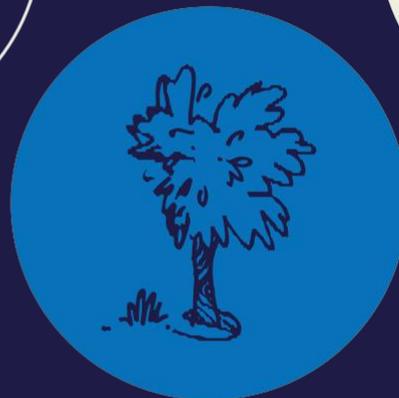


HAMILTON CITY COUNCIL - SUBMISSION

Reshaping Streets Regulatory Proposals - August 2022 Consultation Document

Waka Kotahi NZ Transport Agency



23 September 2022



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority '**A city where our people thrive**'.

As a city we want to have safe routes for people to move around our city, alongside efficient transport connections to connect Hamilton to other places.

Council Approval and Reference

This submission was approved (under delegated authority) by the Chair and Deputy Chair of Hamilton City Council's Infrastructure Operations Committee (as resolved at the Council's 9 August 2022 Infrastructure Operations Committee meeting).

Hamilton City Council Reference D-4341438 - submission # 704.

Key Messages and Recommendations

1. Overall, Hamilton City Council support the proposed changes outlined in Waka Kotahi NZ Transport Agency's August 2022 Consultation Document **Reshaping Streets Regulatory Proposals**.
2. We appreciate the opportunity to provide feedback on the proposals and the **draft Land Transport Rule: Street Layouts 2022** (draft Streets Layout Rule).
3. While we are in support of the proposals, we do have some concerns that the draft Streets Layout Rule as currently worded will not achieve the desired outcomes set out in the consultation document. We therefore recommend that an additional review of the draft Street Layouts Rule is completed prior to finally being published.
4. Hamilton City Council is strongly in support of integrating elements of the Accessible Streets regulatory package into the draft Streets Layout Rule and believe that these changes are long overdue and urgently needed to support the increasing focus and demand for safe active travel opportunities in our road network.
5. We believe that the proposed changes will make processes easier for providing safe and accessible places and spaces for our residents to live and play via the formalisation of Community Streets and School Streets. We note that a third of all transport trips in New Zealand are less than two kilometres - a distance which is easy for most people to walk, scoot, or cycle. People are likely to become more physically active (and therefore healthier) if they have safe and attractive options to walk and bike to places.
6. However, we do not support the development of new signage and requirements for these spaces and recommend utilising and strengthening the use of the Shared Space concept that is already included in the Road User Rule along with the Shared Zone sign included in the Traffic Control Devices Rule.
7. We look forward to continuing to work with the Ministry of Transport and Waka Kotahi NZ Transport Agency on the implementation of these changes and creation of supporting guidelines documents where required. We acknowledge the opportunity that has been provided for Hamilton City Council's involvement to date via the Local Government Working Group.

Introduction

8. Overall, Hamilton City Council supports the proposed changes outlined in Waka Kotahi NZ Transport Agency's August 2022 Consultation Document **Reshaping Streets Regulatory Proposals**.
9. However, we seek further clarification and guidance from Waka Kotahi NZ Transport Agency and recommend the inclusion of a number of minor changes for the efficient application and management of the proposed **Reshaping Streets Regulatory Streets Package** and proposed **Land Transport Rule: Street Layouts 2022 Rule**.

Feedback on a Number of the Specific Proposals

10. The following feedback is provided in response to several of the specific proposals outlined in Waka Kotahi NZ Transport Agency's August 2022 Consultation Document **Reshaping Streets Regulatory Proposals**.
11. **PROPOSAL 1 - A New Approach for Piloting Street Changes**
12. **1A: Provide RCAs with new powers and requirements to install pilots, and set requirements for how to install them.**

