

28 April 2020

Waka Kotahi NZ Transport Agency
By email

To whom it may concern

Re: Auckland Council's submission on the proposed Accessible Streets Regulatory Package

Please find attached Auckland Council's submission on Waka Kotahi's proposed Accessible Streets Regulatory Package (the package).

The views of 12 of Auckland's local boards are also attached. Please give independent consideration to each of them.

Auckland Council strongly supports the intent of the package: to encourage active transport, increase genuine travel choice, and improve safety. The intentions of the package are consistent with the strategic direction of the Auckland Plan 2050 and the shared priorities of the Auckland Transport Alignment Project 2018. They are also well aligned with the agreed priorities of the draft Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework, and integral to both the council and government meeting their climate change commitments.

Auckland Council does however seek changes to proposals 2, 3, 5, 6d, 7 and 8 to better achieve the intentions of the package and better align with the council's strategic goals.

The council would welcome the opportunity to discuss the matters raised in this submission.

Yours sincerely



Councillor Chris Darby
Chair
Auckland Council Planning Committee

Submission to Waka Kotahi NZ Transport Agency

In the matter of the Accessible Streets Regulatory Package

Auckland Council, April 2020



**Auckland
Council**

Te Kaunihera o Tāmaki Makaurau



Mihimihi

<p>Ka mihi ake ai ki ngā maunga here kōrero, ki ngā pari whakarongo tai, ki ngā awa tuku kiri o ōna manawhenua, ōna mana ā-iwi taketake mai, tauiwi atu. Tāmaki – makau a te rau, murau a te tini, wenerau a te mano. Kāhore tō rite i te ao.</p>	<p><i>I greet the mountains, repository of all that has been said of this place, there I greet the cliffs that have heard the ebb and flow of the tides of time, and the rivers that cleansed the forebears of all who came those born of this land and the newcomers among us all. Auckland – beloved of hundreds, famed among the multitude, envy of thousands. You are unique in the world.</i></p>
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Title: Auckland Council Submission on the Accessible Streets Regulatory Package

Submission to Waka Kotahi NZ Transport Agency

Key Points

1. Auckland Council strongly supports the intent of the proposed Accessible Streets Regulatory Package. Auckland Council also supports most of the proposals as put forward by Waka Kotahi but seeks some changes so that they better contribute to the government and council's shared strategic goals.
2. The overarching intentions of the proposed changes, to encourage active transport, increase genuine travel choice, and improve safety, are consistent with the strategic direction of the Auckland Plan 2050 and the shared priorities of the Auckland Transport Alignment Project (ATAP) 2018. They are also well aligned with the agreed priorities of the draft Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework, and integral to both the council and government meeting their climate change commitments.
3. Auckland Council does however seek some changes to proposals 2, 3, 5, 6d, 7 and 8 to better achieve the intentions of the package and better align with the council's strategic goals.
4. Auckland Council also supports the attempts made in the package to clarify existing regulatory provisions and better categorise new types of transport devices. However, as noted in the consultation material, only some of the issues relating to vehicle definitions and categorisation can be addressed through changes to the Land Transport Rules. Auckland Council strongly recommends that Waka Kotahi and the Ministry of Transport continue with a detailed review of this matter, including possible legislative changes.

Auckland Council's response to the Accessible Streets Regulatory Package

Introduction

5. Auckland Council would like to thank Waka Kotahi for the opportunity to provide feedback on the Accessible Streets Regulatory Package. Auckland Council is pleased to see the release of the package and the work Waka Kotahi and the Ministry of Transport have put into its preparation.
6. Auckland Council's submission is based on the strategic goals and commitments of the Auckland Plan 2050 as well as other council strategies and policies such as the draft of Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework (ACAF).
7. This submission has been approved by the Auckland Council Emergency Committee [EME/2020/23].

Overall response to the package

8. Auckland Council supports the intentions of the Accessible Streets Regulatory Package and broadly supports the proposals contained in it. The intentions of the package are aligned with the Auckland Council's strategic objectives and climate change goals; and delivering on the intentions described will support Auckland Council's ability to achieve its goals.
9. The Auckland Plan 2050 (AP2050) is a statutory 30-year spatial plan for Auckland and its key strategic document. It describes the key challenges faced and outcomes sought by Auckland over the next 30 years and guides Auckland Council's decision making on most matters. The plan identifies six key outcomes against which Auckland needs to make significant progress, and several focus areas describing how this can be achieved.
10. One of these outcome areas is that of 'Transport and Access: Aucklanders will be able to get where they want to go more easily, safely and sustainably'. Some of the focus areas identified to achieve this are to:
 - encourage walking, cycling and public transport use by making these modes more accessible, reliable, safe and attractive
 - maximise safety for people in our transport system
 - minimise the environmental and health impacts of the transport system
 - increase genuine travel choices for a healthy, vibrant and equitable Auckland.
11. All of these are well aligned with the intentions of the package and can be facilitated by the proposals it contains.

12. Since the adoption of AP2050 Auckland Council has stated publicly that it will take bold action on climate change. It has recommitted to its membership of C40 (which committed the Auckland region to act to keep climate change to within 1.5 degrees Celsius above pre-industrial levels), declared a climate emergency, and developed and consulted on a draft of Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework (ACAF). While this plan is still being finalised, at its most recent meeting the Environment and Climate Change Committee reaffirmed its "commitment to a plan consistent with a 1.5 degree rise, an interim target of halving Auckland's emissions by 2030, and a precautionary approach to planning for change" [ECC/2020/12].
13. To achieve these ambitious targets a substantial mode shift to walking, cycling, and other means of transport with low and zero emissions is required. Auckland Council and Auckland Transport are prioritising investment in these modes, but this alone will not suffice. This investment needs to be supported by a legislative and regulatory framework which prioritises and protects these users of the transport network. The proposals contained in the Accessible Streets Regulatory Package broadly do this.

Auckland Council's response to the proposals

14. This section sets out Auckland Council's position on each of the proposals, focussing on several suggested amendments that it believes will better align the proposals with intentions of the package and with the strategic goals listed in paragraph ten.
15. Two matters which are applicable to all the proposals and need highlighting here are the need for a high-profile public information campaign for the new rule package, as well as an increase in funding made available by Waka Kotahi for active modes.
16. Firstly, the main risk with all the proposals is that people do not follow the new rules. For instance, riders on footpaths could exceed the speed limit or act recklessly around pedestrians, or car drivers could not give way to footpath users crossing a side street where they have right of way.
17. To mitigate this Auckland Council encourages Waka Kotahi to undertake a significant public education and awareness campaign before the new rules come into force. A specific focus on education and, if necessary, enforcement of these rules by the police should also be considered for as long as necessary until new norms are established.
18. Secondly, while the proposed changes support the use of and conditions for active transport, they do not improve physical infrastructure for active transport directly. For example, the rule changes can increase safety and clarity around the use of transport devices by permitting them on cycle lanes, however, the numbers of cycle lane users are

likely to increase as a result, thus potentially creating new safety issues and conflicts over limited space on existing cycle lanes.

19. Consequently, the proposed rule changes are likely to require more space and more funding for active transport infrastructure. Auckland Council acknowledges the recent launch of Waka Kotahi's Innovating Streets for People pilot fund and seeks that more funding is made available by Waka Kotahi to support active transport infrastructure.
20. The table below summarises Auckland Council's proposition for each proposal, with additional commentary being provided in the subsequent text.

Summary of Auckland Council's position

Proposal	Auckland Council position
One: Change current vehicle and device definitions	Support. However, Auckland Council considers that further legislative change is required to provide a clear and fit-for-purpose regulatory framework. The use of specific vehicle power limits in the Land Transport Act (1998) should be removed and replaced by controls focussed on the main determinants of the outcome of a crash – the speed and weight of the device.
Two: Change who is allowed on footpaths and introduce conditions that users need to follow when using the footpath	Partially support the new conditions for footpath use. Auckland Council requests that the speed limit for footpath use be reduced to 10km/h. Partially support the alternative proposal from Waka Kotahi. Auckland Council supports allowing cyclists up to the age of 16 to ride on the footpath, subject to amendments to allow over 65s and caregivers to also use footpaths.
Three: Clarify who is allowed on shared paths and cycle paths and introduce the conditions they need to follow	Partially support. Auckland Council proposes that changes should be made to: <ul style="list-style-type: none"> • the default speed limit so that it is not tied to the adjacent roadway. A default of 25km/h for shared paths and 50km/h for cycle paths is proposed • give priority to cyclists over users of powered transport devices

	<ul style="list-style-type: none"> • require speed limit signs where the speed limit differs from the default.
Four: Allow transport devices to use cycle lanes and paths	Support
Five: Introduce lighting and reflector requirements for powered transport devices at night	Partially support. Auckland Council supports the consistency of approach between powered transport devices and cycles but raises some points for consideration.
Six: Change the priority of road users by:	
a. and b. allowing cycles and transport devices to engage in common, safe behaviours that are currently illegal	Support. Auckland Council requests that Waka Kotahi consider extending these improvements to allow cyclists and device users to use the pedestrian phase of signalised intersections.
c. clarifying that turning traffic must give way to all people travelling straight ahead using separated lanes	Support
d. giving greater priority to people on footpaths and shared paths when they're crossing side roads with minimum markings	Partially support. Auckland Council supports greater priority for footpath users but seeks that this be applied in a comprehensive fashion rather than only to marked intersections.
Seven: Mandate a minimum overtaking gap	Partially support. Auckland Council proposes that changes should be made so that the gap applies to motor vehicles passing users of cycle lanes, and the so that the 1.5m gap applies at all speeds.
Eight: Clarify what is needed for road controlling authorities to restrict parking on berms	Partially support. Auckland Council supports the intention of the proposal but suggests that a better approach would be to explicitly include the berm within the definition of the footpath in the Land Transport (Road User) Rule 2004.
Nine: Require road users to give way to signalling buses pulling out of bus stops	Support. Auckland Council seeks that this requirement also be applied to buses signalling to merge out of a priority lane into a general traffic lane.

Proposal One: Change current vehicle and device definitions and create new categories to allow better regulation of new and emerging devices and where and how they're used

21. Auckland Council supports proposal one which seeks to clarify the status and categories of powered wheelchairs, small transport devices and cycles within the current legislative framework.
22. Recent technological advancements have seen an increase in the types and range of designs of small personal transport devices. The development of small electric motors has enabled new mobility devices and powered versions of existing devices at relatively affordable prices. However, the regulation of these devices has not kept pace and the categorisation of the devices, as well as where and under what circumstances they can be used, is currently unclear and inconsistent.
23. Auckland Council supports the proposal which recognises the on-going development of new types of small, often powered, transport devices and the fact that they are no longer used primarily by children and for recreation. The proposal would introduce more logical categories for the classification of small transport devices and cycles, allowing a better rule framework to be developed (as is done in the following proposals).
24. The proposed categories and distinctions between them are logical and are supported.
25. However, Auckland Council is concerned that the Accessible Streets Regulatory Package does not change the status of those powered transport devices not already declared to not be a motor vehicle (a list which to date only consists of e-scooters, YikeBikes and e-bikes). This leaves the use of many popular devices, such as e-skateboards, e-unicycles and seated e-scooters, to be illegal. Auckland Council is also concerned that power level remains the primary means of categorisation and control through the specification of 300W and 600W limits in the Land Transport Act (1998). Auckland Council's position is that the primary focus of classification and control should be based on the safety outcomes desired, which are primarily determined by the speed and weight of the devices and their users.
26. Addressing these matters will require further/ broader changes outside the scope of the package and Auckland Council encourages Waka Kotahi and the Ministry of Transport to continue work on this matter. Further comment on this is provided in a following section.
27. While speed and weight are the primary, overarching characteristics which should be controlled, Auckland Council acknowledges the likely need to control or limit other design features in certain circumstances. One of these is the width of vehicles using the footpath, to ensure footpath users have space to pass each other. Auckland Council notes Waka

Kotahi's plan to review the mobility device category in future and requests that consideration is given to limiting the width of all devices on footpaths.

Proposal Two: Change who is allowed on footpaths and introduce conditions that users need to follow when using the footpath

28. Auckland Council supports the introduction of new conditions for footpath users, including the introduction of a specific speed limit for non-pedestrians. However, Auckland Council seeks that the speed limit be reduced from 15km/h to 10km/h. This speed is better aligned with that of the primary users of the footpath, pedestrians, and will therefore provide a greater level of safety for these users.
29. Auckland Council also supports, with amendments, the alternative proposal from Waka Kotahi that would allow cyclists up to the age of 16 to ride on the footpath.
30. Currently most children over the age of six are unable to legally ride on the footpath and, legally, must ride on the road. Likewise, beginner, slower and less confident cyclists also have little option but to use the road. Without a safe, legal space to ride many of these individuals may avoid cycling altogether. Alternatively, if they still want to cycle, they may have to make the decision to break the law and ride on the footpath.
31. The introduction of a rule allowing cyclists to use the footpath would improve the real and perceived safety of cyclists by allowing less confident cyclists to ride on the footpath rather than the road. This would likely increase cycling numbers and support the cycling aspirations of Auckland Council and the government.
32. However, while enabling cyclists to use footpaths will benefit cyclists, Auckland Council is concerned that it is likely to have a negative impact on other footpath users. An increase in the number of cyclists on footpaths will increase the incidences of conflict between cyclists and other users. While the extent of this increase may be relatively small, and will be mitigated by the proposed conditions of footpath use, Auckland Council remains concerned about the potential impact on more vulnerable footpath users.
33. Of particular concern to Auckland Council is the likely impact on the perception of safety of more vulnerable pedestrians, such as older people and people with visual impairments, as well as other current vulnerable footpath users (such as children on push scooters). Many of these users are heavily dependent on the footpath for their independent travel needs as they are unable to drive. This impact on the perception of safety is difficult to quantify, but anecdotal evidence suggests that some people have already been put off from walking by the increase in use of e-scooters on footpaths. This impact can be mitigated to some degree by the proposed conditions of footpath use but will likely remain.

34. Auckland Council believes that striking an appropriate balance is important here, and the alternative Waka Kotahi proposal would do this, subject to some minor amendments. Auckland Council believes that the proposal should be extended to include:
- people who are over the age of 65, who may wish to cycle but may often struggle to travel fast enough to feel comfortable cycling on the road
 - caregivers accompanying people permitted to cycle on the footpath so that they are not forced to travel separately.
35. As such, we recommend that the alternative proposal be explored further, as it would be targeted at those cyclists whose safety is at most at risk, while taking into account the safety and needs of pedestrians.
36. Auckland Council also supports road controlling authorities having the ability to restrict cycles or devices from using certain footpaths or areas of footpaths. This could be a useful power for road controlling authorities to have where there are identified issues with the use of a footpath/s and infrastructural solutions are not possible. However, it must be used sparingly to avoid inconsistency both within and across regions, which would result in confusion, may lead to difficulties in enforcement, and could end up discouraging the use of active modes.
37. Auckland Council is also concerned about the implications of central government granting road controlling authorities more responsibility without a corresponding increase in funding. Even if the authority wishes to use the power sparingly, the additional responsibility will likely raise public expectations, which will have resourcing and financial implications for these authorities. To mitigate this risk Auckland Council seeks that the guidance to be prepared by Waka Kotahi to guide decisions makes it clear that the ability to restrict devices should be used sparingly and describes clearly in what limited circumstances it may be appropriate.
38. These concerns apply equally to the additional powers proposed to be granted to road controlling authorities under Proposals Three and Four to control the use of shared and cycle paths. Auckland Council's request for tight and clear guidance from Waka Kotahi applies equally to the application of these powers.

