

**Submission by**

**Hamilton City Council**

## **ACCESSIBLE STREETS REGULATORY PACKAGE 2020**

**17 April 2020**

### **1.0 INTRODUCTION AND KEY MESSAGES**

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission to the Waka Kotahi NZ Transport Agency's Accessible Streets Regulatory Package 2020 (the Regulatory Package).
- 1.2 HCC notes that the Regulatory Package provides legislative mechanisms to support investment in and prioritisation of:
  - Safety for everyone using the road, paths and public transport, and
  - Access to economic and social opportunities in the land transport system.
- 1.3 In general, HCC is supportive of the proposed changes outlined in the Regulatory Package and believe that these will achieve the desired outcomes of Waka Kotahi NZ Transport Agency (the Transport Agency).
- 1.4 HCC notes that there are areas of the Regulatory Package that will require additional work and funding.
- 1.5 We are of the view that these proposals align with Government targets to encourage more people to WALK AND CYCLE and that there are real benefits that could accrue in regard to people's wellbeing and the overall wellbeing of the community.
- 1.6 There is a need to ensure that the promotion of cycling is not at the expense of those walking, and especially those more vulnerable members of the community that may feel pushed indoors creating a new raft of self-isolation.
- 1.7 HCC strongly believes that the success of these changes will be heavily dependent on ensuring that there is a strong national communications and education package developed and delivered both in advance, during and following the introduction of the changes. Such a package should also outline the potential for physical injuries that people may incur if the new rules aren't adhered to. The desired behaviour changes will need to be significant to ensure that these changes are safe for all users of the transport network.
- 1.8 Overseas experience indicates that while these changes to regulation will be very useful, the primary focus moving forward needs to be the provision of appropriate separated facilities for pedestrians and transport devices/bikes.
- 1.9 Ensuring that there is appropriate funding and flexibility for the Road Controlling Authorities to manage their existing facilities and progress the infrastructure changes required will ultimately be the only way that a safe and accessible network for all modes is really able to be achieved.

## 2.0 GENERAL POINTS

2.1 The Regulatory Impact Assessment (Table 1) has a summary of costs and benefits which are expected because of the implementation of the Regulatory Package. While it is noted that this is in draft form and final analysis will be completed following public engagement and consultation on the draft Regulatory Package, we do wish to note the following:

- a) Table 1 indicates a relatively low level of investment in communications. While the costs of the 'Cell Phone Use' ban is noted as a comparison, it is felt that that campaign, along with the campaign for the Give Way Rule, were less complex than what is being proposed in this package. Furthermore, the implications of the public not getting the message and making errors following the change in regulation of these two previous changes were of a lesser consequence than what is proposed in this Accessible Streets Regulatory Package. With the Give Way Rule change, any resulting crashes would have generally involved vehicles at low speeds and have resulted in minor or non-minor injuries. This Regulatory Package has potential for increasing crashes between vehicles and devices, as well as people on bikes and pedestrians – where the risk of injury is a lot higher.
- b) Given the number of changes required, we would be expecting to see a significantly higher level of investment by Government at a national level to ensure consistency of messaging and there should not be an expectation that local authorities should have to use their Road Safety or Travel Demand Management funding to augment the national education programme.
- c) Road Controlling Authorities will need to designate existing shared paths where high speeds are designed and introduce road/path markings and signs. It is not felt that this is a complete assessment of the work that will be required for Road Controlling Authorities to implement the proposed regulatory changes associated with the Accessible Streets package e.g. a review of all existing shared and cycle paths to enable the completion of register being maintained by the Transport Agency.
- d) It is also noted that there is an expectation that the Transport Agency will create a central register for use by Road Controlling Authorities when declaring a path to be a shared path or cycle path, but there are no costs included in Table 1 for this work to occur. Based on the experience of the establishment of the National Speed Limit Register, this will require a significant budget to complete and therefore, a staged approach for these registers should be considered.

2.2 The driving licencing training and testing regime will also be required to be updated to reflect the increased requirements for drivers (especially those in larger vehicles) to be searching for and giving way to people walking and riding on bikes and devices.

2.3 The current Road Policing resources are stretched, dealing with all of the current regulations that are in place for activities within the transport network. Introduction of speed limits, and limitations on who can move on which path will require having someone available to enforce this. Local authorities are not equipped to complete this and there needs to be consideration given to what additional resources should be given to the NZ Police to complete this work. It may be that this can be focused in the key large metro areas and is probably not an issue for a large part of New Zealand.

2.4 It is noted that Accessible Streets proposes to treat shared paths and cycle paths in a similar way, with footpaths and cycle lanes being considered separately. This is not considered the best way for protecting the needs for pedestrians and instead it is suggested that:

- Footpath and shared paths should be considered together (as there is generally only one or other of these facilities provided and therefore pedestrians will be a primary user and a lower speed would be generally desirable).

- Cycle paths and cycle lanes be considered together (as these will generally be provided in addition to a footpath or shared path and users of these facilities generally have more in common i.e. users wanting to move faster).

### **3.0 ANSWERS TO THE SPECIFIC QUESTIONS ASKED IN THE CONSULTATION DOCUMENT**

#### **3.1 PROPOSAL 1A: PEDESTRIANS AND POWERED WHEELCHAIR USERS**

##### **3.2 1. We are proposing to include people using powered wheelchairs in the pedestrian category.**

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

##### **3.3 What was the reason for your rating? Do you have any other comments?**

3.3.1 Powered wheelchairs are crucial to those who use them in order for them to get around – they are in effect ‘their legs’. It is therefore considered appropriate that for the purposes of the regulatory changes proposed as part of the Accessible Streets Package, that people using powered wheelchairs are included in the pedestrian category.