13. We support the proposal for local authorities to be able to make short-term changes to test different street layouts, enabling the community to have a 'lived experience' of what the changes look and feel like before permanent decisions are made.
14. We would like further guidance to provide clarity for all parties who may be involved in piloting street changes (e.g., community and advocacy groups) on what must be decided at Council (elected member) level (i.e., when bylaws may need to be changed following a pilot) and what decisions the Road Controlling Authority (RCA) could delegate to staff to manage pilots proactively to reflect community/safety issues.
15. **1B: Enable pilots to be used as a form of consultation, by using feedback collected during the pilot to consider whether to make street changes permanent.**
16. We agree that pilot projects can enable people to explore and engage with street changes in an innovative way, and that they can increase public support for permanent changes.
17. **1C: Enable pilots to be installed for up to two years.**
18. We support and believe that the 2-year trial period is a sufficient time period to enable the community to experience these changes fully over a range of seasons, enabling them to provide informed feedback over the evolution of a project.
19. The flexibility of the time period also allows communities the ability to provide informed feedback on how the trial could be improved, removed, or permanently implemented. This enables more of the community to have input into the final version and contributes to the community's success and support for the final design. It also ensures that the key stakeholders feel like they have been a part of the journey with us in any pilot project.
20. We suggest that supporting guidance documents include a recommended minimum time period to ensure that pilot projects are not prematurely pulled due to potential 'backlash', but rather given the chance to show the project's potential in making meaningful change for the community. Anecdotal evidence suggests that the failure rate in winter would be higher than summer, for example based mainly on the number of people who engage in active modes being higher in nicer weather conditions. Due to this observation, we suggest a recommendation of a minimum of 8 months for any pilot project to prevent early termination due to seasonal limitation (noting that during this time, changes can be made if required to respond to local demands and considerations).
21. **1D: Amend the LGA1974 to make it clear that RCAs should not use the provision for 'experimental diversions' when piloting street changes.**
22. We agree with the proposal, so as to resolve current ambiguity. Hamilton City Council has not closed any roads to traffic for 'experimental diversions' for purposes other than piloting street changes.
23. **1E: Allow RCAs to lower the speed limit to support a pilot, in areas with a posted speed limit under 60km/h, during the pilot.**
24. We agree that the proposal with any speed limit changes for pilot projects are included in the National Speed Limit Register (NSLR) to have legal weight. Pilot projects can provide an opportunity to fast-track any speed limit changes associated with the pilot projects in alignment with the RCA's endorsed Speed Management Plan. Guidance on the development of Speed Management Plans may need to be updated to prompt RCAs and Regional Councils to think about pilot projects when preparing their Speed Management Plans.
25. **1F: Update rules for trialing TCDs, so that RCAs can trial TCDs as part of pilots and choose how they notify people about TCD trials.**
26. We agree that there is need for clear distinction between Traffic Control Device (TCD) trials and pilot projects.