Proposal Three: Establish a national framework for the use of shared paths and cycle paths

39. Auckland Council supports the proposal to clarify the status and rules for shared paths.

40. While it is preferable to separate pedestrians from other users, this is not always possible. In these cases, the proposed changes are important to increase safety for all shared path and cycle path users
41. However, Auckland Council proposes that the following changes be made to the proposal:
- the default speed limit should be changed so that it is not tied to the adjacent roadway. A standard default limit should apply to all shared paths (25km/h) and cycle paths (50km/h). This would better recognise that these spaces are shared with more vulnerable users, such as pedestrians and children on cycles or transport devices, and reduce the level of risk to which they are exposed
 - with this reduced speed limit, road controlling authorities should have the ability to raise speed limits as well as lower, for instance along a stretch of wide shared path sparingly used by pedestrians
 - priority should be given to cyclists and e-cyclists over powered transport device users to recognise the importance of active transport and the physical effort required by these users to regain momentum
 - speed limit signs should be required where the speed limit differs from the default to ensure users are clearly aware of this.

Proposal Four: Enable transport devices to use cycle lanes and cycle paths

42. Auckland Council supports the proposal to allow transport devices similar to cycles in cycle lanes and paths, as this will improve the safety of these device users compared to their use on the road.
43. Auckland Council notes that the safety of cyclists in cycle lanes and cycle paths may be marginally impacted, due to more conflicts between users on transport devices and cycles travelling at different speeds. However, this is considered preferable to having these conflicts occur between device users and either cars on the road, or pedestrians on the footpath. The amount of kinetic energy involved in the use of transport devices and cycles is much more similar than compared to general motor traffic or to walking. Cycle lanes and cycle paths are currently the most suitable location for the use of transport devices.

Proposal Five: Introduce lighting and reflector requirements for powered transport devices at night

44. Auckland Council supports the safety intentions of this proposal. Given their similarities, the application of a consistent approach to the lighting and reflector requirements for both

cycles and powered transport devices is supported. However, Auckland Council has some concerns and comments on the proposal.

45. Firstly, it is unclear why unpowered transport devices are not covered by a similar, consistent approach. The rest of the proposals contained in the Accessible Streets Regulatory Package treat powered and unpowered transport devices the same. This proposal has, however, looked to introduce new requirements solely for powered devices. All the analysis contained in the consultation material for applying this requirement to powered devices could equally apply to unpowered devices; for instance, someone riding a larger push scooter on the road or footpath at night. Auckland Council requests that Waka Kotahi consider whether these requirements should be extended to unpowered devices operating at night.
46. Secondly, Auckland Council remains concerned that, as it may not be possible to fit the required equipment to all devices, some devices will be precluded from night-time use. The consultation material states that the safety benefits will likely outweigh the costs; yet given the level of recent innovation in transport device design and the unknown range of possible future designs, it is difficult to know if this will be the case.
47. Thirdly, to potentially mitigate some of the above concerns Auckland Council suggests that different lighting requirements may be appropriate for footpath use versus road, cycle and shared path use.
48. On footpaths most cyclists and transport device users will already be mindful of unlit travellers, such as pedestrians, and should therefore be travelling slower than they might otherwise and no faster than 15km/h (with the proposed new speed limit imposed). They will still generally be the faster traveller on these paths though, doing the passing rather than being passed themselves. In these situations, a front light should be required, although a rear light or reflector may not be necessary.
49. On the other hand, transport device users on roads, cycle paths and shared paths will generally be the slowest users and other users of the road or path will generally have lights and reflectors. In these cases, users should be required to have the lighting and reflector requirements proposed.
50. In addition to lights and reflectors at night, Auckland Council considers bells as essential equipment for cycles, and potentially for other transport devices, at any time of the day to enable the safe overtaking of other users who share the same space. Auckland Council recommends that Waka Kotahi consider the introduction of a requirement for bells or other audible warning devices for bikes and other suitable transport devices.

Proposal Six: Change the priority of road users by allowing cycles and transport device users to:

a. ...ride straight ahead from a left turn lane; and **b.** ...pass slow-moving vehicles on the left

51. Auckland Council supports these proposals. They will enable cyclists and transport device users to engage in common behaviours that improve their safety but that are currently illegal.

52. Auckland Council also seeks that the priority and safety of cyclists and transport device users is improved by allowing them to cross intersections during the pedestrian phase, subject to the same conditions for footpath use set out in Proposal Two. This would allow cyclists and transport device users to gain momentum and improve their stability, increase their visibility for drivers, and give greater priority to these modes which the government and Auckland Council are seeking to encourage.

c. ...clarifying that turning traffic must give way to all people travelling straight ahead using separated lanes

53. Auckland Council supports this proposal. The proposal will improve the safety of cyclists and other cycle path users, such as e-scooter users, by giving them clear right of way in these circumstances.

d. ...giving priority to people on footpaths and shared paths when they're crossing side roads where the necessary markings are installed

54. Auckland Council supports giving priority to footpath, shared path and cycle path users over turning traffic.

55. However, Auckland Council does not support the limited introduction to only specifically marked intersections. It proposes that this rule is applied to all intersections, whether they are marked or not.

56. As is acknowledged in the background reports for this proposal, there is little comparable safety data from New Zealand and overseas on which to base an informed decision. With little to no data to support this position, the justification for requiring road markings primarily consists of suppositions that crashes will increase if the rule is introduced too widely.

57. Auckland Council acknowledges that there is a similar lack of evidence that a blanket rule would improve safety, yet in this absence of fuller data it is useful to consider:

- a) the extent to which the different options will address the problem
 - b) whether there is broader evidence of problems with the rule in comparable jurisdictions where it applies (such as media coverage or expert discussion).
58. The problem identified in the consultation material is that path users do not have precedence over turning vehicles when crossing side streets. This reduces the attractiveness of active transport and runs contrary to the government's objective of "supporting a mode shift for trips in urban areas from private vehicles to more efficient, low cost modes like walking, cycling".
59. While applying the rule where markings are introduced will help address this problem in some locations, this will leave pedestrian users of most intersections without this priority. Waka Kotahi state in the Preliminary Regulatory Impact Statement that "100-200 intersections are expected to be addressed in the next five years". This is a fraction of one percent of the total number of urban intersections.
60. The most effective approach to provide as many pedestrians as possible with priority at intersections is to introduce a blanket rule for all intersections. Unless it can be shown from overseas examples that pedestrian safety will be unacceptably affected, this approach should be adopted.
61. In terms of both road design and cultural (transport) views, Australia is our most comparable jurisdiction. A similar blanket rule giving priority to footpath users crossing side streets over turning traffic has been in place in Australia for many years. While no comparable intersection crash data is available, it is notable that there have been no significant problems identified with the rule, and there are no plans to remove it. Per capita pedestrian fatality rates differ year to year between the two countries but have been roughly the same over the past 15 years.
62. Auckland Council's position is that a blanket give way rule should be introduced as it will better benefit all footpath users and provide a legislative priority that is in keeping with the road user hierarchy and stated active transport prioritisation objectives of the government.
63. Auckland Council is of the view that any change to priority should be supported by a change in the legislation to place greater responsibility on road users towards the most vulnerable users. For instance, in the case of collisions, the onus should be on drivers to show they could not in the circumstances have given way to the pedestrian and fault should be presumed to lie with the driver, unless it can be clearly proven otherwise. This would help reinforce the expectations on drivers and provide extra protection for those more vulnerable and higher priority users.

64. Alternatively, if blanket application of the rule is not acceptable, Auckland Council seeks the ability for road controlling authorities to introduce the rule without the road markings in clearly signposted areas. As part of their 'Residential Speed Management programme', Auckland Transport is installing a combination of speed calming measures in certain residential areas. These areas are clearly signposted and, through a combination of speed calming and speed limit reduction, are intended to make the roads safer for all road users. In clearly delineated areas such as these, the use of signs at the entrance to the area should be enough to give priority. This will also help people get used to the rule and looking out for vulnerable road users without the wide spread use of additional road markings.

Proposal Seven: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, mobility devices and pedestrians on the road

65. Auckland Council supports the mandating of minimum passing distances for motor vehicles overtaking more vulnerable road users. The council also supports the minimum passing distance of 1.5m for roads with speed limits over 60km/h.
66. Auckland Council however opposes the exclusion of the rule applying to the overtaking of people travelling in a cycle lane by a motor vehicle. There is no physical difference between a person travelling in a cycle lane and one travelling in a general traffic lane; both are equally exposed to the possibility and consequences of drivers passing too close. Every reason given in the consultation material for this rule to be brought in applies equally to users in cycle lanes; in particular, without this rule applying to cycle lanes there will be no change in the perceived risk of cycling in these lanes. This rule may also create the perverse outcome that a cyclist/transport device user travelling in the general traffic lane next to a cycle lane is afforded greater protection by the rules than if they were travelling in the cycle lane.
67. While Auckland's design standards should ensure enough room in new cycle lanes for them to be passed at a safe distance by a car in the neighbouring lane, this is not always the case. The width of many existing cycle lanes do not meet current standards, with some measuring as little as one metre, while often even in wider cycle lanes, the drainage channel, utility covers, drains and general debris can require a cyclist to travel close to the edge of the lane, putting them in close proximity to cars in the neighbouring lane.
68. Including users of cycle lanes would also provide greater clarity – a driver overtaking a cyclist would know automatically to give them the required distance. Without this rule the driver would have to also check to see whether or not they are in a cycle lane.

69. Additionally, Auckland Council does not support the proposed 1m passing distance for roads up to a speed limit of 60km/h. Auckland Council is of the view that the existing, well-established guidance contained in the road code, that drivers should allow at least 1.5 metres on all roads, should be made the mandatory minimum overtaking gap. If a graduated overtaking gap is still preferred, Auckland Council recommends that the graduation point be changed from 60km/h to 30 km/h.

Proposal Eight: Clarify what is needed for road controlling authorities to restrict parking on berms and remove the need for signs

70. Auckland Council supports the intention to clarify the rules and requirements for restricting parking on berms and appreciates the move by Waka Kotahi to resolve this issue. However, it is Auckland Council's view that the proposed approach is not the best method of doing so and suggests instead that the berm be explicitly included within the definition of the footpath.
71. Amending the definition of 'footpath' in the Land Transport (Road User) Rule 2004 to include berms would be the clearest and simplest way to prohibit parking on berms. By using an existing Road User Rule, rule 6.14 which prohibits parking on footpaths without signage, road controlling authorities will automatically be able to apply an existing rule and follow existing processes in ticketing inappropriately parked vehicles. Likewise, in adapting an existing rule no corresponding consequential amendment is required to the Land Transport (Offences and Penalties) Regulations 1999.
72. Auckland Council considers that this approach would have other benefits, including:
- Reducing inconsistencies in the existing and proposed rules relating to the use of berms by pedestrians and other footpath users. For instance, under the proposed rules the footpath speed limits and behavioural rules would not apply to people travelling on berms directly adjacent to the footpath
 - Introducing a nationally consistent approach that ensures pedestrians are prioritised over the parking of motor vehicles, establishes clear expectations for road users to this effect, and in doing so assists with compliance and enforcement in the absence of signage
 - Removing the need for road controlling authorities to undertake a new process to restrict parking on berms. Many road controlling authorities have already undertaken a public consultation and approval process like that specified in the proposal. Requiring these authorities to repeat this process will simply add unnecessary operational cost and delay.

73. Should Waka Kotahi disagree with this approach, Auckland Council notes that Auckland Transport has identified in their submission a number of concerns as to the enforceability of the rule as proposed. Auckland Council seeks that these issues are resolved, including introducing a national default position prohibiting parking on berms, and encourages Waka Kotahi to continue to liaise with Auckland Transport and make any necessary changes to ensure the enforceability of the rule.

Proposal Nine: Require road users to give way to signalling buses pulling out of bus stops

74. This is supported by Auckland Council. As is stated by Waka Kotahi in the consultation material, this could reduce delays to Auckland buses by almost 30 hours per day. This reduction in delays will enable the more efficient operation of Auckland's bus network, reduce travel times for bus passengers and reduce operating costs at a time when the council and Auckland Transport are facing increasing financial pressure in relation to bus operating costs.
75. To further support the prioritisation of buses and bus passengers, Auckland Council seeks that this rule be extended to buses exiting bus and other priority lanes and entering general traffic lanes. It is noted that the Preliminary Regulatory Impact Statement states that existing rules and signals are available to give buses priority in these situations, yet these are not sufficient and need to be strengthened to give buses greater priority.

Further work required

76. As is acknowledged in the consultation material, the definition, classification and regulation of powered devices, as well as where and under what circumstances they can be used, is unclear and inconsistent. The package goes some way to resolving this through Proposals 1-4, however the extent of possible change is limited by the existing legislation which cannot be changed through this process.
77. It is Auckland Council's view that legislative change is required to provide a clear and fit-for-purpose regulatory framework.
78. The new regulations should be drafted to control the main factors which contribute to the safety of transport device and cycle use, and those which determine the severity of a crash. To avoid inadvertently limiting or preventing new designs lesser or secondary characteristics (such as the power of the motor) should not be explicitly described and/or controlled without good reason.

79. The main determinates of the outcome of a crash are the speed and weight of the people and vehicles/devices involved. Combined, these determine the level of energy involved in any crash. The aim of regulation and infrastructure design should be to separate modes as much as possible by their different levels of kinetic energy. This should be the focus of a more complete review.
80. For these reasons it is Auckland Council's view that the Land Transport Act (1998) needs to be reviewed and the use of specific vehicle power limits removed.
81. This submission will not go into further detail on this matter given it lies outside the scope of the package. However, Auckland Council would welcome the opportunity to discuss this matter further with Waka Kotahi¹.

¹ Auckland Council's approach to the regulation and control of micromobility devices is in keeping with that set out by the International Transport Forum in their recent report 'Safe Micromobility', released 17 February 2020. The council recommends consideration of the categorisations and recommendations contained in this document as part of any review.

Attachments

Auckland Council Local Board Views

Albert-Eden Local Board feedback to inform Auckland Council's submission on Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package

The Albert-Eden Local Board:

1. Support the intention of the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package to:
 - make our footpaths, shared paths, cycle lanes, cycle paths and roads safer and more accessible
 - accommodate the increasing use of micro-mobility devices like e-scooters on our streets and footpaths
 - encourage active modes of transport and support the creation of more liveable and vibrant towns and cities
 - make social and economic opportunities more accessible
 - make public transport (buses) and active transport modes such as walking or cycling safer and more efficient

2. Support the change in land transport investment to prioritise:
 - accessible and affordable transport
 - safety
 - liveable cities
 - regional economic development
 - protecting the environment, and
 - delivering the best possible value for money

These are the Albert-Eden Local Board's comments and position on all proposals within the package.