3.3.2 We note that with an aging population and increasing number of people being able to live in their homes rather than have to move to villages/assisted living homes, that there are likely to be an increasing number of powered wheelchair users in our streets. Being able to ensure that they have good access within our transport system will be essential to their ability to fully participate in society.

3.3.3 We would request however, that the speed limit proposed for other users of footpaths, shared paths, cycle paths and cycle lanes should also apply to ‘Pedestrians’ in its new scope – to ensure that power wheelchairs are also bound by any appropriate limits e.g. the 15km/h limit proposed on footpaths.

#### **3.4 PROPOSAL 1B: CHANGING WHEELED RECREATIONAL DEVICES**

##### **3.4.1 2. Our proposed change will replace the wheeled recreational device category with two new groups of devices:**

- Unpowered transport devices (for example push-scooters, skateboards) and
- Powered transport devices (for example e-scooters, YikeBikes).

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

##### **3.4.2 What was the reason for your rating? Do you have any other comments?**

3.4.3 We believe that this will be a lot easier to understand and therefore administer. It is also more likely to be reflective of the speeds that these devices are able to travel at, and therefore if necessary, to manage the permissions in regard to where they are allowed to operate.

##### **3.5 3. We’re proposing that the new category of powered transport devices will consist of low-powered devices that have been declared by the Transport Agency not to be a motor vehicle.**

*What steps (if any), do you think the Transport Agency should take before declaring a vehicle not to be a motor vehicle?*

3.5.1 As set out in the overview document, it would be expected that the Transport Agency would at least undertake a safety investigation before deciding which to declare a device as a motor vehicle or not.

3.5.2 It is also expected that, following the adoption of the changes proposed in this Accessible Streets Regulatory Package, that there will be some monitoring and evaluation to ensure that the

expected and desired outcomes have been achieved. The results of this monitoring and evaluation may also be of assistance in the process used to determining if a vehicle is a motor vehicle or a transportation device.

**3.6** *4. If the Transport Agency declares a vehicle to not be a motor vehicle, do you think it should be able to impose conditions?*

Yes.

**3.7** *5. If yes, should the Transport Agency be able to apply conditions regardless of the power output of the device?*

Yes.

**3.7.1** *What was the reason for your answer? Do you have any other comments?*

3.7.2 Conditions should be able to be imposed if that would result in ensuring the safety of the device user and the other users who are also going to be occupying that space.

**3.8** *6. 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 and cannot be registered.*

*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).*

*How much do you agree or disagree with this proposal?*

HCC disagrees.

**3.9** *What was the reason for your rating? Do you have any other comments?*

3.9.1 Conditions should be able to be imposed if they will result in ensuring the safety of the device user and the other users who are also going to be occupying that space.

3.9.2 Our disagreement is on the basis that we assume that during the period where low powered vehicles have 'not been declared not to be a motor vehicle' and are not allowed on the footpath (clarification a)) or road (clarification b)), that they will in fact be able to operate on shared paths, cycle paths and cycle lanes by default.

3.9.3 It therefore raises the question about the ability to require these low powered vehicles (which are at this stage not motor vehicles nor powered transport devices) to comply with the requirements that relate to powered transport devices when they are operating in shared paths, cycle paths or cycle lanes.

3.9.4 If it is the Transport Agency's intention that these vehicles are not allowed into the transport corridor at all until they have been declared as either a motor vehicle or powered device then we would be happy to support the proposal - but we do not believe that the current working of the clarification is in fact clear.

**4.0** *PROPOSAL 1C: CLARIFYING CYCLES AND E-BIKES*

**4.1** *7. Child cycles that are not propelled by cranks, such as balance bikes, will be defined as transport devices.*

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

#### **4.2** *What was the reason for your rating? Do you have any other comments?*

4.2.1 We support the greater clarification that is provided by the proposed definitions and note that these devices will specifically be classified as '**unpowered**' transport devices.

4.2.2 It is noted that the unpowered devices are proposed to continue to have full access to footpaths but with additional requirements being put in place regarding to behaviour while using the footpath. This will mean that there is in effect no change to the users current rights, but there is better protection for 'Pedestrians'.

#### **5.0** *PROPOSAL 1D: MOBILITY DEVICES*

##### **5.1** *8. We're proposing that users of mobility devices will have the same level of access as pedestrians, but they will have to give way to pedestrians and powered wheelchair users.*

###### *How much do you agree or disagree with this proposal?*

HCC disagrees.

##### **5.2** *What was the reason for your rating? Do you have any other comments?*

5.2.1 We think that this is one where it is a case by case basis with guidance rather than hard and fast rule.

5.2.2 HCC note (and support) that for the purposes of these regulatory change the term pedestrian is proposed to be inclusive of those in powered wheelchairs – and these devices are no longer included in the 'mobility device' category.

5.2.3 While it is noted that mobility devices are intended for people 'who require mobility assistance due to a physical or neurological impairment', there are a lot of users who are just choosing to these devices as a simple and cost-effective way to move around.

5.2.4 There are also large numbers of pedestrians are fit and healthy and potentially better able to 'give way' in many situations than the powered wheelchair or mobility device user.

5.2.5 Giving Way will only be for those situations where there is insufficient room to pass without one party moving off the path (which could be footpath, but equally could be shared path or cycle path). It should be the party that is most 'able' to move off the path that does so – and that will vary in each case.