27. We also note that any pilot project requires comprehensive road safety audits and reviews (following changes) to ensure safety is never jeopardised in any element of the pilot project.
28. **PROPOSAL 2 - Filtering and Restricting Traffic**
29. **2A: Enable RCAs to install modal filters if the objects they use are safe.**
30. We support this proposal to enable the use of tools to prioritise people walking, cycling, riding devices or taking public transport, as well as improving the overall efficiency of key routes. We would also like to see that the incorporation of public transport be included in the definition proposed in the draft Streets Layout Rule 2022. Further guidance needs to be given as to the role/placement/inclusion of 'mobility parking' and any 'loading and servicing' zones in a pilot project as these are common features in a commercial setting and anecdotal evidence has shown that these can be one of the biggest challenges that we face in any pilot project experience.
31. **2B: Ensure legislation provides clear powers for RCAs to filter traffic, by removing the requirement in the LGA 1974 that facilities built on roads cannot, in the opinion of a council, 'unduly impede vehicular traffic entering or using the road'.**
32. We recommend replicating the existing Shared Space provisions in the Road User Rule for the proposed Community Streets and School Streets. We also suggest that any new signage uses the Shared Zone regulatory sign format i.e., white on blue, and generally symbolic to facilitate future bilingual versions. Greater use of this current sign and associated engagement and education on its meaning will increase the general public's understanding of the sign and the expectations it creates on vehicle driver behaviours. We note that the current proposal on page 22 of the draft Streets Layout Rule stipulates that the colour red is to be used for the border and believe that the proposed signs associated 'regulatory' status is hard to balance with a 'temporary' project.
33. We recognise that legislation needs to change in order to provide clear powers to filter traffic. Currently, cars are prioritised and we support the changes to the priority being the movement of people, not any vehicle in particular. However, we do not believe the mechanism proposed in the draft Streets Layout Rule to deliver this outcome is correct (refer 2C below).
34. **2C: Enable RCAs to restrict or prohibit the use of some or all motor vehicles on specified roadways to support public transport use, active travel, health and safety, emissions reductions, and/or to create public spaces that promote community well-being.**
35. We agree with the proposal to restrict or prohibit the use of some or all motor vehicles on specified roadways, but do not believe the mechanism proposed to deliver this outcome as it currently proposed in the draft Streets Layout Rule will work. Instead, we recommend that legislation should focus on the outcome being sought via filtering traffic and leave the mechanism, be they physical objects (modal filters) or regulatory tools (regulatory filters), up to the RCA to determine on a case-by-case basis, noting the need to ensure any filter must consider the safety of all users.
36. Defining 'modal filters' in legislation is problematic as the term 'bollard' as a modal filter is currently not defined in the draft Street Layouts Rule definitions, and the current 'modal filter' definition does not acknowledge technology-based modal filters and potential future TCD options. We strongly advocate that **all forms of filtering** be allowed, including IT solutions such as numberplate recognition.
37. Although we therefore recommend the removal of specific examples of modal filters (e.g., bollards within the draft Street Layouts Rule), if examples are to be used, we would like to see the use of a range of 'physical' and 'non-physical' modal filters, including IT solutions such as numberplate recognition.

- 38. 2D: Provide RCAs with an explicit power to install TCDs.**
39. We support the proposal but believe the mechanism to achieve it does not address the problem. The problem to be addressed is a mechanism for RCAs around the enforceability of TCDs. We suggest that the provision of a 'national register' for TCDs would be a more simple and efficient option (noting that this has recently been provided for speed limits).
- 40. PROPOSAL 3 - School Streets**
- 41. Establish powers and requirements for RCAs to create School Streets in partnership with local schools.**
42. We recognise that the success of a school street will strongly rely on the local school and the community's support and backing. We request that there is further detail provided on the role that the Ministry of Education, local school leadership and the community plays and guidance on how RCAs are to partner with these key groups to ensure the success of a school street.
43. We recommend further clarity be provided around the term 'access a property' as currently proposed in the draft Streets Layouts Rule as most parents would consider picking their children up from school a valid 'access to the school property' scenario. We also ask for guidance on how to navigate a 'school street' if there are local businesses/home-based businesses in the area that may be affected by customer access through the creation of a school street (such as at home hairdressing and homebased care).
44. We note that having signs with described times, in addition to the number of signs already provided at schools, will not be clear enough to drivers, and will likely create unsafe expectations for vulnerable road users during these times. We also acknowledge that language around the 'modal filters' on school streets, MUST still give access and priority to School Buses.
45. We emphasise the need for including Buses as an approved mode, noting that schools are commonly on key bus routes and consideration for public bus/school bus is safe and that a reliable 'pick up/drop off' option is critical in helping to support wider 'travel planning' projects and their achievement in carbon zero goals.
46. We recommend explicitly stating that arrangements for children with 'challenges' in getting to school in any other way than private motor vehicle, be addressed and prioritised with any proposed school street.
47. We seek further guidance on how to plan for 'pick up and drop off' zones and their integration in a school street as we recognise the concern that school streets may bring by pushing parking issues into further surrounding streets.
48. We recommend that in all School Streets communication and information, that Emission Reduction, Health and Road to Zero messages be at the core, using this as an opportunity to teach children road safety and the role active modes play in achieving carbon zero goals.
49. We suggest replicating the Shared Zone provisions in the Road User Rule for Community Streets and School Streets, and also recommend the associated signage uses the Shared Zone regulatory sign format i.e., white on blue and generally symbolic to facilitate future bilingual versions.
50. We are just embarking on a School Travel Plan trial, and while School Streets will be useful to assist us with getting our schools onboard, we note that it is totally voluntary, so we may not achieve the outcomes we are seeking without at least SOME recognition from the school via the Ministry of Education. They need to be a willing partner and we would appreciate any support that can be provided at a national level.