Proposal	Recommended Position	Comments
One: Change and re-name the types of device that used on footpaths, shared paths, cycle paths and cycle lanes	Partial support	<p>Support treating users of powered wheelchairs as pedestrians. As powered wheelchairs are the basic, essential form of mobility for those who need them, in the same way as non-powered wheelchairs for their users. They should have the same freedom to use footpaths as those who can walk or use manual wheelchairs.</p> <p>Partially agree with changing wheeled recreational devices. The new categories make more sense with the variety of transport devices now available, but small children's bikes are still qualitatively different from devices used by adults, and should remain in a category of wheeled recreational devices.</p>
Two: Establish a national framework for the use of footpaths	Partial support	<p>Support everyone to be allowed to ride or use low- or non-powered transport devices on the footpath sparingly and where necessary for safety, provided that the rules are adhered to:</p> <ul style="list-style-type: none"> • Behave in a courteous and considerate manner

		<ul style="list-style-type: none"> • Travel in a way that is not dangerous for other people using the footpath • Give right of way to pedestrians • Dismount where there are a large number of pedestrians, for example town centres • Travel no faster than 10 km/h • Ride a device no wider than 750mm • Be safe and courteous when passing • Compulsory bells
Three: Establish a national framework for the use of shared paths and cycle paths	Partial support	<p>Support establishing a national framework for the use of shared paths and cycle paths, as this will ensure consistency and clarity for all users, regardless of area.</p> <p>The speed limit being suggested on Shared Path “not located beside a roadway, the maximum speed limit will be 50km/h” is too high if it is a shared path and will put other users at risk. It should be a maximum of 30km/hr.</p>
Four: Enable transport devices to use cycle lanes and cycle paths	Support	Low-powered devices such as e-scooters are similar to cycles in terms of speed, mass and level of protection, so this is the most appropriate place for them to travel.
Five: Introduce lighting and reflector requirements for powered transport devices at night	Partial support	They should be fitted with front and rear lights, but we note that not all devices have room for a reflector as well.
Six: Remove barriers to walking, transport device use and cycling through rule changes:		
a. Allow cycles and transport devices to travel straight ahead from a left turn lane	Support	This is the rule in many other jurisdictions, where it works well. It is safer for these users to stay in the left lane, and it is often difficult, dangerous or impossible to merge into the straight-ahead lane.
b. Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn	Support	Where this can be done safely. This is already common practice - cyclists often move at a higher average speed than peak traffic, and are less able to stop and start easily, so allowing the ability to carefully undertake slow-moving traffic to ensure efficient movement for all users. Need to ensure education occurs for all road users, and especially with truck drivers who cannot see those outside the mirror view.

c. Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane	Support	This will improve consistency and reduce confusion (since it is not always clear currently when users going straight have priority over turning vehicles). Also, giving priority to all road users going straight will encourage turning traffic to travel at safer speeds.
d. Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed	Support	<p>This is the rule in many other jurisdictions, where it works well. Road users should be treated equitably, and allowing pedestrians and cyclists priority when travelling straight ahead is an important factor in improving the pedestrian and cycling experience. It will encourage safer speeds for drivers intending to turn, which will improve safety at intersections. It will also align this rule with the existing rule that traffic should give way when turning out or into a driveway across a footpath.</p> <p>Clear education will be required for drivers, pedestrians and cyclists around the rules and how to travel through intersections safely.</p> <p>We acknowledge this is a significant cultural change for drivers, but on the balance of safety and convenience of others, we believe this is the right thing to do at all uncontrolled and non-signalised intersections.</p>
Seven: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road	Partial support	Support the proposed passing distances, but 1m should apply below 50km/h and 1.5m above 50km/h.
Eight: Clarify how road controlling authorities can restrict parking on berms	Support	<p>The default rule in urban areas should be no parking on berms. No signage should be required. RCAs can exclude streets if they feel it is appropriate.</p> <p>If the register proceeds as proposed, the regulation should automatically add areas with existing bylaws (such as Auckland's and Christchurch's) to the register, to avoid a situation where an RCA has to add areas piecemeal to the register in order to enforce an existing by-law.</p>
Nine: Give buses priority when exiting bus stops	Support	This will substantially improve the efficiency of buses, which is a high priority for Albert-Eden Local Board as part of improving public

		<p>transport and responding to climate change. As with all these rule changes, education will be key.</p> <p>Buses should still be cautious about pulling out – if a driver has already begun to pass when a bus begins indicating, it may be impossible for them to brake and let the bus through.</p>
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Memo

14 April 2020

To: Alastair Cribbens – Principal Transport Advisor, Auckland Council

cc: Glenn Boyd – Relationship Manager, Henderson-Massey, Waitakere Ranges and Whau

Tracey Wisniewski – Local Board Advisor, Henderson-Massey

Kat Ashmead – Senior Policy Advisor, Local Board Services

From: Chris Carter - Chair, Henderson-Massey Local Board

Purpose

1. To provide feedback from the Henderson-Massey Local Board to be appended to Auckland Council's submission on Waka Kotahi New Zealand Transport Agency's Accessible Streets Regulatory Package.

Context

2. Waka Kotahi New Zealand Transport Agency's (The Transport Agency's) Accessible Streets Regulatory Package sets out nine proposed changes intended to:
 - make footpaths, shared paths, cycle lanes and cycle paths safer and more accessible,
 - accommodate the increasing use of micro-mobility devices like e-scooters on streets and footpaths,
 - encourage active modes of transport and support the creation of more liveable and vibrant towns and cities,
 - make social and economic opportunities more accessible, and
 - make buses and active transport such as walking and cycling safer and more efficient.
3. Auckland Council staff are currently preparing a submission on behalf of the organisation, which is anticipated to be adopted by council's Emergency Management Committee on 16 April. This feedback is anticipated be appended to that submission.
4. The Henderson-Massey Local Board notes that it has not had the opportunity to see the council's draft submission.

Feedback

The Henderson-Massey Local Board feedback on Auckland Council's submission on Waka Kotahi New Zealand Transport Agency's Accessible Streets Regulatory Package is as follows:

5. The Henderson-Massey Local Board is cautiously supportive of the proposals, noting the following comments:
 - 5.1. The local board is particularly concerned about the safety of its community and urges the Transport Agency to ensure that the safety of the most vulnerable users of the road corridor is given the highest priority in particular walkers and people using wheelchairs or mobility devices.
 - 5.2. Supports **Proposal 1** to change and re-name the types of device that are used on footpaths, shared paths, cycle paths.

- 5.3. The local board generally supports the intention of **Proposal 2** to give safe spaces to travel, while maintaining and prioritising pedestrian access. However, the local board has concerns that this will have detrimental impact on the real or perceived safety of pedestrians and would like to see an education campaign around conditions that users need to follow in order to help mitigate this. The local board supports the new, clearer rules for people riding on the footpath.
- 5.1. Support clarifying the status and rules for shared paths shown in **Proposal 3**. However, the local board would like to see a standard default limit applied to all shared paths (25 km/h) and cycle paths (50km/h) to reduce the risk to the more vulnerable users of these spaces and priority given to cyclists over powered transport device users to recognise the importance of active transport.
- 5.2. Support **Proposal 4** to allow transport devices similar to cycles in cycle lanes and paths to improve the safety of these device users by being off the road.
- 5.3. Support the safety intentions of **Proposal 5** but would like to see a consistent approach to the lighting and reflector requirements for both cycles and powered transport devices and add the need for bells to warn of their approach to pedestrians.
- 5.4. The local board has no strong view on **Proposal 6** to improve the safety of cyclists by legalising safer behaviors but supports any improvements for community safety.
- 5.5. **Proposal 7** to mandate a minimum overtaking gap is partially supported noting that some Auckland streets (particularly with speed limits under 60kmh) are narrow and pose a risk to oncoming traffic.
- 5.6. Support **Proposal 8** clarifying the rules and requirements for restricting parking on berms to enable a focus on implementing and enforcing these restrictions rather than arguing the legalities.
- 5.7. Support **Proposal 9** which will require give way to signalling buses pulling out of bus stops enabling the more efficient operation of Auckland's bus network and reducing delays for bus passengers.
- 5.8. In addition, the Henderson-Massey Local Board supports the legalisation of bicycles on footpaths for people younger than 16 to encourage the uptake of cycling among young people, particularly traveling to school. The board cautiously supports the broader legalisation of cycling on footpaths for all ages if cyclists are better educated around footpath use until effective protective separated cycleways are built.

Next Steps

6. This feedback is expected to be appended to Auckland Council's submission, to be approved by the Emergency Management Committee on 16 April.
7. This feedback will be reported to the 19 May 2020 meeting of the Henderson-Massey Local Board for retrospective ratification.
8. If staff have questions about any of the above feedback, please contact the Local Board Advisor – tracey.wisnewski@aucklandcouncil.govt.nz.

Memorandum

9 April 2020

To: Howick Local Board Members
Carol McKenzie-Rex, Relationship Manager

Subject: Howick Local Board feedback to the Council submission to the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package

From: Adele White, Howick Local Board Chair

Purpose

1. To provide Howick Local Board feedback to the Council submission to the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package, to be considered at the 16 April Emergency Committee meeting.

Summary

- The Associate Minister of Transport is proposing a collection of rule changes known as the Accessible Streets Regulatory Package.
- These rules are intended to:
 - make footpaths, shared paths, cycle lanes and cycle paths safer and more accessible
 - accommodate the increasing use of micro-mobility devices like e-scooters on streets and footpaths
 - encourage active modes of transport and support the creation of more liveable and vibrant towns and cities
 - make social and economic opportunities more accessible, and
 - make buses and active transport such as walking and cycling safer and more efficient.
- The package will clarify the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. This will include a 15km/h speed limit on the footpath and a requirement for all other footpath users to give way to pedestrians.
- The proposed rules also clarify how road controlling authorities may regulate pedestrians, devices and spaces like the footpath; and propose changes to the priority given to a range of road users to remove barriers to walking, device use and cycling.
- Local board views for appending to the submission are requested by Friday 17 April 2020
- Submissions on the package close on 22 April 2020.

Context

2. The Accessible Streets Regulatory Package aims to achieve a shift in government support for:
 - making footpaths, shared paths, cycle lanes and cycle paths safer and more accessible
 - accommodating the increasing use of micro-mobility devices like e-scooters on streets and footpaths
 - encouraging active modes of transport and supporting the creation of more liveable and vibrant towns and cities
 - making social and economic opportunities more accessible
 - making buses and active transport such as walking and cycling safer and more efficient.
3. These changes are intended to help give effect to the 2018/19-2027/28 Government Policy Statement on Land Transport which seeks to, amongst other things, prioritise:
 - accessible and affordable transport
 - safety
 - liveable cities.
4. The package consists of nine proposals:
 - Proposal 1: Change and re-name the types of device that are used on footpaths, shared paths, cycle paths and cycle lanes
 - Proposal 2: Establish a national framework for the use of footpaths
 - Proposal 3: Establish a national framework for the use of shared paths and cycle paths
 - Proposal 4: Enable transport devices to use cycle lanes and cycle paths
 - Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night
 - Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes
 - Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road
 - Proposal 8: Clarify how road controlling authorities can restrict parking on berms
 - Proposal 9: Give buses priority when exiting bus stops.

Discussion

5. From the initial review of the package some of the main areas that are of interest to the local board include:
 - a. Proposal 2 – This proposal would allow bikes and e-bikes as well as unpowered (push scooters, skateboards etc) and all legal powered (e-scooters and YikeBikes) transport devices to be used on footpaths. New rules would be introduced for their use on footpaths including the need to give way to all pedestrians and a speed limit of 15km/h. This proposal also raises the alternative option of only allowing cyclists on footpaths up to the age of 16.
 - b. Proposals 2 and 3 – Propose allowing road controlling authorities the ability to set speed limits for bikes and transport devices on footpaths, shared paths and cycle paths and make it easier for them to restrict the use of bikes and transport devices on footpaths.

- c. Proposal 6 – The proposal seeks to give priority to footpath, shared path and cycle path users over traffic turning into and out of side streets where markings are installed
 - d. Proposal 8 – Proposes changes to clarify how road controlling authorities can restrict parking on berms.
6. For clarity, the proposals do not:
- a. change the Land Transport Act 1998 or legalise the use of any other powered transport devices (beyond the already legal e-scooters and YikeBikes)
 - b. propose to amend the current rules around wearing helmets for either transport devices or bikes.

Howick Local Board feedback

7. Howick is the fifth largest urban area in New Zealand and our population increase has seen an ever increasing demand on all transport networks. Providing safe, reliable and accessible social infrastructure is acknowledged in a number of the local board plan outcomes.
8. While the board supports the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package, they request the following considerations.
- That all legislation is easily enforceable – and that agencies are given the powers/and resources to visibly carry this out
 - That NZTA prioritise funding to continue to develop shared pathways, to provide an alternative to congested roadways
 - That opportunity be provided for modification of some local bus routes so that they better capture potential users
 - That footpaths/shared paths are given lineal division to clearly define one side for pedestrians and the other for wheels, and clearly signposted
 - That helmet wearing is strongly promoted, and enforced; and use of devices whilst walking is discouraged; and whilst crossing the road is illegal
 - That where possible, consideration be given to the allocation of pathways for travel in a specific direction
 - Waka Kotahi and/or the Ministry of Transport continue work to resolve remaining issues outside of the scope of the package.

Kaipātiki Local Board Submission On Accessible Streets Regulatory Package

The Kaipātiki Local Board would like to comment on the proposal for rule changes known as the Accessible Streets Regulatory Package.

The context of reforms reflects the changing use of our footpaths and roads. The primary purpose being to improve safety for footpath users, encourage active modes of transport, and support the creation of more liveable and vibrant towns and cities.

The Kaipātiki Local Board supports the majority of the proposals set out in the Accessible Streets Regulatory Package.

The Board would like to make comment on several proposals.

Children Cycling on the footpath

The Kaipātiki Local Board support that children should be allowed to cycle at slow speeds in places where cycling on the road would put them at risk. The local board also supports parents being able to cycle and support young children on the footpath.

This is in line with the recommendation. It is an important issue locally as there are many roads within the Kaipātiki Local Board area that many parents would feel uncomfortable with inexperienced cyclists using.

Speed limits for shared paths and cycle paths

Under the proposed changes if a shared path or cycle path is adjacent to a roadway, the speed limit will be the same as the roadway. This means it's possible for a shared path or cycle path to have a speed limit of 100km/h.

The Kaipātiki Local Board are looking forward to the opening of the Northern pathway. It is not reasonable to have a speed limit that is the same as the Auckland Harbour Bridge or motorway. At present this is theoretical as e-bikes, bicycles etc would not be able to travel at such speed. It also appears that reasonable processes are in place if changes to speed were desired.

The most important issue will be ensuring adequate education of etiquette and safety of all users whilst using a shared pathway.

Berms

The Kaipātiki Local Board would like to see berms protected. However, for any decisions regarding enforcement of parking on berms, the Kaipātiki Local Board believe the road controlling authority should draw upon local knowledge.

The road controlling authorities to consult with local boards prior to passing resolutions that restrict parking within local board boundaries.

Prepared on behalf of the Kaipātiki Local Board by

Melanie Kenrick

Kaipātiki Local Board Member

021 198 1079

Māngere-Ōtāhuhu Local Board's Submission: Accessible Streets Regulatory Package

In the last five years, the Māngere-Ōtāhuhu Local Board has provided significant investments to support pedestrian traffic, footpaths and cycleways—both widening footpaths and providing separation between vehicles and cycleways. With our partners, we have provided data and research on the positive impacts of this investment, including examples from our community. We have invested millions in the Future Streets | Te Ara Mua local project and urgently request further investment to enhance outcomes, as the first area in the Auckland Region to deliver these strategic initiatives showing wide ranging benefits.