5.2.6 Additional guidance could also be provided similar to that used in aviation and maritime activities whereby the 'fastest moving user gives way to the slowest moving'.

##### **5.3** *9. Do you think there will be any safety or access-related problems with mobility devices operating in different spaces?*

Yes.

##### **5.4** *Please explain.*

5.4.1 There are a wide range of mobility devices available on the market – and they vary not only in cost, but also their stability, dimensions (including wheel base and clearance), visibility by the user and speed.

5.4.2 Their range is generally also a lot longer than that of a powered wheelchair.

5.4.3 There is also a lot of variance in regard to the reason why the device is being used (not also because of mobility issues) and the skills of those using them.

5.4.4 Those in powered wheelchairs are given training.

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

5.5.1 Size, stability and speed of the device and the training needs/licencing of users.

## **6.0 ALTERNATIVE PROPOSAL**

### **6.1 11. 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?**

6.1.1 Prefer to make changes now.

6.1.2 The proposals are generally supported (except 1D) and there is a need to address the current issues quickly. The current requirements are putting safety of many users at risk and are confusing and in some cases not logical and therefore not complied with.

6.1.3 There are good safety benefits able to be made via implementing these changes.

## **7.0 PROPOSAL 2: ESTABLISH A NATIONAL FRAMEWORK FOR THE USE OF FOOTPATHS**

### **7.1 12. Our proposed changes will allow mobility devices, transport devices, and cycles on the footpath—provided users meet speed, width and behavioural requirements.**

*How much do you agree or disagree with this proposal?*

HCC agrees.

### **7.2 What was the reason for your rating? Do you have any other comments?**

7.2.1 This approach will be easier to communicate to the public and assist those with young children learning to ride.

7.2.2 There is a concern that there will be an increase in the number of transport devices and cyclists on footpaths and that it will be impossible to enforce the proposed speed, width and behavioural requirements.

7.2.3 Footpaths are already busy places and the aim should be to provide alternate safe places for transport devices and cyclists.

7.2.4 While overseas indicates that there is not an expectation of a high number of cyclists 'moving to the footpath' it is hard to judge that on overseas experience only.

7.2.5 Road to Zero principles are that 'we design for human vulnerability' and 'we make safety a critical decision-making priority'. In this instance the person without any form of protection from a vehicle (i.e. someone walking) is always going to be the most injured in a collision with a 'vehicle', so we should be designing a system that provides separation for the most vulnerable.

7.2.6 There is potential for an increase in number of cyclist injuries from crashes with vehicles exiting driveways. There is also potential for a number of crashes between cyclists/transport devices with pedestrians (including powered wheelchairs) and mobility devices to occur.

7.2.7 There will need to be strong education and information campaigns to support the proposed changes and ensure that all users (including drivers exiting/entering driveways) have a good understanding of their responsibilities.

### **7.3 13. Do you think there should be any other requirements, in addition to speed, width and behaviour?**

No – we need to be realistic about what it is reasonable to expect the NZ Police to be able to enforce. We need to keep this clear and simple for everyone.

### **7.4 14. 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.*

*b) Continue the status quo, where most cyclists are not allowed to use the footpath.*

*c) Neither option.*

***What option do you prefer instead of allowing cyclists on the footpath?***

c) Neither option.

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

7.5.1 No, we would not support an age limit – it is too hard to enforce. The key issue is about behaviour – no matter what the age of the cyclist.

***If yes, what age would you prefer?***

N/A (refer above).

**7.6 16. *We propose to allow road controlling authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions.***

***How much do you agree or disagree with this proposal?***

HCC strongly agrees.

**7.7 *What was the reason for your rating? Do you have any other comments, including on the proposed process?***

7.7.1 There are locations where there are very high pedestrian numbers where it would be useful to be able to restrict cycle or device use. We don't think that there would be a large number of these, but the ability to do so if necessary will be useful.

**7.8 17. *We envisage that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw. Do you agree this be specified in the Land Transport Rule: Path and Road Margins 2020 to provide certainty?***

Yes.

**7.9 *What are the reasons for your answer? Do you have any other comments?***

7.9.1 The bylaw process can be very time consuming when you have to go through all the various stages.

7.9.2 Hamilton City has schedules attached to its Traffic Bylaw which enables these decisions to be made by resolution currently, but it would be good to have this clarified in the Rule as being the approved approach to enable consistency nationally.

**8.0 *ALTERNATIVE PROPOSAL***

**8.1 18. *We're proposing that road controlling authorities consider and follow certain criteria in addition to their usual resolution processes if they want to restrict devices from using the footpath. These criteria are:***

- Consider relevant guidance developed by the Transport Agency.
- Consider any alternative routes or facilities that will no longer be available to the user due to a restriction.
- Consider any other matter relevant to public safety.

The Road Controlling Authority will need to:

- Consult with any party affected by the proposed restriction.
- Give those parties reasonable time to respond.
- Take their submissions into account.

***How much do you agree or disagree with this proposal?***

HCC strongly disagrees.

**8.2 *What was the reason for your rating? Do you have any other comments about how will this affect you or whether you think the proposed changes are practical?***



8.2.1 This is only proposing a minor 'tweak' to the way things currently operate. Despite what is implied by this proposal, these are the standard types of steps that Road Controlling Authorities undertake every day in their decision-making. So, not real change.

**8.3** *19. 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?*

No – the current rules are not making sense with the increasing number of devices being used on the transport network and the lack of clarity/logic about where they should be operated.