51. PROPOSAL 4 - Community Streets

52. Establish clear powers and requirements for residents to hold Community Streets, provided they have approval from RCAs.

53. We support the ability to create safe areas for the community to hold events in their local streets.

54. We support the principles-based rules that RCAs must consider before approving a Community Street as this helps to still provide communities the freedom to design their own Community Streets processes based on guidance, while meeting the conditions set by the RCAs on organising a Community Street.

55. We suggest the expansion of the requirements, and more explicit detail to ensure continuity between potential nationwide community street promotion events e.g., Auckland community street events are applicable in Hamilton and beyond too.

56. We recommend replicating the current Shared Zone provisions in the Road User Rule for Community Streets and School Streets. We also recommend using the associated Shared Zone signage as the 'event signage' outlined in the Play Streets guidance documents.

57. PROPOSAL 5 - Closing Roads for Other Functions and Events

58. 5A: Allow RCAs to close roads for reoccurring events, by removing the 31-day limit per year for road closures in the LGA1974.

59. We support the proposal and recommend that the 31-day limit per year limit is removed and that there is no limit on how often a road can be closed for regular events.

60. We recommend splitting the legislation into subcategories i.e., 'for-profit private' and 'not-for-profit community' events.

61. A road closure for an external 'for profit' event (such as bars/restaurants/a ticketing event) will require different consideration, with the suggestion that a 'notified process' is required. However, if there is a road closure for a not-for-profit public and community events (such as New year's event, Christmas events or fun runs), a different approach may be required to ensure full community support for the success of the event.

62. We also note the removal of the clause "*no road may be closed for any purpose specified... if that closure would, in the opinion of the local authority, be likely to impede traffic unreasonably*" from the LGA 1974, Schedule 10 as included in proposal 4 Community Streets is applicable for this proposal. The LGA 1974 clause inhibits the ability for local authorities to preclude vehicle traffic on streets so that they can be used for community places and people.

63. 5B: Bring together powers and requirements to close roads for events in one piece of legislation and update notification requirements so that RCAs can notify the public in any way that they consider appropriate at least two weeks before an event.

64. We support the intent of the proposal but believe that two weeks' notice is too constraining. Event changes during the Covid Pandemic required road closure decisions to be made in less than 2 weeks.

65. We recommend that the legislation states that while a 2-week period is recommended, it is not considered as a minimum requirement, enabling extraordinary circumstances to be accommodated.

66. We note that the 1965 Regulations requires that a RCA must be satisfied that the promoter of an event has adequate insurance to cover any damages from the event. We believe that these insurance requirements should be kept if powers and requirements for events are shifted to the Street Layouts rule, noting that the RCA should be able to waiver this requirement if they are able to be satisfied that there is unlikely to be damage resulting from the event.

67. **PROPOSAL 6 - Pedestrian Malls**
68. **6A: Remove the requirement for local authorities to use the special consultative procedure when establishing pedestrian malls. Instead, they must apply the consultation principles in the LGA2002.**
69. We support the proposal to make the consultation and appeal process more consistent to other types of street changes (noting that local authorities also have our own policies and guidelines for consultation and engagement).
70. The additional requirements in the Local Government Act 1974 are not considered necessary and can add significant cost and delays to a project.
71. **6B: Remove the ability for people to appeal to the Environment Court when a pedestrian mall is being created. People would be able to challenge the installation of a pedestrian mall through judicial review.**
72. We support the proposal as the current provisions make it unnecessarily difficult and costly to establish pedestrian malls, deterring RCAs to establish them.
73. We recognise the value and emphasise the need for pre-engagement with local businesses, if in a commercial area, to ensure the activity of business is still supported in the face of any changes.
74. We would like to see further emphasis on the considerations required to be given for disadvantaged people, ensuring that their needs and concerns are met positively in the design of all pedestrian malls.
75. **6C: Shift legislative provisions for pedestrian malls to the proposed Street Layouts rule.**
76. We support the proposal to make legislation more accessible and easier to navigate by locating provisions for making similar types of street changes in one piece of legislation.
77. **PROPOSAL 7 - Transport Shelters**
78. **Remove special notification requirements for creating transport shelters. Instead, RCAs would be able to publicly consult on transport shelters in the same way they do for other features, like bus stops.**
79. We agree with the proposal to remove the prescriptive consultation requirements for the installation of transport shelters.
80. We support having a consistent approach for consultation for all infrastructure, including transport shelters, pedestrian crossings, bus stops and public toilets.