LOCAL BOARD POSITION

The Māngere-Ōtāhuhu Local Board supports the Auckland Council submission, in principle, but would like to highlight the following points for further consideration:

- 1) Our diverse communities need appropriate education and local champions with the ability to front the education for pedestrians, cyclists and device users. These champions need to have a clear understanding of the pedestrians and cyclists of a wide range of ages and mobilities living here in Māngere-Ōtāhuhu.
- 2) Many parents are worried about their children, young people and elderly accessing cycles and cycleways, lacking confidence in their safety and separation from other vehicles. Often, this creates a barrier for their children to participate in activities or use the roadways.
- 3) Many parents must accompany their dependants using local cycleways or public roads to supervise safe cycling.
- 4) Many parents, families, community organisations and church communities want to access cycling programmes, but do not own or cannot afford bicycles.
- 5) Many parents want to access bicycles and are generally supportive of bicycle programmes in schools as some cannot afford to purchase or maintain bicycles on a regular basis.
- 6) Individuals, families and community groups continually ask for regular activation programmes by their community organisations such as Mr T from Time To Thrive – To Stay Alive, a charitable trust based in Māngere.
- 7) We request for this unique community organisation to be supported and resourced by Auckland Transport on an ongoing basis. Our community relies upon Mr T to provide cycle education, helmet and cycle gear maintenance, and voluntary programmes. He does on a shoestring budget or using his own resources, with sporadic support from the Māngere-Ōtāhuhu Local Board, Auckland Council and Auckland Transport. His organisation runs incredibly successful programmes; however, he continues to have capacity problems.

- 8) The education programme promised requires translation into Te Reo Māori as well as Pasifika and other ethnic languages. Road and pathway users need clear and easily visible descriptions of what is and is not permitted to understand the various rules.
- 9) The signage provided must have simple universal symbols, designed in a way that stands out and can be easily understood by cyclists, children, teenagers, adults and older people and people with disabilities. Our signs need to have font and clear symbols that can be seen by a moving cyclist, walking pedestrian or a scooter user, in clearly visible locations.
- 10) Consistent maintenance and updates of these signs are required to ensure they are appropriate for the users.
- 11) Dirt bikes are clearly not to use either footpaths or cycle ways and are illegal. They are currently a significant transport and enforcement issue as they are difficult to monitor when not following transport rules.
- 12) The language of policies following legislation announcements will need to provide clear messaging to the public, distinguishing the responsibilities of various enforcement authorities, including Auckland Transport and police officers.
- 13) If road rules are updated through the Accessible Streets regulatory package, our communities will need a clear “Go Live” date with a well-resourced education package among communities with high deprivation, low social and economic indicators, including ongoing health and wellbeing challenges. Our community members who are eager to increase their participation in active modes of transport will need as much support as possible, especially at these crucial milestones.
- 14) Lastly, the Covid-19 Level 4 Lockdown has created an environment where locals have been encouraged to walk and cycle in local streets, neighbourhoods and parks to cope with the current circumstances and maintain mental health and wellbeing. Our community in Māngere-Ōtāhuhu have been able to utilise this consent to be physically active, walking or using family bicycles to cycle locally, making use of the recent investments by Auckland Council and the Māngere-Ōtāhuhu Local Board. This is significant in the context of our communities having some of the most challenging health and wellbeing statistics, high unemployment, and—as anecdotal evidence would suggest—high job losses amidst the current crisis which will directly impact our local economy. Efforts and investments must continue to develop wide footpaths, clear distinctions of cycleways, signage and clear rules for road users in our local community. This will improve daily exercise and mental health and wellbeing for our local community and healthy outcomes that will contribute to a sustainable future.

In summary, the Māngere-Ōtāhuhu Local Board requests a comprehensive, localised transition package to accompany any regulatory changes, including local procurement, education in multiple languages and appropriate, visible signage. Clear public communications with a “Go Live” date and clarity around enforcement will help our community to be confident pedestrians, cyclists and road users.

Manurewa Local Board feedback on Auckland Council's response to the Accessible Streets Regulatory Package

The Manurewa Local Board supports the Accessible Streets Regulatory Package overall. We believe that this proposal will provide clarity on the rules applying to pedestrians and users of various transport devices as the number of such devices on roads and footpaths become more common. Feedback on specific proposal is set out below.

Proposal 1: changes to categories of devices using footpaths, shared paths, cycle paths and cycle lanes

The board supports the proposed category changes for these devices. We have some concerns about the required behaviour for users of powered transport devices around pedestrians. These are detailed in the sections below regarding the national frameworks for use of footpaths, shared paths and cycle paths.

Proposal 2: Establish a national framework for the use of footpaths

The board supports the proposed rules for the use of footpaths to be established in the national framework. However, as stated above, we have concerns about guaranteeing the safety of pedestrians when powered transport devices such as e-scooters are used on footpaths. This is of particular concern where footpaths are narrow or in busy commercial areas where we can expect there to be large numbers of pedestrians on the footpath.

We recommend that there be additional rules for users of powered devices and cycles when approaching or overtaking pedestrians. These should require maintaining a distance of 1.5m from pedestrians and slowing to a brisk walking speed when overtaking.

The board has not reached a formal view on whether the age limit for cycling on the footpath should be changed or removed. Our preference is for separated cycle lanes wherever possible, and we will continue to advocate for these. Regardless of whether the age limit is changed or the status quo remains, we recommend that there should be requirements when cycling on the footpath for a top speed limit of 15 km/h, giving the right of way to pedestrians, and to maintain a 1.5m gap and reduce speed to a brisk walking pace when passing pedestrians, as outlined above.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths

The board generally supports the proposed national framework rules for shared paths and cycle paths. We agree with the recommendations in the Auckland Council response regarding default speed limits and giving priority to cyclists over powered transport device users.

Proposal 4: Enable transport devices to use cycle lanes and cycle paths

The board supports the proposal to allow transport devices to use cycle lanes and cycle paths, subject to the recommendations above regarding speed limits and giving priority to cycle users. As stated above, it is our preference to see transport devices use these rather than footpaths, and we would like to see more cycle lanes and cycle paths created in our area.

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night

The board supports this proposal.

Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes

The board supports these rule changes.

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road

The board supports this proposal. We agree with the recommendation in the council response that the required gap be 1.5m on all roads, rather than the proposal of 1m on roads with a speed limit of less than 60 km/h and 1.5m on roads with a speed limit of 60 km/h or more.

We note that there may be difficulty for motorists in complying with this requirement when driving on narrow streets. This may require consideration of widening existing roads where this is the case, and imposing requirements on developers to ensure that new roads are of sufficient width.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms

The board supports clarifying the ability of road controlling authorities to restrict parking on berms. However, we believe that improved road design to provide more on street parking and requirements for developers to provide sufficient off-street parking for residents would be a better mechanism to reduce parking on berms than enforcement measures.

Proposal 9: Give buses priority when exiting bus stops

The board supports this proposal, subject to bus drivers exercising due caution when making use of it and making certain that the road is clear before exiting the bus stop, rather than assuming the rule has been complied with. Our preference would be for a 5 second time period to indicate rather than the proposed 3 seconds. However, in either case, we have concerns as to how it will be evidenced that a bus has signalled for the required time before exiting the bus stop if there is any dispute over this.



Joseph Allan, Chairperson

17 April 2020

On behalf of the Manurewa Local Board

Memorandum

14 April 2020

To: Alastair Cribbens, Principal Transport Advisor, Auckland Council

Subject: Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package

From: Ōtara-Papatoetoe Local Board

Purpose

1. To provide Ōtara-Papatoetoe Local Board's feedback on the Accessible Streets Regulatory Package.

Context

2. The Waka Kotahi NZ Transport Agency is consulting on a collection of rule changes known as the Accessible Streets Regulatory Package. The board received the information memo outlining features of the package intended to support and improve accessible and affordable transport, safety and liveable cities.
3. The aims of the package are aligned to the board's stated outcome in the Local Board Plan 2017 – "It is easy to get around: everyone can easily get around on foot, cycle, bus, train and car."

Feedback:

4. The Ōtara-Papatoetoe Local Board gives the following comments as feedback noting:
 - a) that it is in **support of the purpose and general objectives** of the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package 2020.
 - b) it supports, in principle, Auckland Council's submission.
 - c) that the local community would benefit from footpaths that allow for shared modes including mobility scooters, baby strollers and bikes.
 - d) that it asks **central government to resource and fund the implementation of the proposed changes**. Council submission notes that the financial impact of the package's introduction is likely to fall primarily on Auckland Transport (AT). This proposal may put an unrealistic burden on AT to prioritise accessibility across the region. As a local board we rely on using the Transport Capital Funding to create accessible shared pathways. Our budget is very small to extend and cover this package. Central government funding is important to give effect to purpose and intent of the package.
 - e) Further, that **equitable resourcing be a key factor to determine priorities to make safe, accessible streets and pathways**. There is otherwise a big risk that areas of high deprivation, such as Ōtara-Papatoetoe local board area stand to be neglected and lose out when planning and allocating resources.
 - f) that it is supportive of creating safe, accessible streets and pathways with enough resourcing from Central Government and an equitable allocation of resources; that there is **a priority placed on factors of highest need and highest deprivation** when planning resources for delivery on the regulatory package.



Lotu Fuli

Chair,

Ōtara-Papatoetoe Local Board

Papakura Local Board feedback on the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package

About the Papakura Local Board

1. Papakura Local Board is one of 21 local boards which are part of the Auckland Council. The board has responsibility for local decision making while the Governing Body has a regional decision making focus.
2. The board's population, as at the 2018 census, was 57,636. The population is ethnically diverse with 49.1% European, 26.8% Māori, 23.4% Asian and 16.9% Pacific peoples. Since the 2013 census there has been a significant growth in the Asian population. Papakura still has the largest Māori population per head of capita in Auckland. The median age in Papakura is 32 years, with 23.6% of the population being aged between 0 and 14 years.

Background

3. The Associate Minister of Transport is proposing a collection of rule changes known as the Accessible Streets Regulatory Package.
4. These rules are intended to:
 - ¿ make footpaths, shared paths, cycle lanes and cycle paths safer and more accessible
 - ¿ accommodate the increasing use of micro-mobility devices like e-scooters on streets and footpaths
 - ¿ encourage active modes of transport and support the creation of more liveable and vibrant towns and cities
 - ¿ make social and economic opportunities more accessible, and
 - ¿ make buses and active transport such as walking and cycling safer and more efficient.
5. The package will clarify the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. This will include a 15km/h speed limit on the footpath and a requirement for all other footpath users to give way to pedestrians.
6. The proposed rules also clarify how road controlling authorities may regulate pedestrians, devices and spaces like the footpath; and propose changes to the priority given to a range of road users to remove barriers to walking, device use and cycling.
7. The package consists of nine proposals:
 - ¿ Proposal 1: Change and re-name the types of device that are used on footpaths, shared paths, cycle paths and cycle lanes
 - ¿ Proposal 2: Establish a national framework for the use of footpaths
 - ¿ Proposal 3: Establish a national framework for the use of shared paths and cycle paths
 - ¿ Proposal 4: Enable transport devices to use cycle lanes and cycle paths

- ζ Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night
 - ζ Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes
 - ζ Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road
 - ζ Proposal 8: Clarify how road controlling authorities can restrict parking on berms
 - ζ Proposal 9: Give buses priority when exiting bus stops.
8. Local board input is required by 17 April 2020 to be appended to the Auckland Council submission.
9. Submissions on the package close on 22 April 2020.

Papakura Local Board feedback

<p>Proposal 1: Change and re-name the types of device that are used on footpaths, shared paths, cycle paths and cycle lanes</p>
<p>Proposal 1A: Pedestrians and powered wheelchair users</p> <p>1. Do you agree that powered wheelchairs should be treated as pedestrians? Why/why not?</p> <ul style="list-style-type: none"> ζ The Papakura Local Board supports the proposal to create a new category for powered wheelchairs which clarifies the difference between a powered wheelchair and a high-speed mobility scooter. ζ The board supports powered wheelchairs no longer being considered a mobility device and being re-categorised as pedestrians. ζ Powered wheelchairs should be treated as pedestrians as they do not reach significant speeds and do not pose a significant risk to other pedestrians.
<p>Proposal 1B: Changing "wheeled recreational devices" to Transport devices</p> <p>2. Do you agree with the proposal to replace wheeled recreational devices with new categories for unpowered and powered transport devices? Why/why not?</p> <ul style="list-style-type: none"> ζ The board supports replacing wheeled recreational devices category with two new categories: <ul style="list-style-type: none"> ζ unpowered transport devices, which includes devices such as push-scooters and skateboards. ζ powered transport devices, which includes devices such as e-scooters and YikeBikes. ζ The board agrees that the proposed changes provide clarity for road controlling authorities to assess where transport devices can be used. ζ The proposed changes also allow a mechanism for future technology to be assessed and categorised.

- ¿ The board would like to see clarification in this section in relation to the transport devices using footpaths :under certain conditions ~to ensure pedestrian safety is paramount.
- ¿ The board would like to see clarification in this section about a definition regarding motorised mini motorbikes.

3. What steps should the Transport Agency take before declaring a vehicle not to be a motor vehicle?

- ¿ Research from other parts of the world that have these devices is required to ascertain the risks and support decision making.
- ¿ New Zealand statistics relating to accidents or incidents relating to these devices should be obtained.
- ¿ Look at the Australian Sunshine Coast shared pathway rules - bicycles have bells. When a cyclist approaches a group of pedestrians they ring the bell and the pedestrians step to the left to allow the cyclist to past ~ which is very civil and organised. This could apply to other transport devices, eg: mobility scooters, e-skateboards, e-scooters etc.
- ¿ How do we teach everyone to be courteous to one another as our population increases and more people with devices utilise footpaths, cycleways and shared pathways? Some basic courtesy goes a long way so all can enjoy these spaces.

4. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions? If yes, should such conditions be able to be applied regardless of the power output of the device?

- ¿ The board agree the Transport Agency should be able to impose conditions on devices (vehicles that are not motor vehicles) regardless of the power output of the device.

5. We propose to clarify that:

- a. low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency (e.g. hover boards, e-skateboards and other emerging devices) are not allowed on the footpath
- b. these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards
- c. if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes).

Do you agree with this proposed clarification? Why/why not?

- ¿ The board believes it is logical that these devices should be allowed to use the footpath, however, there should be speed restrictions placed on the use of the devices.
- ¿ The board believes there are safety concerns in relation to where the device is used, for either the general public (if allowed to use the footpath) or the individual using the device (if allowed to use the road).
- ¿ Safety of pedestrians using footpaths must be paramount.
- ¿ Users should be made to wear helmets.
- ¿ Where these devices should be used needs to be addressed as soon as possible to avoid public confusion.

<p>Proposal 1C: Clarifying cycles and e-bikes</p> <p>6. Do you agree with the proposal that:</p> <ul style="list-style-type: none"> ¿ Small-wheeled cycles that are propelled by cranks be defined as cycles, and ¿ Small-wheeled cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices? <p>Why/why not?</p> <ul style="list-style-type: none"> ¿ The board would like to see clarification in this section in relation to the cycles and e-bikes using footpaths :under certain conditions ~to ensure pedestrian safety is paramount.
<p>Proposal 1D: Mobility devices</p> <p>7. Mobility devices have the same level of access as pedestrians but will have to give way to pedestrians and powered wheelchairs under the proposed changes. Do you agree? Why/why not?</p> <ul style="list-style-type: none"> ¿ The board agrees with mobility devices having the same level of access as pedestrians with the requirement to give way to pedestrians and powered wheelchairs. ¿ It would not be safe to allow mobility devices on the road. <p>8. Do you think there will be any safety or access-related problems with mobility devices operating in different spaces? Please explain.</p> <ul style="list-style-type: none"> ¿ Speed the mobility devices can travel at will be a safety issue for the user and other users of the footpaths. Speed restrictions on mobility devices should be part of the regulatory rules. <p>9. We intend to review the mobility device category at a later date. What factors do you think we need to consider?</p> <ul style="list-style-type: none"> ¿ A speed limit restriction should be in place for mobility devices that use the footpath. Share with care and maximum widths guidance of the mobility devices is needed.
<p>Proposal 2: Establish a national framework for the use of footpaths</p> <p>11. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements. Do you support this? Why/why not? Should there be any other requirements?</p> <ul style="list-style-type: none"> ¿ The board support the proposed changes that will allow mobility devices, transport devices, and cycles on the footpath provided users meet speed, width and behavioural requirements. ¿ However, the board does see a difference between an experienced cyclist and a novice/beginner cyclist (whatever the age). Some of the experienced cyclists travel at speed and would be better suited to cycleways or on the road. ¿ An education campaign would be required to build the courteous culture of use of a shared space.