**9.0** *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*

**9.1** *20. We propose that pedestrians should always have right of way on the footpath.*

*How much do you agree or disagree with this proposal?*

HCC disagrees.

**9.2** *What was the reason for your rating? Do you have any other comments?*

9.2.1 Think that this is one where it is a case by case basis with guidance rather than hard and fast rule.

9.2.2 HCC note (and support) that for the purposes of these regulatory change the term pedestrian is proposed to be inclusive of those in powered wheelchairs – and are no longer included in the 'mobility device' category.

9.2.3 Give Way is for those situations where there is insufficient room to pass without one party moving off the path (which could be footpath, but equally could be shared path or cycle path).

9.2.4 While it is noted that mobility devices are intended for people 'who require mobility assistance due to a physical or neurological impairment', there are a lot of users who are just choosing to use these devices as a simple and cost-effective way to move around.

9.2.5 There are large numbers of pedestrians are fit and healthy and potentially better able to 'give way' in many situations than the powered wheelchair or mobility device user.

**9.3** *21. This proposal will require footpath users to operate vehicles in a courteous and considerate manner; travel in a way that isn't dangerous; and give way to pedestrians.*

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

**9.4** *What was the reason for your rating? Are there any other requirements we should consider?*

9.4.1 We agree that having a standard set of rules is desirable (if perhaps not highly enforceable) to ensure the safety of all users.

9.4.2 Additional requirements that could be considered:

- Generally, keep left when possible.
- Not exceed the speed limit that has been set on that path.
- Use of a bell or similar to alert users in front of you that you are about to pass from behind.
- Cyclists having their bike lights on at all times could also be considered.

**10.0** *PROPOSAL 2B: DEFAULT 15KM/H SPEED LIMIT FOR VEHICLES USING THE FOOTPATH*

**10.1** *22. We are proposing to set a default speed limit of 15km/h for footpaths.*

*How much do you agree or disagree with this proposal?*



HCC strongly agrees.

**10.2 *What is the reason for your rating? Do you think the proposed speed limit should be higher or lower?***

10.2.1 We have had LIME e-scooters operating in Hamilton City for 7 months. They have a 15km/h speed limit when operating in the central CBD but are unlimited when operating elsewhere. As a pedestrian, being passed by a transport device (whether powered or unpowered) 15km/h still feels reasonably fast and likely to take a pedestrian by surprise.

10.2.2 Given that a lot of the footpath network is located hard up against or very close to the property boundary, this lower speed reduces the likelihood of serious injury to the user in case of a crash occurring with a vehicle pulling out of a driveway.

**10.3 *23. Under the proposed changes, road controlling authorities will be able to lower the default speed limit for a footpath or area of footpaths.***

***How much do you agree or disagree with this proposal?***

HCC agrees.

**10.4 *What is the reason for your rating? Do you have any other comments?***

10.4.1 This is a useful addition to the toolbox for RCAs, but it is noted that having changing speed limits on and along different parts of the transport network has great potential to get very confusing, require a lot of signage and/or roadmarking expense and still really be impossible to enforce.

10.4.2 The speed limit is only one component of safe use of the footpath space. The speed limit is a maximum and, in the circumstances that this is too high, the other requirements should be sufficient to ensure the safety of all users. Strong education around the safe use of the footpath and all other facilities/spaces will be critical to ensuring the success of these proposed changes.

10.4.3 The best way to ensure compliance is to keep it simple!

**10.5 *24. Are there other ways that you can think of to improve footpath safety? Please explain.***

10.5.1 Good education campaigns – raise the awareness of the risks for pedestrians if hit by other transport devices.

10.5.2 Increased emphasis, effort and investment into facilities that provide for separating the modes where practical.

**11.0 *PROPOSAL 2C: 750MM WIDTH RESTRICTION FOR VEHICLES THAT OPERATE ON THE FOOTPATH***

**11.1 *25. We are proposing that the width of devices used on the footpath should not exceed 750mm (with the exception of wheelchairs). Do you think this is:***

About right.

**11.2 *What is the reason for your rating? Do you have any other comments?***

11.2.1 A quick review of the mobility scooter information on the website indicates that most of these devices are less than 750mm wide. The biggest risk that most mobility scooters face is lack of stability – so there should not be a requirement for them to get any narrower.

11.2.2 It was noted that 750mm is considered approximately ½ the width of a narrow footpath. It would be interesting to understand how much of New Zealand's footpath network is less than 1.5m in width. Hamilton City has 46% (491km) of its 1,000km footpath network that is 1.5m or narrower.

11.2.3 Information from Trikes NZ indicates that their Trikes average 760mm wide. In Hamilton we have several mobility impaired users who utilise these devices as their standard form of mobility – basically as an equivalent to a wheelchair.

**11.3 26. Do you use a mobility device?**

No.

**11.4 If yes, what is the width of your device? Would the proposed width restriction impact you?**

N/A.

**11.5 27. Should a maximum width limit apply to mobility devices?**

Yes.

**11.6 What is the reason for your response?**

11.6.1 A quick review of the mobility scooter information on the website indicates that most of these devices are less than 750mm wide.

11.6.2 It was noted that 750mm is considered approximately half the width of a narrow footpath. It would be interesting to understand how much of New Zealand's footpath network is less than 1.5m in width. In Hamilton City 46% (491km) of its 1,000km footpath network is 1.5m or narrower.

11.6.3 If these devices are allowed to get too big there will not be room for them to pass each other – or to pass pedestrians (and powered wheelchairs) who are also using the footpath. If using a cycle path or cycle lane, it is also possible that a wider device will make it unsafe to pass by other quicker moving users e.g. cyclists.