Specific Comments on the Proposed Land Transport Rule: Street Layouts 2022

81. Hamilton City Council notes that to implement the proposed regulatory changes, the Minister of Transport is proposing to create a new land transport rule called the Street Layouts rule. It would create powers and requirements for RCAs to make street changes covered by the new rule. This rule would include powers and requirements for pilots, restricting and filtering traffic, School Streets, and closing roads for events including Community Streets.
82. RCAs could continue to use existing legislation, including bylaws, to make street changes that they are already empowered to make, if they choose to do so.
83. Hamilton City Council also notes that during the implementation process, the Minister of Transport may also take the opportunity to reorganise or integrate provisions between related land transport rules, to make legislation more accessible. For example, there could be opportunities to integrate some elements of the Accessible Streets package with the Street Layouts rule.

84. We are strongly in support of many components of the Accessible Streets Regulatory Package that was consulted upon in early 2020. A copy of Hamilton City Council's 17 April 2020 submission is attached.
85. Hamilton City Council is strongly in support of integrating elements of the Accessible Streets package into the draft Streets Layout Rule and believe that these changes are long overdue and urgently needed to support the increasing focus and demand for safe, active travel opportunities in our road network. Ideally, there would be one new rule developed that combines the draft Streets Layout Rule with the draft Land Transport Rule: Paths and Margins 2020 so as to minimise the number of Rules which need to be referenced and to minimise conflicting requirements between these documents and the existing Road User and Traffic Control Devices rules.
86. Further detailed feedback on the proposed Land Transport Rule: Street Layouts 2022 is included in **Attachment 1**.

Further Information and Opportunity to Discuss our Submission

87. Should Waka Kotahi NZ Transport Agency require clarification of the submission from Hamilton City Council, or additional information, please contact **Robyn Denton** (Network Operations and Systems Manager – Transport) on 07 838 6910 or 021 971 127, email robyn.denton@hcc.govt.nz in the first instance.
88. Hamilton City Council representatives would welcome the opportunity to discuss the content of this submission in more detail with Waka Kotahi NZ Transport Agency.

Yours faithfully



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DRAFT FOR CONSULTATION

Land Transport Rule Street Layouts 2022

Draft for consultation

Land Transport Rules are law produced by Waka Kotahi NZ Transport Agency for the Minister of Transport. This is the public consultation draft of **Land Transport Rule: Street Layouts 2022**.

If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. **The deadline for submissions is midnight on Monday 19 September 2022.**

Land Transport Rule

Street Layouts 2022

Contents

Section 1	Preliminary provisions.....	3
1.1	Title	3
1.2	Commencement	3
1.3	Objective	3
1.4	Interpretation	3
Section 2	Changing the use of roadways.....	5
2.1	Road controlling authority may change the use of roadways	5
2.2	School streets	6
Section 3	Community streets.....	7
3.1	Road controlling authority may approve community street	7
3.2	What road controlling authority must have regard to when considering whether to approve a community street	9
3.3	What road controlling authority must have regard to when considering whether a condition or notification is proportionate	9
3.4	Road controlling authority may modify when a community street is approved to operate	9
3.5	Requirements to notify approval or occurrence of community street	10
3.6	Road controlling authority may approve community street more than once	11
3.7	Road controlling authority may approve more than one community street for a roadway	11
3.8	Use of and access to community streets	11
3.9	Organiser’s responsibilities for community streets	12
Section 4	Pilots of street layout changes.....	12
4.1	Road controlling authority may install street layout changes as a pilot	12
4.2	Road controlling authority’s obligations before installing pilot	14
4.3	Road controlling authority’s obligations during pilot	14
4.4	Road controlling authority may modify pilot	14
4.5	Road controlling authority may alter feedback period	15
4.6	Road controlling authority may end pilot early	15
4.7	Road controlling authority must decide whether to make pilot permanent	16
4.8	Changes may remain in place if made permanent	16
4.9	Changes may remain in place despite inconsistent bylaw	16
4.10	Road controlling authority’s obligations if pilot is ended early or not made permanent	17
Section 5	Director’s powers regarding road controlling authorities’ actions under this Rule	18
5.1	Director may investigate and direct road controlling authorities	18