- ¿ Every device sold could come with a standard educational information about courteous use of the device. Start the campaign where the device is purchased.

12. We have outlined two alternative options to address cycling on the footpath. These are:

- a. allow cyclists up to 16 years of age to use the footpath; or
- b. Continue the status quo, where most cyclists are not allowed to use the footpath.

Do you prefer either of these options instead of allowing cyclists on the footpath?

- ¿ The board does not support either of the two options.
 - ¿ Allowing cyclists up to 16 years of age use the footpath would preclude older learners or less experienced cyclists from using the footpath. This would be a deterrent for those over 16 to cycle.
 - ¿ Continuing with the status quo does not provide a safe option for cyclists if there is no separated cycle lane.

13. Would you support an age limit for cycling on the footpath? What age would you prefer?

- ¿ The board does not support an age limit for cycling on the footpath. An age limit is a barrier for people embracing cycling as an alternative mode of transport.

14. Our proposal allows road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions. Do you agree with this proposal? Why/why not? Do you have any comments on the proposed process?

- ¿ The board agrees with the proposal allowing road controlling authorities the ability restrict cycle or device use on certain footpaths or areas of footpath to suit local communities and conditions, for example town squares.
- ¿ However, the board believes a consistent approach with the minimum amount of restrictions as possible lessens general public confusion.

15. We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Should this be specified in the Land Transport Rule: Paths and Road Margins 2020 to provide certainty? Why/why not?

- ¿ The board believes there should be an opportunity for public input whether the decision to regulate the use of paths is made by resolution or a bylaw.

16. We're proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. Do you agree with this proposal and the proposed criteria? Why/why not?

- ¿ The board agrees with the proposal and proposed criteria for road controlling authorities to follow.

17. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements? Why/why not?

- ¿ The board believes current footpath rules do not cater to the current needs of the users.
- ¿ As the population ages it is likely there will be more mobility devices and e-wheelchairs users.
- ¿ The roads are congested, there are very few separated cycleways. Where there are no cycleways, cycling on the road for novice/beginning cyclists (no matter the age) is dangerous.

Proposal 2A: Users on the footpath will operate vehicles in a courteous and considerate manner, travel in a way that isn't dangerous and give right of way to pedestrians.

18. We propose that pedestrians should always have right of way on the footpath. Do you agree with this proposal? Why/why not?

- ¿ The board agrees in part that pedestrians should always have right of way on the footpath, however, courtesy is a two-way street. Pedestrians should not block the pathway for use by others either. There's a precedent on the Sunshine Coast where it is mandatory for cycles to have bells. When cycling on a shared path the cyclist rings the bell to warn they are coming and the pedestrians allow space for the cyclist to pass. It appears to work well and could be applied to all devices powered or unpowered.

19. This proposal sets out three behavioural requirements; that footpath users will:

- ¿ operate vehicles in a courteous and considerate manner,
- ¿ travel in a way that isn't dangerous, and
- ¿ give right of way to pedestrians.

Do you agree with these three requirements? Are there any others we should consider?

- ¿ The board agrees with the three requirements and believe :give right of way to pedestrians should be the first bullet point. Once again courtesy is paramount so all can enjoy.
- ¿ The board believes transport devices should be operated in the manner they were designed to be used. The board has a concern about those cyclists that perform tricks on footpaths or ride down the road on their back wheel with the front wheel raised off the ground, therefore abdicating any safe control of the bike.

Proposal 2B: Default 15km/h speed limit for vehicles using the footpath

20. Do you agree with the proposed default speed limit of 15km/h for footpaths? Why/why not? Do you think the proposed speed limit should be higher/lower?

- ¿ The board agrees with the proposed default speed limit of up to 15km/hr for footpaths and agrees it makes it easier to enforce than the current state.
- ¿ The board notes there are limitations in terms of enforcement but feels the proposed change future proofs the regulations in a way that allows for growth in technology and new devices.

21. Do you agree with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths? Why/why not?

- ¿ The board agrees with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths. Any change to the speed limit should be regularly clearly marked on the pathway or communicated to the users.

22. Are there other ways, that you can think of, to improve footpath safety? Please explain.

- ¿ The board believes the ideal is for separated cycleways for cyclists and other transport devices that can travel at higher speeds than 15km/hr.
- ¿ There should be a requirement for all transport devices to be fitted with a bell and an etiquette developed where a transport device users ring the bell when approaching pedestrians, pedestrians move to the side to left to allow the cyclist to move past.
- ¿ There should be a requirement for wider footpath widths in developments to allow for safe shared pathways.

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath

23. Do you agree with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath? Should this maximum width limit be wider/narrower?

- ¿ The board agrees with reservations with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath. However, the board is mindful of the obesity issue in New Zealand which leads to people needing to use wider mobility devices due to health circumstances.

24. Do you use a mobility device? If yes, what is the width of your device? Would the proposed width restriction impact you?

- ¿ N/A

25. Should the maximum width limit apply to mobility devices? Why/why not?

- ¿ The board believe there should be an exemption process for those who require wider mobility devices for health reasons.

26. We propose that people who already own a device wider than 750mm could apply for an exemption. This document also considers three alternative approaches to mitigate the impact on existing device owners:

- a. mobility devices purchased before the rule changes could be automatically exempt from the width limit.
- b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act, and exclude them from width requirements, or
- c. Apply a separate width limit to mobility devices.

Which is your preferred option? Do you have any comments on these alternatives?

- ¿ The board believes that eventually a separate width limit may be required for mobility devices. A conversation should be had with users and those that sell the wider devices to more fully understand the need. As mentioned with obesity rates rising and the associated health issues that brings, wider mobility devices may potentially be on the increase. The regulations should be future proofed to allow for this.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths

27. Do you agree that road controlling authorities should be able to declare a path a shared path or a cycle path? What factors should be considered when making this decision?
- ¿ The board agrees that road controlling authorities should be able to declare a path a shared path or a cycle path providing there is a minimum width of 3 metres.
28. Do you agree with the behavioural requirements we are proposing? Should there be other requirements or rules to use a shared path or cycle path?
- ¿ The board agrees with the behavioural requirements proposed and suggest some sort of signalling mechanism should be required on devices to warn others they are approaching.
29. Do you agree that all users be required to give way to pedestrians when using a shared path? Why/why not?
- ¿ The board agrees that all users be required to give way to pedestrians when using a shared path as pedestrians are the most vulnerable users. Pedestrian courtesy will required as well.
30. Do you agree with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change these limits? Please explain.
- ¿ The board agrees with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change the limits as there may be circumstances where a lower speed limit should be applied for safety. Any change to the maximum speed limit should be clearly marked at regular intervals along the shared path or cycle path.
31. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria? Why/why not?
- ¿ The board agrees with the Transport Agency having the power to investigate and direct road controlling authorities to comply with the required criteria as it will ensure consistency in approach believe a consistent approach.
 - ¿ The board believes it would be helpful for the Transport Agency to maintain a national speed limit register as this could potentially assist with analysing trends to inform future changes.

Proposal 4: Enable transport devices to use cycle lanes and cycle paths

32. Do you agree that devices other than cycles should be allowed to use cycle lanes and/or cycle paths? Why/why not?
- ¿ The board agrees that devices other than cycles should be allowed to use cycle lanes and/or cycle paths as this gives the opportunity for those devices that travel at higher speeds to move more freely.
 - ¿ If other devices are allowed to use cycle lane they should do so with care and courtesy of cyclists.
 - ¿ The board believes all cycle lanes should be separated by barriers or be separated shared cycle/pedestrian pathways to ensure maximum safety for users.

33. Do you agree that road controlling authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and/or cycle paths? Why/why not?

- ¿ The board agrees that road controlling authorities should be able to exclude powered or unpowered transport devices from cycle lanes and/or cycle paths. Road controlling authorities need to have the flexibility to respond at the local level to maximise safety for the users.

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night

34. Do you agree with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night? Why/why not?

- ¿ The board agrees with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light and be fitted with a reflector (unless the user is wearing reflective material).
- ¿ The board is of the view that these safety measures should be in place for devices. The board sees these devices on a par with cycles.
- ¿ The board supports regulation that would require powered transport device users to wear helmets.

35. Do you think these requirements are practical? For example, if you own a powered transport device, will you be able to purchase and attach a reflector or lights to your device or yourself?

- ¿ The board believes this could be challenging for some powered transport devices, however, hardware stores sell all sorts of things these days, including reflective tape. You can even purchase a head lamp from the two dollar shop. If there's a demand for a solution it will be found.

36. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at night time? Why/why not?

- ¿ The board is of the view that unpowered transport devices should be required to meet the same lighting and reflector requirements as powered transport device users at night time for safety reasons.
- ¿ The board supports regulation that would require unpowered transport device users to wear helmets.

Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes

Proposal 6A: Allow cycles and transport devices to travel straight ahead from a left turn lane

37. Do you agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so? Why/why not?

- ¿ The board agrees that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection when it is safe to do.
- ¿ The board is concerned that the cyclist could potentially be at risk if the light is green for left turning traffic and red for straight through traffic.

Proposal 6B: Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn

38. Do you agree that cyclists and transport devices should be allowed to carefully undertake slow-moving traffic? Why/why not?

- ¿ The board agrees that cyclists and transport devices should be allowed to carefully undertake slow-moving traffic, unless a motor vehicle is indicating a left turn.

Proposal 6C: Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane

39. Do you agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane? Why/why not?

- ¿ The board agrees that turning traffic should give way to users travelling straight through at an intersection in a separated lane.

40. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary? Why/why not?

- ¿ If the user of a separated lane has right of way a list of traffic control devices shouldn't be necessary.

41. Should the definition of a separated lane include the distance between the lane and the road? Why/why not?

- ¿ The board believes the more prescriptive a rule becomes the less future proofed it is. The principle is that turning traffic must give way to cyclists and transport devices using separated lanes.

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed

42. Do you agree that turning traffic should give way to path users crossing a side road with the proposed markings? Why/why not?

- ¿ The board does not agree with this proposal.
- ¿ While this rule might work in theory, motorists will need to be educated about this change. In practical terms turning traffic having to give way to footpath users will add to congestion.
- ¿ There is a potential logistical safety issue with the proposed change, essentially vehicles are bigger and move faster than footpath users. Therefore, a footpath user anticipating right of way would be risking their safety if they crossed a road without checking turning traffic is going to give way.

43. Do you think that the proposed minimum markings are appropriate?

- ¿ The rationale behind implementing this change will require an education campaign to ensure motorists are aware of what the line markings mean.

44. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

- ¿ While raised tables for delineating footpath user priority crossing points will slow traffic down, it will be some time before they can be installed at existing crossings because of the associated costs.
- ¿ The two straight white line markings may not be readily visible to motorists, particularly in wet weather.

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road

45. Do you agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices? Why/why not?

- ¿ The board agrees with the proposal for a mandatory minimum overtaking gap.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms

46. Do you agree with the proposal that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register? Why/why not?

- ¿ Why are people parking on the berms? It is usually because the roads are not wide enough. A sensible approach would be to ensure there is a minimum road width, particularly in new subdivisions, where road widths are incredibly narrow. In some cases where cars are parked on the street no-one can move down the street until the rubbish collection vehicle has passed. Sometimes the rubbish collection or emergency services vehicles cannot get down the road at all.
- ¿ There is an added issue with new subdivisions where there are many driveways adjacent to each other with less than a 3 metre entrance to the garage. Vehicles are parked outside the garage door and impede the footpath space. There is no on-street parking available. Garages are often single stacked parking or are being utilised for other purposes other than parking.
- ¿ The board agrees with the proposal that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register.
- ¿ An educative approach could be taken with enforcement, ie: the first incident is a warning advising of the restriction. The second incident incurs the fine.
- ¿ Clarity is also required regarding the differences between rural and urban local authorities' definitions of a berm.

47. Would it be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council?

- ¿ Absolutely, this information needs to be readily available in as many places as possible, even Citizens Advice Bureaux. The question to ask is what will prompt people to go look it up? Hence the preferred two phase approach to infringements, ie: first infringement a warning, second infringement a fine.

Proposal 9: Give buses priority when exiting bus stops

48. Do you agree that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60km/h or less? Why/why not?

- ¿ The board agrees that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60km/h or less.

49. Should traffic give way to buses in other situations? For example, when a bus is exiting a bus lane and merging back into traffic lanes? Why/why not?

- ¿ The board believes traffic should give way to buses in other situations, eg: when a bus is exiting a bus lane and merging back into traffic lanes as this will prioritise public transport. By making the public transport trip faster more people may choose to use it.



Brent Catchpole
Chairperson
Papakura Local Board



Jan Robinson
Deputy Chairperson
Papakura Local Board

Date: 14 April 2020

Feedback on:

The Waka Kotahi NZ Transport Agency Accessible Streets Regulatory Package (2020)

15 April

Context

Waka Kotahi NZ Transport Agency has released an Accessible Streets Regulatory Package. This is a collection of rule changes intended to:

- make footpaths, shared paths, cycle lanes and cycle paths safer and more accessible
- accommodate the increasing use of micro-mobility devices like e-scooters on streets and footpaths
- encourage active modes of transport and support the creation of more liveable and vibrant towns and cities
- make social and economic opportunities more accessible, and
- make buses and active transport such as walking and cycling safer and more efficient.

The package intends to clarify the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. This will include a 15km/h speed limit on the footpath and a requirement for all other footpath users to give way to pedestrians.

The proposed rules also clarify how road controlling authorities may regulate pedestrians, devices and spaces like the footpath; and propose changes to the priority given to a range of road users to remove barriers to walking, device use and cycling.

The package consists of nine proposals:

- Proposal 1: Change and re-name the types of device that are used on footpaths, shared paths, cycle paths and cycle lanes
- Proposal 2: Establish a national framework for the use of footpaths
- Proposal 3: Establish a national framework for the use of shared paths and cycle paths
- Proposal 4: Enable transport devices to use cycle lanes and cycle paths
- Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night
- Proposal 6: Remove barriers to walking, transport device use and cycling through rule changes
- Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road
- Proposal 8: Clarify how road controlling authorities can restrict parking on berms
- Proposal 9: Give buses priority when exiting bus stops

Submissions on the package close on 22 April 2020.

Relevance to the Local board

Local boards are a key part of the governance of Auckland Council. Local boards have responsibilities set out in the Local Government (Auckland Council) Act 2009, specifically:

- identifying and communicating the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council

Local boards provide important local input into region-wide strategies/plans and can also represent the views of their communities to other agencies, including those of central government.

Puketāpapa Local Board feedback:

Proposal 1A: Pedestrians and powered wheelchair users

1. Do you agree that powered wheelchairs should be treated as pedestrians? Why/why not?

- The Board is supportive of this proposal.
- Powered wheelchairs are important mobility device for those who require them. It is important that they be legally allowed to use the most appropriate surface / lane for their device.