**11.7 28. We propose that people who already own a device wider than 750mm could apply for an exemption. We're also considering three alternative approaches to mitigate the impact on existing device owners.**

**11.8 Which is your preferred option?**

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.

**11.9 Do you have any comments on these alternatives?**

11.9.1 Quick research would indicate that trikes are possibly the only mobility device currently wider than 750mm. Hamilton City has trike users who have physical disabilities and who use the trikes as their primary means of transport.

11.9.2 Option A will lead to bulk purchases occurring before the date of the rule changes.

11.9.3 Option C will be hard to enforce and will not deal with the problem of footpath or cycle path or cycle lane width being insufficient for passing.

**12.0 PROPOSAL 3: ESTABLISH A NATIONAL FRAMEWORK FOR THE USE OF SHARED PATHS AND CYCLE PATHS**

**12.1 29. We are proposing that a person using a shared path or cycle path must travel:**

- a) In a careful and considerate manner.
- b) At a speed that is not dangerous to other people on the path.
- c) In a way that doesn't interfere with other people using the path.

**How much do you agree or disagree with these proposed behavioural requirements?**

HCC strongly agrees.

**12.2 What is the reason for your rating? Should there be other requirements or rules to use a shared path or cycle path?**

12.2.1 We agree that having a standard set of rules is desirable (if perhaps not highly enforceable) to ensure the safety of all users.

12.2.2 Additional requirements that could be considered:

- Generally, keep left when possible.
- Not exceed the speed limit that has been set on that path.
- Use of a bell or similar to alert users in front of you that you are about to pass from behind.
- Cyclists having their bike lights on at all times could also be considered.

**12.3 30. We propose that all users will need to give way to pedestrians when using a shared path.**

***How much do you agree or disagree with this proposal?***

HCC disagrees.

**12.4 What is the reason for your rating? Do you have any other comments?**

- 12.4.1 We think that this is one where it is a 'case by case' basis, with guidance rather than a 'hard and fast' rule.
- 12.4.2 HCC note (and support) that for the purposes of these regulatory changes, that the term 'Pedestrian' is proposed to be inclusive of those in powered wheelchairs – and are no longer included in the 'mobility device' category.
- 12.4.3 Give Way is for those situations where there is insufficient room to pass without one party moving off the path (which could be footpath, but equally could be shared path or cycle path).
- 12.4.4 While it is noted that mobility devices are intended for people 'who require mobility assistance due to a physical or neurological impairment', there are a lot of users who are just choosing to these devices as a simple and cost-effective way to move around.
- 12.4.5 There are large numbers of pedestrians that are fit and healthy and potentially better able to 'give way' in many situations than the powered wheelchair or mobility device user.

**12.5 31. We propose that, if a shared path or cycle path is adjacent to a roadway, the speed limit will be the same as the roadway – which is currently the case. If a shared path or cycle path is not located beside or adjacent to a roadway, then our proposed change clarifies that the path has a default speed limit of 50km/h.**

***How much do you agree or disagree with the proposed speed limits for shared paths and cycle paths?***

HCC strongly disagrees.

**12.6 What is the reason for your rating? Do you have any other comments, including on the proposal to allow road controlling authorities to change limits?**

- 12.6.1 The safety standards of a shared path or cycle path are not directly related to the speed limit of the adjacent roadway.
- 12.6.2 For consistency and clarity, our preference would be to have a standard speed limit for each of these facilities based on the users who are likely to be using that path – in the same way that there is a standard speed limit proposed for footpaths.
- 12.6.3 For example, Wairere Drive within Hamilton City has a speed limit of 80km/h. There is a shared path alongside this road and under this proposal, the shared path would default to 80km/h – which is not safe for any of the users on the path. When you then combine this with the proposed ability for the users on shared paths to have priority over turning traffic, then there is a real safety issue that could result. While this can be dealt with via a 'speed limit change', it is creating extra work.
- 12.6.4 We would rather have a default standard speed limit with the ability to change the speed limit as was proposed for footpaths, but these should be by exception where there is clearly a change in the environment e.g. through an underpass where visibility and space to move out of the way is limited.
- 12.6.5 HCC would prefer to split this proposal into two:

- Have a standard limit in place for shared paths (suggest 15-20km/h) to reflect that these are generally in place ‘instead of’ a footpath and not ‘in addition to’ a footpath, and therefore would have a large percentage of pedestrians expecting to travel on them.
- Have a standard limit in place of cycle paths (suggest no higher than the immediately adjacent roadway, but a maximum of 50km/h) on the basis that these are generally ‘in addition to footpaths’ and therefore would generally not be used by pedestrians.

**12.7 32. We are proposing that road controlling authorities should be able to declare a path a shared path or a cycle path by making a resolution.**

***How much do you agree or disagree with this proposal?***

HCC strongly agrees.

**12.8 What is the reason for your rating? What factors should be considered when road controlling authorities make this decision?**

12.8.1 HCC has the ability via the Hamilton Traffic Bylaw 2015 to declare a path a cycle path and include it in its cycle path register. A review of the Bylaw will be needed to reflect the new terminology, but we would want to be able to continue with this practice moving forward.

12.8.2 It is noted that in the draft Land Transport Rule ‘Paths and Road Margins 2020’ that there is a proposal that a register is established by the Transport Agency. While it is understood that in the longer-term this would be useful, it is felt that in the short-term, most councils should be able to hold such a register within their own records and have available for any public or NZ Police enquiries. Wording to allow a Road Controlling Authority to utilise a national register provided by the Transport Agency as an alternative means of compliance would be a useful addition and the Rule should utilise wording from the current Rule. Having a recommended format for these would be helpful to assist in the long-term creation of a national database.

