptions of safety

All road users have a perception of what is the 'most safe' behavior for them based on what they have experienced and come to expect in different circumstances. Pedestrians expect to be safe on footpaths. Vehicle users feel safe when they follow the road rules and expect others to also do this.

There is no compelling safety research to show that cycling on the footpath is safer for any user – the proposal is a perception of what is 'most safe' for one group of users without regard to others, or the true risks to cyclists.

Shared paths and footpaths with cyclists are perceived to be less safe for pedestrians. Pedestrians often refer to their experience of these paths as feeling intimidated or bullied by cyclists, and pedestrians change their behavior accordingly⁷. Pedestrians already report aggressive behaviour by those cycling on the footpaths - even though it is illegal – including unpredictable use, cycling too close (ie brushing past shoulders etc), being surrounded by cyclists, and verbal abuse. The petition seeks to increase cycling numbers on footpaths, and if successful there will be an increase in these types of incidents, increasing the barriers to walking.

⁶ <http://www.stuff.co.nz/dominion-post/news/74477210/Woman-run-over-and-knocked-out-by-child-cyclist-calls-for-changes-to-shared-paths>

⁷ <http://www.plymouthherald.co.uk/pensioner-knocked-down-by-cyclist-in-plymouth-park-calls-for-signs-to-be-put-up/story-29643877-detail/story.html>

3 Enforcement and enforceability

The petition seeks to change the rules for cycling on footpaths which raises enforceability issues. The current 355mm wheel diameter for small children, while arbitrary is relatively easy to determine. Wheel size was used as an easily enforceable proxy to allow small children to ride with supervision on footpaths. However adults now also ride bikes with this size of wheel. Any change to continue to allow small children to ride on footpaths should have a similarly easy to enforce attribute.

Age restrictions would require some proof-of-age document, as a child's size is not a reliable measure, or direct supervision by an adult on foot (i.e under 5 year olds). Most vehicle users carry licenses as a requirement for their use of vehicles that include their age, and also indicate a certain level of competence. Age has been suggested as a rule for cycle-use on footpaths but this would require significant road rule changes for it to be enforceable.

Consistent treatments make rules easier to comply with. It has been suggested that only some footpaths would be available to cycle on and these could be determined by local authorities. This approach would make it very difficult for users to determine differences in paths as they may all look the same across the country. This is similar to reported issues with identifying current 'shared paths', or where they stop and start. The lack of consistency between different districts would make choosing a safe footpath for a walk an issue, and a national approach is preferred.

Similarly the suggestion to only have shared paths at certain times seems most unlikely to work well, yet would be most likely to seriously impact the high pedestrian-use times (the morning and afternoon peaks, the inter-peak Gold Card period), creating a further barrier to walking. Sharing footpaths after dark would pose even greater risks, and is already the time when women feel most vulnerable walking.

Enforcement of existing road rules in relation to footpath use is poor and has not been prioritised by Police. More complex rules will not improve enforcement and may make it less likely.

4 International best practice

Most countries do not share footpaths with cyclists. The best practice is to always separate pedestrians on dedicated footpaths. The World Health Organistaion Age Friendly Cities Guide⁸ cites separated footpaths as a key ingredient of age friendly places. Some cities have plazas and other 'shared zones' where all road users mix – these are always very low speed environments, e.g Dutch woonerfs (or living streets) are walking speed. The best practice is to separate cyclists from other vehicle users on high use

8

http://www.who.int/ageing/publications/Global_age_friendly_cities_Guide_English.pdf?ua=1

roads, and use slower speeds on other roads to provide safety for cycling (and also all other road users).

Best practice for pedestrians is set out in the New Zealand Pedestrian Planning and Design Guide 2007⁹. This identifies that there is inevitable conflict on shared paths, and as rate of use increases will significantly affect the quality for both modes. Minimum requirements for shared paths of both level of use and width are identified. Shared paths are only envisaged where user numbers are low, particularly suitable for recreational routes but not appropriate in residential or commercial urban areas. Very few footpaths around NZ, except in the busiest retail areas, come close to meeting a consistent width suitable for shared path requirements. NZ's footpath infrastructure simply is not fit for use by both pedestrians and cyclists, and if wider paths are available there is no reason not to separate modes.

Pedestrians have no safe or legal alternative to using the footpath, unlike cyclists. Even if children have ridden on footpaths up until they are 12, the perception that the roads are unsafe will still remain. Roadways need to be made so that they feel and are safe for cyclists to use. That will do more to get people cycling than perpetuating the idea that roads are unsafe.

Increasing rates of walking and cycling

There is no evidence that allowing cyclists on the footpath will increase the rate of cycle mode share¹⁰. There is no evidence, and common sense would suggest, that cycling on the footpath will reduce the rate of walking for those that have a choice (e.g older people will stay home ref).

Best practice suggests that proper cycle infrastructure (for busy roads this is a separated network of dedicated cycle lanes) is required to increase cycle mode share.

Best practice suggests that footpaths must be dedicated pedestrian space to be safe for all pedestrians.

5 Conclusion

There is no evidence that the proposals in this petition will improve conditions for pedestrians. Pedestrians have no choice but to use footpaths. There is no evidence that this proposal will improve conditions for cyclists, and a risk that it will reduce overall cycle safety. The proposal will adversely affect the walking environment.

⁹ <https://www.nzta.govt.nz/assets/resources/pedestrian-planning-guide/docs/chapter-6.pdf>

¹⁰ Bicycle Council of Australia, National Cycling Strategy Implementation Report 2015 <http://bicyclecouncil.com.au/publication/national-cycling-strategy-implementation-report-2015>

Living Streets Aotearoa recommendations

- Make roads safer for all users through slower speeds
- Adopt a national standard for footpath development with an associated funding mechanism so that pedestrians enjoy a consistent high quality walk environment that promotes increased walk mode share
- Improve legislation to protect pedestrians with the same level of priority as other road users (e.g turning vehicles give way to pedestrians)
- Enforce existing road rules (e.g no adults cycling on footpaths)
- Use the Cycling fund to develop an integrated grid of protected cycle-ways on busy urban streets, safer routes to school for all students, and leave the status quo on quieter streets – as a national approach
- Reverse the NZTA exemption for NZ Post and courier motor-vehicles on footpaths, and the delegation to NZTA for this to be decided without elected representatives being involved and no public consultation, as this normalises vehicle use on footpaths
- Do not proceed further with this petition.

We would like to be heard in support of our 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