Proposal 1B: Changing wheeled recreational devices

2. Do you agree with the proposal to replace wheeled recreational devices with new categories for unpowered and powered transport devices? Why/why not?

- The Board is supportive of this proposal, subject to changes.
- The rise of micro-mobility devices such as electric scooters, electric skateboards and bicycles means that footpaths will be increasingly used by non-pedestrians, and a framework is required to ensure the safety of all users, especially pedestrians.
- We believe all micro-mobility devices should be able to use footpaths at low speed.
- It is essential that speed limits are defined for non-pedestrian users. We believe a 10km/h speed should be implemented when near pedestrians as this allows for pedestrian safety and ensures device users are not out of control.

3. What steps should the Transport Agency take before declaring a vehicle not to be a motor vehicle?

No comment

4. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions? If yes, should such conditions be able to be applied regardless of the power output of the device?

- The Transport Agency should consider the creation of a new category "Micro Motor Vehicle" into which any powered transport device falls. This would allow
- These devices could then be able to use footpaths at speeds of under 15kph.

5. We propose to clarify that:

- a. low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency (e.g. hover boards, e-skateboards and other emerging devices) are not allowed on the footpath
- b. these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards
- c. if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes).

Do you agree with this proposed clarification? Why/why not?

- The Board is not supportive of this proposal, unless as per point (c) the Transport Agency declares them to be powered transport devices.

- Without point (c), this clarification effectively bans e-skateboards etc from both the footpath and the road, rendering them useless as transport devices.

Proposal 1C: Clarifying cycles and e-bikes

6. **Do you agree with the proposal that:**
- **Small-wheeled cycles that are propelled by cranks be defined as cycles, and**
 - **Small-wheeled cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices?**
- Why/why not?**
- The Board is supportive of this proposal.
 - It will enable smaller bikes to use a range of surfaces and lanes.

Proposal 1D: Mobility devices

7. **Mobility devices have the same level of access as pedestrians but will have to give way to pedestrians and powered wheelchairs under the proposed changes. Do you agree? Why/why not?**
- The Board is supportive of this proposal.
 - As the most vulnerable road users, it's important to protect pedestrians and enforcing these give way provisions are critical.
8. **Do you think there will be any safety or access-related problems with mobility devices operating in different spaces? Please explain.**
- Given that they are required by those with mobility issues, it is important that they be legally allowed to use the most appropriate surface / lane for their device.
 - There could potentially be issues around footpath width, particularly in areas with legacy footpaths that are below standard.
9. **We intend to review the mobility device category at a later date. What factors do you think we need to consider?**
- When reviewing the mobility device category, keep it to powered wheelchairs and mobility scooters which have strict standards. Escoters, segways (see page 21 about the segway ruling), ebikes and other devices should not be considered a mobility device.

Alternative proposal

10. **We have outlined an option to not change vehicle definitions. This means we would make changes at a later date instead. Do you prefer this option to our proposal to change vehicle definitions now (see proposals 1A, 1B, 1C, 1D for more details)? Why/why not?**
- The Board is supportive of changing definitions now.

Proposal 2: Establish a national framework for the use of footpaths

11. **Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements. Do you support this? Why/why not? Should there be any other requirements?**
- The Board is supportive of this proposal.
 - It is important that low-speed, low-risk cycling/riding is legally allowed on footpaths, to allow parents to ride with children, and for cyclists/riders to avoid high-risk roads that have poor cycling facilities.
 - Some roads are simply not safe to cycle on for both young and older, but if following the feedback given in Proposal 1B, footpaths should be safe for all users and they can negotiate those spaces.
12. **We have outlined two alternative options to address cycling on the footpath. These are:**
- allow cyclists up to 16 years of age to use the footpath; or**
 - Continue the status quo, where most cyclists are not allowed to use the footpath.**
- Do you prefer either of these options instead of allowing cyclists on the footpath?**

- The Board prefers the original proposal, allowing cyclists on the footpath.

13. Would you support an age limit for cycling on the footpath? What age would you prefer?

- The Board would not support an age limit.
- Ability and confidence is not linked to age in every situation, and older riders may not feel comfortable on certain roads.

14. Our proposal allows road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions. Do you agree with this proposal? Why/why not? Do you have any comments on the proposed process?

- The Board is supportive of this proposal.
- It is important for local authorities to control this, particularly in busy urban areas.

Problems will be where the road is very dangerous (double lane roads with no strip median, cars in and out of carparking, etc) but the footpath is very narrow, in a bad condition and/or obstructed by plants. In which case the local authority will probably need to deem the footpath not safe for cycling. We believe that if a footpath is deemed unsafe for cycling there needs to be provision for cyclists made, either through protected cycle lane or creating a shared path.

15. We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Should this be specified in the Land Transport Rule: Paths and Road Margins 2020 to provide certainty? Why/why not?

- No Comment

16. We're proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. Do you agree with this proposal and the proposed criteria? Why/why not?

- The Board is generally supportive of this proposal with the following reservation:
- The proposal would require a longer timeframe (consultation etc) meaning that there may be delay in actioning urgent issues.

17. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements? Why/why not?

- A new framework is required, to ensure the most vulnerable road users are protected. Pedestrians must not be put at risk by these changes.

Proposal 2A: Users on the footpath will operate vehicles in a courteous and considerate manner, travel in a way that isn't dangerous and give right of way to pedestrians

18. We propose that pedestrians should always have right of way on the footpath. Do you agree with this proposal? Why/why not?

- The Board is supportive of this proposal.
- Pedestrians are the most vulnerable road corridor users and must be protected.

19. This proposal sets out three behavioural requirements; that footpath users will:

- operate vehicles in a courteous and considerate manner,
- travel in a way that isn't dangerous, and
- give right of way to pedestrians.

Do you agree with these three requirements? Are there any others we should consider?

- The Board is supportive of this proposal.

Proposal 2B: Default 15km/h speed limit for vehicles using the footpath

20. Do you agree with the proposed default speed limit of 15km/h for footpaths? Why/why not? Do you think the proposed speed limit should be higher/lower?

- The Board is supportive of the standard speed limit being 15kph on footpaths as this is a good level to get the benefits of micro-mobility devices while keeping pedestrians safe. Anything higher would lead to an increase in accidents, permanently lower would dissuade people from using these devices. We support the speed limit, with the caveat that users drop their speed when around pedestrians.

21. Do you agree with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths? Why/why not?

- The Board is supportive of this proposal.
- Local authorities need to be able to act quickly and independently to solve local issues.

22. Are there other ways, that you can think of, to improve footpath safety? Please explain.

- Improving footpath safety, for low walkability neighbourhoods, with bad quality footpaths, widening footpaths for better use and potential shared use should be considered.
- There is a need to focus on footpath maintenance and ensure this is well funded.
- There are guidelines that NZTA should publish for local authorities such as gentle signalling (such as a bell) when coming up behind or passing as good practice. Give way to all pedestrians. Slower mode on left hand side as guideline for local authorities to promote

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath

23. Do you agree with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath? Should this maximum width limit be wider/narrower?

- The Board is supportive of this proposal.
- A standard width bicycle trailer is under 600mm wide, so 750mm seems adequate for parents who wish to ride on the footpath while their children are in a trailer.

24. Do you use a mobility device? If yes, what is the width of your device? Would the proposed width restriction impact you?

- No comments.

25. Should the maximum width limit apply to mobility devices? Why/why not?

- In general yes, but with future technology there may be a need to change this as new devices come onto the market to deal with different health needs.

26. We propose that people who already own a device wider than 750mm could apply for an exemption. This document also considers three alternative approaches to mitigate the impact on existing device owners:

- a. mobility devices purchased before the rule changes could be automatically exempt from the width limit.
- b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act, and exclude them from width requirements, or
- c. Apply a separate width limit to mobility devices.

Which is your preferred option? Do you have any comments on these alternatives?

- Option B is preferred.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths

27. Do you agree that road controlling authorities should be able to declare a path a shared path or a cycle path? What factors should be considered when making this decision?

- The Board is supportive of this proposal.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

28. Do you agree with the behavioural requirements we are proposing? Should there be other requirements or rules to use a shared path or cycle path?

- The Board is supportive of this proposal.
- The user priority table is appropriate and should be implemented.

29. Do you agree that all users be required to give way to pedestrians when using a shared path? Why/why not?

- The Board is supportive of this proposal.
- Pedestrians are the most vulnerable corridor users and must be protected.

30. Do you agree with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change these limits? Please explain.

- The Board is supportive of this proposal.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

31. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria? Why/why not?

- The Board is tentatively supportive of this proposal, with the proviso that acknowledgement is made that different areas: rural and urban require different rules.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

Proposal 4: Enable transport devices to use cycle lanes and cycle paths

32. Do you agree that devices other than cycles should be allowed to use cycle lanes and/or cycle paths? Why/why not?

- The Board is supportive of this proposal.
- The rise of micro-mobility devices means that more cycle lanes and shared paths are required, and these devices must be able to use them legally.

33. Do you agree that road controlling authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and/or cycle paths? Why/why not?

- The Board is not supportive of this proposal.
- The increased variety of devices may lead to fragmentation of the definitions of powered / non-powered devices. The identification of each may also become difficult.

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night

34. Do you agree with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night? Why/why not?

- The Board is supportive of this proposal.
- We agree that a front-facing light and a rear-facing light are required at night.

35. Do you think these requirements are practical? For example, if you own a powered transport device, will you be able to purchase and attach a reflector or lights to your device or yourself?

- Many powered transport devices will already have front and rear facing lights.
- Front facing lights are relatively easy to attach to handlebars.
- Rear facing lights may be more difficult to attach e.g. on an e-scooter
- Reflectors may not be able to be attached to devices where there are limited or thin surface areas.
- It is important that a requirement be made of sellers to ensure devices meet this criteria.

36. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at night time? Why/why not?

- If they are travelling on the road, then they must have lights.

Proposal 6A: Allow cycles and transport devices to travel straight ahead from a left turn lane

37. Do you agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so? Why/why not?

- The Board is supportive of this proposal.
- It is safer for users to stay in the left lane to go straight ahead.

Proposal 6B: Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn

38. Do you agree that cyclists and transport devices should be allowed to carefully 'undertake' slow-moving traffic? Why/why not?

- The Board is supportive of this proposal.
- Cyclists are often able to move at a higher average speed than peak traffic, and removing that ability disincentives the use of bicycles.

Proposal 6C: Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane

39. Do you agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane? Why/why not?

- The Board is supportive of this proposal.
- Road users going straight ahead, including cyclists and pedestrians, should have priority over all turning traffic, as it is safer and ensures turning traffic travels at a safer speed.

40. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary? Why/why not?

- The Board is supportive of this proposal.
- Education for all road users is an important part of these changes, and traffic control devices can aid this.

41. Should the definition of a separated lane include the distance between the lane and the road? Why/why not?

- No Comment

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed

42. Do you agree that turning traffic should give way to path users crossing a side road with the proposed markings? Why/why not?

- The Board is supportive of this proposal.
- Road users going straight ahead, including cyclists and pedestrians, should have priority over all turning traffic, as it is safer and ensures turning traffic travels at a safer speed.
- It is very important that a period of education takes place before the law change to ensure drivers are aware of the rule change.

43. Do you think that the proposed minimum markings are appropriate?

- Yes, the proposed markings are appropriate.

44. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

- No comment

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road

45. Do you agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices? Why/why not?

- The Board is supportive of this proposal, with one important change.
- 1.5 metres should be the minimum at all speeds. Having two different minimums adds to confusion and doesn't make anything safer for non-motorists.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms

46. Do you agree with the proposal that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register? Why/why not?

- The Board is partially supportive of this proposal.
- It is important for local authorities to enforce their own streets without relying on central government. We foresee an increase in enforcement required to police this and will result in increased costs to councils.
- In general, the board does not support berm parking at all as it causes damage and creates safety issues. However, we acknowledge that there are streets which have access issues with on-street parking. These streets could be defined by council as areas where berm parking is permitted.
- The finer details of how this will work needs to be managed. We would be willing to have a 'trial' of the register in Puketāpapa as we have live examples of places with a culture of berm parking and local advocates both for and against berm parking.

47. Would it be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council?

No Comment

Proposal 9: Give buses priority when exiting bus stops

48. Do you agree that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60km/h or less? Why/why not?

- The Board is supportive of this proposal.
- Increasing efficiency of public transport is a high priority for the Auckland region.
- The proposed change provides certainty for all road users.

49. Should traffic give way to buses in other situations? For example, when a bus is exiting a bus lane and merging back into traffic lanes? Why/why not?

- Buses should have right of way over all other vehicles (except emergency vehicles).
- It is important that bus drivers take the safety of all other road users to mind and are educated about how they interact with others on the road.

Conclusion

The board has made its position clear on the proposals and largely supports the changes being made. We applaud the focus on making streets a better place for all users. We emphasise the need for education before these changes are made, similar to when the give way rules changed in 2012. As this is a large suite of changes it is important that all of Aotearoa is familiar with the changes before they are set into law.

End.

Waiheke Local Board formal feedback on the Accessible Streets Regulatory Package 17 April 2020

Please find the responses below from the Waiheke Local Board to the submission questions posed in the New Zealand Transport Agency's document:

"ACCESSIBLE STREETS – OVERVIEW TO THE RULES 9 MARCH 2020".

Proposal 1A: Pedestrians and powered wheelchair users – Questions for your submission:

1. Do you agree that powered wheelchairs should be treated as pedestrians? Why/why not?
A. *Yes, as this means that powered chairs can be used on footpaths, which is much safer.*

Proposal 1B: Changing wheeled recreational devices – Questions for your submission

2. Do you agree with the proposal to replace wheeled recreational devices with new categories for unpowered and powered transport devices? Why/why not?
A. *Yes, because as this will give greater clarity about which parts of the carriageway can be used by riders of these devices. Segways should be included in this current process as lack of clarity is an issue now and must be resolved.*
3. What steps should the Transport Agency take before declaring a vehicle not to be a motor vehicle?
A. *The key step is to understand the power, dimensions and potential speed of the device to decide which space would provide the greatest safety for rider and pedestrians.*
4. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions? If yes, should such conditions be able to be applied regardless of the power output of the device?
A. *Yes, the Transport Agency should be able to impose conditions regardless of the power output of the device, as the safety of each device must be considered on its merits. The key condition is maximum speed which we recommend is 10km/hr on the footpath. Conditions need to be publicised on a simple, central NZTA platform which is easily accessible to all stakeholders.*
5. We propose to clarify that:
 - a. low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency (e.g. hover boards, e-skateboards and other emerging devices) are not allowed on the footpath
 - b. these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards
 - c. if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes).

Do you agree with this proposed clarification? Why/why not?

A. *There needs to be consistency in approach. The regulations need amending such that if the Transport Agency deems certain low-powered devices to be powered transport devices, they should not be allowed on the footpath if they pose a significant hazard to pedestrians. Limit to 10km/h if on a footpath. They must be allowed on roads if no pathways or cycle lanes exist."*

Proposal 1C: Clarifying cycles and e-bikes – Questions for your submission

(questions about using cycles on footpaths are in proposal 2.)

6. Do you agree with the proposal that:

- Small-wheeled cycles that are propelled by cranks be defined as cycles, and
- Small-wheeled cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices?

A. *Small-wheeled cycles propelled by cranks should be defined as bikes and not be used on the footpath as they would present a hazard to pedestrians. Small-wheeled cycles that are not propelled by cranks, such as scooters and balance bikes, should be defined as transport devices and allowed on the footpath to remain consistent with other devices allowed on the footpath.*

Proposal 1D: Mobility devices – Questions for your submission

7. Mobility devices have the same level of access as pedestrians but will have to give way to pedestrians and powered wheelchairs under the proposed changes. Do you agree? Why/why not?