**12.9 33. Do you think that the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria?**

***How much do you agree or disagree with this proposal?***

Yes.

**12.10 What is the reason for your response? Do you have any other comments?**

12.10.1 While this provision is supported, it is on the basis that this should only be in extreme situations where there has been a safety risk identified. There would be an expectation that the Transport Agency would work with the Road Controlling Authority in the first instance.

**13.0 PROPOSAL 4: ENABLE TRANSPORT DEVICES TO USE CYCLE LANES AND CYCLE PATHS**

**13.1 34. We are proposing that devices other than cycles should be allowed to use cycle lanes and/or cycle paths?**

***How much do you agree or disagree with this proposal?***

HCC strongly agrees.

**13.2 What is the reason for your rating? Should there be any other requirements?**

13.2.1 In many cases the speeds of other devices will be more in keeping with that of cycles than those using the footpath.

13.2.2 Safer than using the road – which is generally the other alternative to using the footpath.

**13.3 35. We are proposing that road controlling authorities should be able to exclude transport devices from cycle lanes and/or cycle paths?**

***How much do you agree or disagree with this proposal?***

HCC strongly agrees.

**13.4 What is the reason for your rating? Should there be any other requirements?**

13.4.1 There may be attributes to these facilities that are not suitable for transport devices to use them safely.

**14.0 PROPOSAL 5: INTRODUCE LIGHTING AND REFLECTOR REQUIREMENTS FOR POWERED TRANSPORT DEVICES AT NIGHT**

**14.1 36. We are proposing 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.**

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

**14.2 What was your reason for your rating? Do you have any other comments about the proposal?**

14.2.1 Otherwise it is impossible for the motorist to be able to see them and therefore avoid hitting them.

14.2.2 It is particularly important if they are going to be operating on the road and not in a separated facility. But, with the proposal 6C giving priority to users of this space over turning traffic, then there is a need to have the lighting and reflector requirements when moving on any part of the network.

14.2.3 Also needed for the safety of the other users within that space – even footpaths.

**14.3 37. 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?**

14.3.1 Yes. There are lots of great products around for cyclists that could also be utilised by these users, including back pack covers.

14.3.2 A lot of these types of resources are also made available free of charge via the Community Road Safety and Travel Demand Management Fund managed by the Road Safety Coordinators and Sustainable Transport Coordinators employed by local authorities.

**14.4 38. 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?**

14.4.1 Yes – if at all possible, otherwise it is impossible for the motorist to be able to see them and therefore avoid hitting them.

14.4.2 It is particularly important if they are going to be operating on the road and not in a separated facility. But, with the proposal 6C giving priority to users of this space over turning traffic, then there is a need to have the lighting and reflector requirements when moving on any part of the network.

14.4.3 Also needed for the safety of the other users within that space – even footpaths.

14.4.4 Appreciate that it will be dependent on the type of device being used, but suggest that:

- it is a requirement to have wear reflective material (which can be seen from all angles e.g. may require users to have a back-pack cover) and,
- use of lighting front and rear is strongly recommended for use if at all possible.

**15.0 PROPOSAL 6: REMOVE BARRIERS TO WALKING, TRANSPORT DEVICE USE AND CYCLING THROUGH RULE CHANGES**

**15.1 PROPOSAL 6A: ALLOW CYCLES AND TRANSPORT DEVICES TO TRAVEL STRAIGHT AHEAD FROM A LEFT TURN LANE**

**15.2 39. We propose that cyclists and users of transport devices (like skateboards and scooters) should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so.**

*How much do you agree or disagree with this proposal?*

HCC doesn't know.

**15.3 What was your reason for your rating? Do you have any other comments about the proposal?**

15.3.1 We are primarily concerned about the safety around trucks. It is almost impossible to find a position that a truck will be able to easily see the cyclist or transport device user – as the trucks have a large forward blind spot. Trucks and buses both have a large swept path when turning left and there is potential to clip them.

15.3.2 Phasing of lights could have considered to prevent a left turn phase ahead of the through-traffic phase, but at other intersections it is hard to be confident that we can manage safety in these situations.

15.3.3 We would prefer to have the intersection changed so cyclists are only dealing with one lane or are able to use a shared off-road path.

15.3.4 'When it is safe to do so' – is hard to enforce and is different in every user's mind.

15.3.5 HCC would be keen to understand what studies have been completed to support this change and to make an informed decision that is based on good safety analysis.

15.3.6 HCC believe that there is a need for more work to be undertaken in the education and licencing of drivers to create new habits BEFORE this change is made. The risk to the users of cycles and transport devices is currently too high.

**16.0 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**

**16.1 40. We propose that cyclists and users of transport devices (like skateboards and scooters) should be allowed to 'undertake' slow-moving traffic.**

*How much do you agree or disagree with this proposal?*

HCC agrees.

**16.2 What was your reason for your rating? Do you have any other comments about the proposal?**

16.2.1 It happens now in many cases, but it is somewhat limited. If adopted there would be a need to include it in education package to support the changes and also include in driver licensing training and testing.