A. *Yes, mobility devices such as a mobility scooter should give way to pedestrians and powered wheelchairs because they are more powerful devices and the safest option is for them to wait for pedestrians and powered wheelchairs to go first. People using powered wheelchairs usually have less mobility and should have right of way.*

8. Do you think there will be any safety or access-related problems with mobility devices operating in different spaces? Please explain.

A. *Yes, there are often insufficient curb-cuts and level accessways into shops, bus stops and public facilities. Footpaths, particularly in semi-rural areas like Waiheke, are often undeveloped or uneven. More funding to address these issues to give better access for people with disabilities is required.*

9. We intend to review the mobility device category at a later date. What factors do you think we need to consider?

A. *NZTA should consider speed rules and etiquette guidelines to better manage shared use of the footpaths.*

Alternative proposal - Question for your submission:

10. We have outlined an option to not change vehicle definitions. This means we would make changes at a later date instead. Do you prefer this option to our proposal to change vehicle definitions now (see proposals 1A, 1B, 1C, 1D for more details)? Why/why not?

A. *The board prefers the option to change vehicle definitions now which would bring greater clarity. Interim guidelines would be useful, in lieu of legislative change, on*

devices such as segways.

Proposal 2: Establish a national framework for the use of footpaths – Questions for your submission:

11. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements. Do you support this? Why/why not? Should there be any other requirements?

A. The board does not support cycles on the footpath as there are growing number of user categories using the footpaths. Where cycleways end, the road should be used. In rural areas where cycle lanes are not continuous, it can be hazardous to cross between footpath and cycle lanes.

E-scooters are a particular hazard on city streets and should be relegated to cycle lanes or cycle paths. If these are not available, the e-scooter should use the footpath but to a maximum speed of 10 km/hr.

12. We have outlined two alternative options to address cycling on the footpath. These are:
- a. allow cyclists up to 16 years of age to use the footpath; or
 - b. Continue the status quo, where most cyclists are not allowed to use the footpath.

Do you prefer either of these options instead of allowing cyclists on the footpath?

A. Yes, the board supports children up to 12 years of age using the footpath as they are less skilled cyclists on the road, and with their smaller cycles and lower speeds, pose less of the hazard to footpath users. Must keep speed below 10km/hr.

13. Would you support an age limit for cycling on the footpath? What age would you prefer?

A. Up to 12 years of age as stated above.

14. Our proposal allows road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions. Do you agree with this proposal? Why/why not? Do you have any comments on the proposed process?

A. Yes it makes sense to allow local knowledge to inform restrictions for local communities and conditions particularly on rural and semi-rural areas where roading networks can be less well developed. Road controlling authorities should partner with local boards and community boards to gain insight into local conditions. Retain centres with a higher volume of foot traffic should also be able to be restricted to protect pedestrian safety. (For Waiheke that would include Oneroa, Surfdale and Ostend retail areas.)

15. We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Should this be specified in the *Land Transport Rule: Paths and Road Margins 2020* to provide certainty? Why/why not?

A. Yes, it is preferable to provide for a consistent approach nationwide. The resolution approach is preferable as it means better flexibility for local communities. The best practice is to allow for the detail of the regulatory measures to be determined by resolution that enables a more agile response requiring less formality.

The process to amend a bylaw is cumbersome as it requires the use of either the special consultative procedure or the alternative public consultation process under section 82 of the Local Government Act 2002. Even the lesser consultation process is excessive and

resource intensive for a minor determination such as this, which is also potentially subject to frequent change.

16. We're proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. Do you agree with this proposal and the proposed criteria? Why/why not?

A. Yes, as above consistency of approach is preferable which a set of criteria would provide.

17. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements? Why/why not?

A. No, a new framework is preferable to sort out the growing inconsistencies in the application of the law and to improve road safety.

Proposal 2A: Users on the footpath will operate vehicles in a courteous and considerate manner, travel in a way that isn't dangerous and give right of way to pedestrians – Questions for your submission:

18. We propose that pedestrians should always have right of way on the footpath. Do you agree with this proposal? Why/why not?

A. Yes, because pedestrians are the most vulnerable parties, given the potential hazards created by transport devices on the footpath.

19. This proposal sets out three behavioural requirements; that footpath users will:

- operate vehicles in a courteous and considerate manner,
- travel in a way that isn't dangerous, and
- give right of way to pedestrians.

Do you agree with these three requirements? Are there any others we should consider?

A. Yes, and it is recommended adding a requirement to keep speed to an appropriate level for footpath conditions and numbers of other footpath users regardless of the speed limit (i.e. the recommended 10km/hr)

Proposal 2B: Default 15km/h speed limit for vehicles using the footpath – Questions for your submission:

20. Do you agree with the proposed default speed limit of 15km/h for footpaths? Why/why not? Do you think the proposed speed limit should be higher/lower?

A. No, since according to the Accessible Streets Overview children currently cycle at approximately 10.2km/h and scooters 10.9km/h, a speed limit of 10km/hr is the more appropriate limit to minimise potential hazards.

21. Do you agree with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths? Why/why not?

A. Yes it makes sense to allow local knowledge to inform restrictions for local communities and conditions particularly in rural and semi-rural areas where roading networks can be less well developed. Road controlling authorities should partner with local boards and community boards to gain insight into local conditions.

22. Are there other ways, that you can think of, to improve footpath safety? Please explain.

A. Where the road corridor allows, standard footpaths should be wider to allow for multiple users and physically separated from the road.

Artificial cobbles should be installed where footpaths meet pedestrian crossing to aid those with visual disabilities.

Curb cuts should be installed for ease of access for those using mobility devices, people with prams and children up to 12 using cycles.

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath – Questions for your submission

23. Do you agree with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath? Should this maximum width limit be wider/narrower?

A. Yes as this will minimise the potential hazards to other footpath users.

24. Do you use a mobility device? If yes, what is the width of your device? Would the proposed width restriction impact you?

A. n/a

25. Should the maximum width limit apply to mobility devices? Why/why not?

A. Yes, the new rules should be applied consistently.

26. We propose that people who already own a device wider than 750mm could apply for an exemption. This document also considers three alternative approaches to mitigate the impact on existing device owners:

- a. mobility devices purchased before the rule changes could be automatically exempt from the width limit.
- b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act, and exclude them from width requirements, or
- c. Apply a separate width limit to mobility devices.

Which is your preferred option? Do you have any comments on these alternatives?

A. Option b is preferred as it allows exemptions for the specific requirements of users which the new regulations have been unable to consider.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths – Questions for your submission

27. Do you agree that road controlling authorities should be able to declare a path a shared path or a cycle path? What factors should be considered when making this decision?

A. Yes, this will be useful where there is lack of clarity due to non-standard path configurations. Users will know which rules apply to which type of path.

The proposal is in line with existing measures that enable road controlling authorities to determine regulatory measures for all other uses of the road, e.g. the location of stop signs, one-way streets, mandatory right/left turn lanes etc.

It recognises that local roading authorities are best placed to regulate the roads in their jurisdiction, and specifically enables them to provide an integrated regulatory system.

28. Do you agree with the behavioural requirements we are proposing? Should there be other requirements or rules to use a shared path or cycle path?

A. *Yes these are appropriate:*

- *in a careful and considerate manner*
- *at a speed that is not dangerous to other people on the path*
- *in a way that doesn't interfere with other people using the path.*

It would be useful to include the give-way prioritisation mentioned on page 40. i.e.

Pedestrians have greatest priority. Everyone must give way to pedestrians if they're travelling in a shared path.

People using mobility devices must give way to pedestrians. Everyone else must give way to people using mobility devices.

People using transport devices must give way to mobility devices and pedestrians.

Cyclists must give way to transport devices.

Cyclists must give way to all other users in a shared path.

29. Do you agree that all users be required to give way to pedestrians when using a shared path? Why/why not?

A. *Yes, as per question 18, because pedestrians are the most vulnerable parties, given the potential hazards created by transport devices on the shared path.*

30. Do you agree with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change these limits? Please explain.

A. *No, it is unsafe for shared paths and cycle paths to have the same speed limits as the roads to which they are adjacent. The overview states that most devices or cycles only reach speeds of 30km/h on the flat, and this is recommended as a safe maximum speed limit for cycle paths. There should be a maximum of 10km/hr on shared paths to protect pedestrians and other footpath users.*

31. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria? Why/why not?

A. *Yes, because this will lead to greater national consistency and road safety approaches.*

Proposal 4: Enable transport devices to use cycle lanes and cycle paths – Questions for your submission:

32. Do you agree that devices other than cycles should be allowed to use cycle lanes and/or cycle paths? Why/why not?

A. *Yes because greater speeds are allowed, and this will afford greater safety to footpath users.*

33. Do you agree that road controlling authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and/or cycle paths? Why/why not?

A. *Yes because slower devices could cause a safety hazard in a busy cycle lane or cycle path.*

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night – Questions for your submission

34. Do you agree with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night? Why/why not?

A. Yes because this will minimise a potential safety hazard to other road users.

35. Do you think these requirements are practical? For example, if you own a powered transport device, will you be able to purchase and attach a reflector or lights to your device or yourself?

A. Yes, the necessary accessories are available or could be developed.

36. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at nighttime? Why/why not?

A. Yes any transport device used at night should attach a reflector or lights to ensure safe visibility to traffic.

Proposal 6A: Allow cycles and transport devices to travel straight ahead from a left turn lane – Questions for your submission:

34. Do you agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so? Why/why not?

A. Yes, as this is a safer option for cyclists, and according to the Overview, aligns with common practice. It is difficult and unsafe for cyclists to move over to the centre lane in fast moving traffic.

Proposal 6B: Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn – Questions for your submission:

38. Do you agree that cyclists and transport devices should be allowed to carefully 'undertake' slow-moving traffic? Why/why not?

A. Yes, as there is usually enough width in the roadway to allow cyclists to pass slow-moving or stationary motor vehicles safely.

Proposal 6C: Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane – Questions for your submission:

39. Do you agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane? Why/why not?

A. Yes, because this would reinforce and enable 6A above and prevent unsafe crossing of cycles into the centre lane. Improved safety and cyclist priority would encourage more cycling in line with our active transport goals.

40. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary? Why/why not?

A. Yes as the list could provide guidance on best practice and the safest devices to use for all road users.

41. Should the definition of a separated lane include the distance between the lane and the road? Why/why not?

A. Since road widths are so variable it is recommended that this be treated as a best practice guideline rather than definition.

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed – Questions for your submission:

42. Do you agree that turning traffic should give way to path users crossing a side road with the proposed markings? Why/why not?

A. Yes, because this is the safer option. It is very difficult for cyclists to observe the traffic behind them and stop when necessary.

43. Do you think that the proposed minimum markings are appropriate?

A. No, a painted section the width of the cycle path would provide better visibility for turning traffic.

44. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

A. Consideration should be given to colour and brightness characteristics which are optimal for both day and night conditions.

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road – Questions for your submission:

45. Do you agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices? Why/why not?

A. These gaps appear too small for the stated speeds. It is recommended that the gaps be 1.5 metres and 2 metres respectively to provide for greater safety of those being passed.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms – Questions for your submission:

46. Do you agree with the proposal that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register? Why/why not?

A. Yes because of public concern about the proliferation and cost of street signage. The online register would need to be well publicised.

The requirement to provide signage makes enforcement potentially vulnerable to vandalism of signage – no sign, no enforcement. This is likely to lead to the damage and/or removal of signs by those inconvenienced by the restriction, which will prevent efforts to enforce the restrictions.

47. Would it be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council?

A. Yes

Proposal 9: Give buses priority when exiting bus stops – Questions for your submission

48. Do you agree that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60km/h or less? Why/why not?

A. *Yes, because in busy traffic it can be very difficult for large buses to rejoin the traffic if they are not allowed back in by motorists.*

49. Should traffic give way to buses in other situations? For example, when a bus is exiting a bus lane and merging back into traffic lanes? Why/why not?

A. *This only occurs in urban situations and the courtesy of 'merging like a zip' should apply to all situations where lanes come to an end.*



Chair Cath Handley

Chair

Waiheke Local Board

15 April 2020

Waitematā Local Board Feedback on Accessible Streets Regulatory Package

Context/Background

1. Waka Kotahi NZ Transport Agency is consulting on a collection of rule changes known as the Accessible Streets Regulatory Package. The package consists of nine proposals intended to support and improve accessible and affordable transport, safety and liveable cities.
2. The package will clarify:
 - the types of vehicles and devices allowed on footpaths, shared paths, cycle paths and cycle lanes
 - how devices can use these spaces
 - how road controlling authorities may regulate pedestrians, devices and spaces like footpaths
 - propose changes to the priority given to a range of road users to remove barriers to walking, device use and cycling.
3. The package generally aligns with the strategic direction of the council as set out in the Auckland Plan 2050 and other plans such as the draft Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework.
4. Waitematā Local Board identified the objective 'To improve road safety for all users' in its current local board plan 2017. This objective sits under outcome five '*An accessible, connected and safe transport network with well-designed streets*', with a key initiative to advocate to NZTA to 'change the give way rule at side street crossings to favour pedestrians.' This was also a key advocacy area in the 2019/20 Waitematā local board agreement.

Local Board feedback

The Waitematā Local Board supports most of the proposals as outlined in the local board feedback below.

Proposal 1A: Pedestrians and powered wheelchair users

1. **Do you agree that powered wheelchairs should be treated as pedestrians? Why/why not?**
 - The Waitematā Local Board is supportive of this proposal.
 - Powered wheelchairs are important mobility device for those who require them. It is important that they be legally allowed to use the most appropriate surface / lane for their device.

Proposal 1B: Changing wheeled recreational devices

2. **Do you agree with the proposal to replace wheeled recreational devices with new categories for unpowered and powered transport devices? Why/why not?**
 - The Waitematā Local Board is supportive of this proposal, subject to changes.

- The rise of micro-mobility devices means that footpaths will be increasingly used by non-pedestrians, and a framework is required to ensure the safety of all users, especially pedestrians.
- We believe all micro-mobility devices should be able to use footpaths at low speed.

3. What steps should the Transport Agency take before declaring a vehicle not to be a motor vehicle?

- No comments

4. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions? If yes, should such conditions be able to be applied regardless of the power output of the device?

- The Transport Agency should consider the creation of a new category “Micro Motor Vehicle” into which any powered transport device falls.
- These devices could then be able to use footpaths at speeds of under 15kph.

5. We propose to clarify that:

- a. low powered vehicles that have not been declared not to be motor vehicles by the Transport Agency (e.g. hover boards, e-skateboards and other emerging devices) are not allowed on the footpath**
- b. these vehicles are also not allowed on the road under current rules, because they do not meet motor vehicle standards**
- c. if the Transport Agency declares any of these vehicles not to be motor vehicles in the future, they will be classified as powered transport devices and will be permitted on the footpath and the road (along with other paths and cycle lanes).**

Do you agree with this proposed clarification? Why/why not?

- The Waitematā Local Board is not supportive of this proposal, unless as per point (c) the Transport Agency declares them to be powered transport devices.
- Without point (c), this clarification effectively bans e-skateboards etc from both the footpath and the road, rendering them useless as transport devices.

Proposal 1C: Clarifying cycles and e-bikes

6. Do you agree with the proposal that:

- **Small-wheeled cycles that are propelled by cranks be defined as cycles, and**
- **Small-wheeled cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices?**

Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- It will enable smaller bikes to use a range of surfaces and lanes.

Proposal 1D: Mobility devices

7. Mobility devices have the same level of access as pedestrians but will have to give way to pedestrians and powered wheelchairs under the proposed changes. Do you agree? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- As the most vulnerable road users, it's important to protect pedestrians and enforcing these give way provisions are critical.

8. Do you think there will be any safety or access-related problems with mobility devices operating in different spaces? Please explain.

- Given that they are required by those with mobility issues, it is important that they be legally allowed to use the most appropriate surface / lane for their device.

9. We intend to review the mobility device category at a later date. What factors do you think we need to consider?

- No comments

Alternative proposal

10. We have outlined an option to not change vehicle definitions. This means we would make changes at a later date instead. Do you prefer this option to our proposal to change vehicle definitions now (see proposals 1A, 1B, 1C, 1D for more details)? Why/why not?
- The Waitematā Local Board is supportive of changing definitions now.

Proposal 2: Establish a national framework for the use of footpaths

11. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements. Do you support this? Why/why not? Should there be any other requirements?
- The Waitematā Local Board is supportive of this proposal.
 - It is important that low-speed, low-risk cycling/riding is legally allowed on footpaths, to allow parents to ride with children, and for cyclists/riders to avoid high-risk roads that have poor cycling facilities.
12. We have outlined two alternative options to address cycling on the footpath. These are:
a. allow cyclists up to 16 years of age to use the footpath; or
b. Continue the status quo, where most cyclists are not allowed to use the footpath.
Do you prefer either of these options instead of allowing cyclists on the footpath?
- The Waitematā Local Board prefers the original proposal, allowing cyclists on the footpath.
13. Would you support an age limit for cycling on the footpath? What age would you prefer?
- The Waitematā Local Board would not support an age limit.
 - Ability and confidence is not linked to age in every situation, and older riders may not feel comfortable on certain roads.
14. Our proposal allows road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions. Do you agree with this proposal? Why/why not? Do you have any comments on the proposed process?
- The Waitematā Local Board is supportive of this proposal.
 - It is important for local authorities to control this, particularly in busy urban areas.
15. We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Should this be specified in the Land Transport Rule: Paths and Road Margins 2020 to provide certainty? Why/why not?
- No comments
16. We're proposing that road controlling authorities consider and follow criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. Do you agree with this proposal and the proposed criteria? Why/why not?
- The Waitematā Local Board is not supportive of this proposal.
 - The proposal would require a longer timeframe (consultation etc) meaning that there may be delay in actioning urgent issues.
17. We have also outlined an option to maintain current footpath rules. Would you prefer this option instead of the proposed framework with speed and width requirements? Why/why not?
- A new framework is required, to ensure the most vulnerable road users are protected. Pedestrians must not be put at risk by these changes.

Proposal 2A: Users on the footpath will operate vehicles in a courteous and considerate manner, travel in a way that isn't dangerous and give right of way to pedestrians

18. We propose that pedestrians should always have right of way on the footpath. Do you agree with this proposal? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Pedestrians are the most vulnerable road corridor users and must be protected.

19. This proposal sets out three behavioural requirements; that footpath users will:

- operate vehicles in a courteous and considerate manner,
- travel in a way that isn't dangerous, and
- give right of way to pedestrians.

Do you agree with these three requirements? Are there any others we should consider?

- The Waitematā Local Board is supportive of this proposal.

Proposal 2B: Default 15km/h speed limit for vehicles using the footpath

20. Do you agree with the proposed default speed limit of 15km/h for footpaths? Why/why not? Do you think the proposed speed limit should be higher/lower?

- The Waitematā Local Board is supportive of the standard speed limit being 15kph on footpaths.
- However, we note it is difficult to measure speeds – most micro-mobility vehicles do not measure speed, it is hard to measure slower speeds and there is minimal enforcement of footpaths. An approach based more on whether cycling or micromobility use is dangerous may be better and adapt more fluidly to situations. 15kph is too fast in a crowd, but very slow (and hard to judge) on a long empty pavement in an industrial area.

21. Do you agree with the proposal that road controlling authorities will be able to lower the default speed limit for a footpath or areas of footpaths? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Local authorities need to be able to act quickly and independently to solve local issues.

22. Are there other ways, that you can think of, to improve footpath safety? Please explain.

- The Waitemata Local Board suggests that where there are accidents there be a default assumption that the person obliged to give way has been negligent and is at fault, and may be penalised in some way.
- Micromobility users should also operate vehicles in a “defensive” manner, leaving a wide berth around pedestrians and other users, and when negotiating street corners, front gates and driveways. It may be helpful if there is an expectation for vehicle users to stay on the road side of the street. This may require an information campaign so it is easier to predict rider behaviour.
- The Waitemata Local Board also suggests a framework that where micromobility use is heavy or impeding the pedestrian amenity of the footpath, roading authorities should be obliged to consider installing a separated cycleway.
- Separated cycle ways on arterial roads would improve footpath safety and the Waitemata Local Board advocates for a connected cycle network across Auckland.
- 30kph road speeds, particularly around schools and town centres will remove some pressure from footpaths as cyclists and scooter users will be safer on the roads.
- Street trees, seating, planter boxes and other pedestrian amenities may also make the pathways safer by creating a “traffic calming” effect and making it clear that pedestrians have priority on footpaths.

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath

23. Do you agree with the proposed maximum width measurement of 750mm (except for wheelchairs) for devices on the footpath? Should this maximum width limit be wider/narrower?

- The Waitematā Local Board is supportive of this proposal.
- A standard width bicycle trailer is under 600mm wide, so 750mm seems adequate for parents who wish to ride on the footpath while their children are in a trailer.

24. Do you use a mobility device? If yes, what is the width of your device? Would the proposed width restriction impact you?

- No comments.

25. Should the maximum width limit apply to mobility devices? Why/why not?

- No, as some users may require wider devices because of health reasons.

26. We propose that people who already own a device wider than 750mm could apply for an exemption. This document also considers three alternative approaches to mitigate the impact on existing device owners:

- a. mobility devices purchased before the rule changes could be automatically exempt from the width limit.
- b. The Transport Agency could declare certain wider devices to be mobility devices under section 168A of the Land Transport Act, and exclude them from width requirements, or
- c. Apply a separate width limit to mobility devices.

Which is your preferred option? Do you have any comments on these alternatives?

- Option B is preferred.

Proposal 3: Establish a national framework for the use of shared paths and cycle paths

27. Do you agree that road controlling authorities should be able to declare a path a shared path or a cycle path? What factors should be considered when making this decision?

- The Waitematā Local Board is supportive of this proposal.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

28. Do you agree with the behavioural requirements we are proposing? Should there be other requirements or rules to use a shared path or cycle path?

- The Waitematā Local Board is supportive of this proposal.
- The user priority table is appropriate and should be implemented.

29. Do you agree that all users be required to give way to pedestrians when using a shared path? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Pedestrians are the most vulnerable corridor users and must be protected.

30. Do you agree with the proposed speed limits for shared paths and cycle paths and the ability of road controlling authorities to change these limits? Please explain.

- The Waitematā Local Board is supportive of this proposal.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

31. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria? Why/why not?

- The Waitematā Local Board is not supportive of this proposal.
- Local authorities need to be empowered to make changes that are appropriate to their populace and urban form.

Proposal 4: Enable transport devices to use cycle lanes and cycle paths

32. Do you agree that devices other than cycles should be allowed to use cycle lanes and/or cycle paths? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- The rise of micro-mobility devices means that more cycle lanes and shared paths are required, and these devices must be able to use them legally.

33. Do you agree that road controlling authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and/or cycle paths? Why/why not?

- The Waitematā Local Board is not supportive of this proposal.
- The increased variety of devices may lead to fragmentation of the definitions of powered / non-powered devices. The identification of each may also become difficult.

Proposal 5: Introduce lighting and reflector requirements for powered transport devices at night

34. Do you agree with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and be fitted with a reflector (unless the user is wearing reflective material) if they are used at night? Why/why not?

- The Waitematā Local Board is partially supportive of this proposal.
- We agree that a front-facing light and a rear-facing light are required.
- We do not agree that a reflector is always required, as some devices may not have adequate surfaces for a reflector. This would then require the user to have reflective clothing, which is a barrier to use.

35. Do you think these requirements are practical? For example, if you own a powered transport device, will you be able to purchase and attach a reflector or lights to your device or yourself?

- Many powered transport devices will already have front and rear facing lights.
- Front facing lights are relatively easy to attach to handlebars.
- Rear facing lights may be more difficult to attach e.g. on an e-scooter
- Reflectors may not be able to be attached to devices where there are limited or thin surface areas.

36. Do you think unpowered transport device users should be required to meet the same lighting and reflector requirements as powered transport device users at night time? Why/why not?

- If they are travelling on the road, then they must have lights.

Proposal 6A: Allow cycles and transport devices to travel straight ahead from a left turn lane

37. Do you agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- It is safer for users to stay in the left lane to go straight ahead.

Proposal 6B: Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn

38. Do you agree that cyclists and transport devices should be allowed to carefully 'undertake' slow-moving traffic? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Cyclists are often able to move at a higher average speed than peak traffic, and removing that ability disincentives the use of bicycles.

Proposal 6C: Give cycles, transport devices and buses priority over turning traffic when they're travelling through an intersection in a separated lane

39. Do you agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Road users going straight ahead, including cyclists and pedestrians, should have priority over all turning traffic, as it is safer and ensures turning traffic travels at a safer speed.

40. Our proposed change will introduce a list of traffic control devices used to separate lanes from the roadway to help you understand what a separated lane is and if the user has right of way at an intersection. Is such a list necessary? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Education for all road users is an important part of these changes, and traffic control devices can aid this.

41. Should the definition of a separated lane include the distance between the lane and the road? Why/why not?

- No comments

Proposal 6D: Give priority to footpath, shared path and cycle path users over turning traffic where the necessary traffic control devices are installed

42. Do you agree that turning traffic should give way to path users crossing a side road with the proposed markings? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Road users going straight ahead, including cyclists and pedestrians, should have priority over all turning traffic, as it is safer and ensures turning traffic travels at a safer speed.

43. Do you think that the proposed minimum markings are appropriate?

- Yes, the proposed markings are appropriate.

44. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend?

- No comments

Proposal 7: Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road

45. Do you agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices? Why/why not?

- The Waitematā Local Board is supportive of making a passing gap mandatory proposal, with two important changes.
- 1.5 metres is required at all speeds unless there is insufficient room to pass in which case drivers should slow to 30kph.
- When passing a horse, it is suggested to continue to follow the official NZ road code: "drivers must slow down as much as possible, give horse and rider plenty of room, or risk being charged with careless or dangerous driving". The proposed change is dangerous.

Proposal 8: Clarify how road controlling authorities can restrict parking on berms

46. Do you agree with the proposal that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- It is important for local authorities to enforce their own streets without relying on central government.
- Additional signage is costly and unsightly.

47. Would it be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council?

- No comments

Proposal 9: Give buses priority when exiting bus stops

48. Do you agree that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60km/h or less? Why/why not?

- The Waitematā Local Board is supportive of this proposal.
- Increasing efficiency of public transport is a high priority for the Auckland region.

49. Should traffic give way to buses in other situations? For example, when a bus is exiting a bus lane and merging back into traffic lanes? Why/why not?

- Buses should have right of way over all other vehicles (except emergency vehicles).

Memorandum

16 April 2020

To: Alastair Cribbens – Principal Transport Advisor, Auckland Council

Cc: Glenn Boyd – Relationship Manager, Henderson-Massey, Waitakere Ranges and Whau
Mary Binney – Senior Local Board Advisor, Whau
Kat Ashmead – Senior Policy Advisor, Local Board Services

Subject: Whau Local Board feedback on Waka Kotahi New Zealand Transport Agency's Accessible Streets Regulatory Package

From: Kay Thomas, Whau Local Board Chair

Purpose

1. To provide feedback from the Whau Local Board to be appended to Auckland Council's submission on Waka Kotahi New Zealand Transport Agency's Accessible Streets Regulatory Package.

Context

1. Waka Kotahi New Zealand Transport Agency's (The Transport Agency's) Accessible Streets Regulatory Package sets out nine proposed changes intended to:
 - make footpaths, shared paths, cycle lanes and cycle paths safer and more accessible,
 - accommodate the increasing use of micro-mobility devices like e-scooters on streets and footpaths,
 - encourage active modes of transport and support the creation of more liveable and vibrant towns and cities,
 - make social and economic opportunities more accessible, and
 - make buses and active transport such as walking and cycling safer and more efficient.
2. Auckland Council staff are currently preparing a submission on behalf of the organisation, which is anticipated to be adopted by council's Emergency Management Committee on 16 April. This feedback is anticipated be appended to that submission.
3. The Whau Local Board notes that it has not had the opportunity to see the council's draft submission.

Feedback from the Whau Local Board

4. The Whau Local Board thanks the Transport Agency for undertaking this timely work, welcomes the opportunity to give feedback and is broadly supportive of the proposals, noting the following comments. In particular, the Local Board is particularly concerned about the safety of its community and urges the Transport Agency to ensure that the safety of the most vulnerable users of the road corridor is given the highest priority.
5. The Whau Local Board supports Proposal 1 (Change current vehicle and device definitions).
6. The Whau Local Board has concerns about Proposal 2 (Change who is allowed on footpaths and introduce conditions that users need to follow when using the footpath). The board supports the legalisation of bicycles on footpaths for people younger than sixteen to encourage the uptake of cycling among young people, particularly traveling to school. The board does not support the broader legalisation of cycling on footpaths as this can jeopardise pedestrian safety (particularly for the elderly, disabled and blind/vision-impaired people) and may undermine the case for investment in safe, separated cycling infrastructure.

7. The Whau Local Board supports Proposal 3 (Clarify who is allowed on shared paths and cycle paths and introduce the conditions they need to follow) but would urge that more be done to protect the more vulnerable users of this infrastructure in terms of who has priority, and potentially speed limits.
8. The Whau Local Board supports Proposal 4 (Allow transport devices to use cycle lanes and paths) but again has some concerns around the potential impact on more vulnerable users of this infrastructure. The local board would urge caution, and more thorough safeguards, in respect of this proposal.
9. The Whau Local Board supports Proposal 5 (Introduce lighting and reflector requirements for powered transport devices at night).
10. The Whau Local Board supports Proposal 6 (Various changes to road user priority) as these proposals put greater responsibility on drivers to act with caution, provided that this is accompanied by robust public education / awareness raising to ensure that the rule changes are understood by motorists.
11. The Whau Local Board supports Proposal 7 (Mandate a minimum overtaking gap for motor vehicles passing cycles, transport devices, horses, pedestrians and people using mobility devices on the road).
12. The Whau Local Board supports Proposal 8 (Clarify how road controlling authorities can restrict parking on berms).
13. The Whau Local Board supports Proposal 9 (Give buses priority when exiting bus stops) provided that this is accompanied by robust public education / awareness raising to ensure that the rule changes are understood by motorists.

Next Steps

2. This feedback is expected to be appended to Auckland Council's submission, to be approved by the Emergency Management Committee on 16 April.
3. This feedback will be reported to the 6 May meeting of the Whau Local Board for retrospective ratification.
4. If staff have questions about any of the above feedback, please contact the Senior Local Board Advisor – mary.binney@aucklandcouncil.govt.nz.



Kay Thomas
Chairperson, Whau Local Board

Date 16 April 2020