**17.0 PROPOSAL 6C: GIVE CYCLES, TRANSPORT DEVICES AND BUSES PRIORITY OVER TURNING TRAFFIC WHEN THEY'RE TRAVELLING THROUGH AN INTERSECTION IN A SEPARATED LANE**

**17.1 41. We propose that turning traffic should give way to buses, cyclists, and users of transport devices travelling straight through an intersection from a separated lane.**

*How much do you agree or disagree with this proposal?*

HCC strongly agrees.

**17.2 What was your reason for your rating? Do you have any other comments about the proposal?**

17.2.1 We support the proposal for giving priority as this reflects a greater priority for users of 'alternative' modes and supports a greater use of these modes instead of using the car.



17.2.2 A good education package is required to support the changes. The change to the Give Way rule in 2015 was of similar significance in terms of change – except that if people got it wrong it would generally result in a ‘bent car’ and there was already a lot of confusion over who gave way to whom, so most people were just happy to understand. This will be a more significant change because everyone does understand the rules and if people get it wrong, it is likely to result in serious injuries for those not in the vehicles.

**17.3** *42. 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?*

No.

**17.4** **What was your reason for your response? Do you have any other comments about the proposal?**

17.4.1 Suggest that this rule be amended to have turning vehicles give way to all other users – including people on bikes in cycle lanes (which is not included in the proposal currently) and not dependent on separation or installation of ‘necessary traffic control devices’.

**17.5** *43. Should the definition of a separated lane include the distance between the lane and the road?*

No.

**17.6** **What was your reason for your response? Do you have any other comments about the proposal?**

17.6.1 If you give a measurement, then there will always be cases that don’t quite meet the requirement but are sensible to include.

17.6.2 We suggest instead that there is guidance on the attributes of a lane e.g. users of the path are easily visible by approaching motorists wanting to turn into the side road.

**18.0** ***PROPOSAL 6D: GIVE PRIORITY TO FOOTPATH, SHARED PATH AND CYCLE PATH USERS OVER TURNING TRAFFIC WHERE THE NECESSARY TRAFFIC CONTROL DEVICES ARE INSTALLED***

**18.1** *44. We propose that turning traffic should give way to path users crossing a side road with the proposed minimum markings of two parallel white lines.*

*How much do you agree or disagree with this proposal?*

HCC disagrees.

**18.2** **What was your reason for your rating? Do you have any other comments about the proposal?**

18.2.1 Support the proposal for giving priority as this reflects a greater priority for users of ‘alternative’ modes and supports a greater use of these modes instead of using the car.

18.2.2 We don’t support this being dependent on ‘traffic control devices’ being installed e.g. two white lines. It puts the onus on the vehicle driver to see and stop in time – if they get it wrong, they will not be the one with the physical injuries – it will be the other users.

**18.3** **Additional questions for road controlling authorities**

**18.4** *45. Do you think that the proposed minimum markings of two parallel white lines are appropriate? Please explain.*

18.4.1 No, too subtle, something else for a driver to try and find in a situation where the workload is already high, something else to maintain.

18.4.2 Puts the onus on the vehicle driver to see and stop in time – if they get it wrong, they will not be the one with the physical injuries – it will be the other users.



18.4.3 We suggest that this Rule be amended to have turning vehicles give way **to all other users** – including people on bikes in cycle lanes (which is not included in the proposal currently) and not dependent on ‘necessary traffic control devices’.

**18.5 46. We are proposing future guidance for additional treatments. Is there any guidance that you would like to see or recommend? Please explain.**

18.5.1 Happy to have additional guidance – but these treatments should not be necessary to change the priority given. Priority should be irrespective of traffic control devices but can be supported/reinforced by traffic control devices.

18.5.2 Consideration of more raised safety platform treatments at sideroads – especially where there are shared paths, cycle paths and/or cycle lanes as these will create the need for vehicles speeds to be slower and therefore result in less trauma for any situations where there is a crash.

**19.0 PROPOSAL 7: MANDATE A MINIMUM OVERTAKING GAP FOR MOTOR VEHICLES PASSING CYCLES, TRANSPORT DEVICES, HORSES, PEDESTRIANS AND PEOPLE USING MOBILITY DEVICES ON THE ROAD**

**19.1 47. We are proposing 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.**

**How much do you agree or disagree with this proposal?**

HCC strongly disagrees.

**19.2 What was your reason for your rating? Do you have any other comments about the proposal?**

19.2.1 We would request a standardised 1.5m minimum overtaking gap is required for all situations – 1m is too close at any speed, especially if it is a larger vehicle that is passing.

19.2.2 This is a simple and low-cost measure that will result in increased safety and comfort for the users of cycles, transport devices, horses, pedestrians and people using mobility devices on the road.

19.2.3 Providing space for cyclists and horses has been promoted via various methods e.g. Road Codes (Car and Heavy vehicles) and Community Road Safety Promotions for many years – so this is just formalising it.

**20.0 PROPOSAL 8: CLARIFY HOW ROAD CONTROLLING AUTHORITIES CAN RESTRICT PARKING ON BERMS**

**20.1 48. We are proposing that road controlling authorities should be able to restrict berm parking without the use of signs and instead rely on an online register.**

**How much do you agree or disagree with this proposal?**

HCC strongly disagrees.

**20.2 What was your reason for your rating? Do you have any other comments about the proposal?**

20.2.1 We believe that this will take a lot of time, money and effort and that the initial focus for the Transport Agency should be the establishment of the Speed Limits Register. In the meantime, greater use of the provisions of the Road User Rule and bylaws should be encouraged.

20.2.2 In the future, a register could be developed, and the Paths and Road Margins 2020 Rule could be worded to accommodate this future development – in the same way the Speed Limits 2017 Rule does.

20.2.3 HCC currently bans parking on berms via the Hamilton City Traffic Bylaw 2015. The key reasons for this are protection of underground services and ensuring that footpaths remain clear. With increasing use of footpaths by a wider variety of devices, there is the need to also utilise the berm for ‘giving way’.

- 20.2.4 Vehicles parked on berms can also create visibility issues for those exiting driveways or side roads, and obscure approaching traffic (on footpaths, shared paths, cycle paths, cycle lanes and the road).
- 20.2.5 When a national register is developed, the ability to be able to define the 'area of berms' to which the restriction applies would need to be able to align with the approach used for speed limits and the 'urban speed zone' with a default speed limit. The register would then only detail the locations where the parking on the berms is permitted within that 'area of berms' i.e. it would be expected that under this proposal Hamilton City could be declared an 'area of berms' where parking is not permitted on any berms except those specifically listed.
- 20.2.6 This is not considered an urgent need, but it is recognised that in the longer term that there would be benefits for 'intelligent vehicles' being able to access the register and inform the driver via in-car displays.

**21.0 49. 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?**

- 21.1 These locations would be able to provide the website access required and answer the question directly. If bylaws are used in the meantime, these are also publicly available on the local council websites. There should not be a requirement for a hard copy to be maintained.

**22.0 PROPOSAL 9: GIVE BUSES PRIORITY WHEN EXITING BUS STOPS**

**22.1 50. We propose that road users should give way to indicating buses leaving a signed bus stop on a road with a speed limit of 60km/h or less.**

**How much do you agree or disagree with this proposal?**

HCC strongly agrees.

**22.2 What was your reason for your rating? Do you have any other comments about the proposal?**

- 22.2.1 This rule is a very simple way of improving efficiency for the bus operations and is a good way to promote buses as a more sustainable mode of transport.

**22.3 51. 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?**

Yes.

**22.4 In what situations should traffic give way to buses? What was your reason for your response? Do you have any other comments?**

- 22.4.1 We support the proposal given in the example - when a bus is exiting a bus lane and merging back into traffic lanes as currently in order to get the maximum benefit from the bus lane there can be a need for expensive infrastructure solutions. This would address the issue of the bus being able to get back into the normal flow of traffic.
- 22.4.2 This rule is a very simple way of improving efficiency for the bus operations and is a good way to promote buses as a more sustainable mode of transport.
- 22.4.3 This often happens now but is reliant on the courtesy of other drivers.
- 22.4.4 It does require the bus driver to be very clear with the signalling of their intentions in advance of the merge to enable this to happen easily and safely ('merge like a zip'!).
- 22.4.5 Other examples that we could like to have included for consideration include:
- Bus exiting from a side road or transport centre/ public transport interchange.
  - Bus jump lane at traffic signals where bus is able to process straight through from a left turn lane e.g. Anzac Parade in Hamilton.
  - Bus jump and merge proposal where bus proceeds down one lane and is then able to cut across into another lane 'mid-block' e.g. Victoria Street to get onto the Fairfield Bridge.

## 4.0 SPECIFIC COMMENTS ON THE DRAFT RULES

### 4.1 Land Transport Rule - Paths and Road Margins 2020

- *Section 2.4 Agency must establish and maintain register of shared path and cycle paths.*
- *Section 4.9 Setting speed limits on paths.*
- *Section 6.3 Agency must establish and maintain register of berms parking restrictions.*

4.2 HCC is generally supportive of having a national register but believe that the focus should currently be on the establishment of a National Speed Limit Register for roadways to ensure that the 'Tackling Unsafe Speeds' Action Plan can be delivered in a timely manner.

4.3 HCC would recommend that the Rule include the provision for a national register in the future (as the Speed Limits Rule 2017 currently does) but enable Road Controlling Authorities to maintain their own registers in the interim. Guidance could be provided by the Transport Agency regarding the format of the registers so that in the future this is an easier exercise for all parties.

4.4 The establishment of the national registers should not require another consultation process to be completed when the sites have previously been consulted upon and included in RCA bylaw schedules/registers.

- *Section 4.5 Default Speed limit on shared paths and cycle paths.*
- *Section 4.6 Variations from default speed limit on shared paths and cycle paths.*

4.5 HCC would prefer to split this proposal into two:

a) Have a standard limit in place for shared paths (suggest 15km/h) to reflect that these are generally in place 'instead of' a footpath and not 'in addition to' a footpath, and therefore would have a large percentage of pedestrians expecting to travel on them.

b) Have a standard limit in place of cycle paths (suggest no higher than the immediately adjacent roadway, but a maximum of 50km/h) on the basis that these are generally 'in addition to footpaths' and therefore would generally not be used by pedestrians.

4.6 HCC would also request that guidance is included as to what specific speed limits are able to be set under Clause 4.6(1) and consider that it would be desirable to be able to set 15km/h for these locations to match footpaths if the above suggestion is not adopted.

## 5.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS SUBMISSION POINTS

5.1 Should Waka Kotahi NZ Transport Agency require clarification of the above submission points, or additional information, please contact Robyn Denton (Network Operations and Use Team Leader, City Transportation) on 07 838 6910 or 021 971 127, email [robyn.denton@hcc.govt.nz](mailto:robyn.denton@hcc.govt.nz) in the first instance.

5.2 Hamilton City Council would welcome the opportunity to meet with representatives from Waka Kotahi NZ Transport Agency to discuss the content of our submission in more detail.

Yours faithfully



**Richard Briggs**  
**CHIEF EXECUTIVE**