5.2	Director may exercise powers of road controlling authority in certain circumstances	18
Section 6	Amendments to other land transport rules	19
6.1	Amendments to Land Transport Rule: Traffic Control Devices 2004	19
6.2	Amendments to Land Transport Rule: Setting of Speed Limits 2022	20
Schedule Amendments to Schedule 1 of Land Transport Rule: Traffic Control Devices 2004		22

Section 1 Preliminary provisions

1.1 Title

This Rule is Land Transport Rule: Street Layouts 2022.

1.2 Commencement

This Rule comes into force on [date].

1.3 Objective

The objective of this Rule is to—

- (a) empower road controlling authorities to prohibit or restrict access to roadways and to change the use of roadways, including by creating school streets; and
- (b) set out rules for the approval of, access to and use of community streets; and
- (c) empower road controlling authorities to install, as a pilot, street layout changes on a road as a form of consultation.

1.4 Interpretation

- (1) In this Rule, unless the context otherwise requires,—

Act means the Land Transport Act 1998

Auckland Transport means the entity established under [section 38](#) of the Local Government (Auckland Council) Act 2009

Crown entity has the same meaning as in [section 7](#) of the Crown Entities Act 2004

cyclist means a person riding a cycle

emergency services means—

- (a) the New Zealand Police continued under [section 7](#) of the Policing Act 2008; and
- (b) Fire and Emergency New Zealand continued under [section 8](#) of the Fire and Emergency Act 2017; and
- (c) any ambulance service as defined by [clause 1.6](#) of the Road User Rule

feedback period, in relation to a pilot, means the period during which the road controlling authority will receive feedback from the public on the pilot

government department means a department or departmental agency as defined in [section 5](#) of the Public Service Act 2020

local authority has the same meaning as in [section 5\(1\)](#) of the Local Government Act 2002 and also includes Auckland Transport

modal filter means an object or objects (for example, a bollard, plant, or street furniture) positioned on a roadway in order to— 

(a) physically prevent a person from driving a motor vehicle (other than a motorcycle or moped) through the roadway; 
and

(b) physically allow pedestrians, cyclists, and riders of mobility devices, motorcycles, and mopeds to pass through the roadway



pilot means one or more street layout changes installed on a road by a road controlling authority in accordance with Section 4

pilot period, in relation to a pilot, means the 2-year period beginning on the date that the road controlling authority completes installation of the pilot

community street means a roadway approved as a community street by a road controlling authority in accordance with Section 3

road includes a roadway, footpath, cycle path, and shared zone

Road User Rule means the Land Transport (Road User) Rule 2004

school street means a roadway by or near a school on which the road controlling authority has prohibited or restricted the use of motor vehicles under clause 2.1 during student drop-off and pick-up times

specified organisations, in relation to a pilot, means any of the following that, in the opinion of the road controlling authority, may be affected by the pilot:

- (a) any emergency services:
- (b) any part of the New Zealand Defence Force constituted by [section 11\(1\)](#) of the Defence Act 1990:
- (c) any utility operator as defined by [section 4](#) of the Utilities Access Act 2010:
- (d) the Civil Defence Emergency Management Group established under the Civil Defence Emergency

Management Act 2002 for the area in which the pilot is or is to be located

street layout change has the meaning in clause 4.1(3)

traffic calming device has the same meaning as in Part 2 of the Traffic Control Devices Rule

Traffic Control Devices Rule means Land Transport Rule: Traffic Control Devices 2004

- (2) A term that is used in this Rule and defined in the Act, but not defined in this Rule, has the meaning given in the Act (for example, **Agency, Director, motor vehicle, and vehicle**).
- (3) A term that is used in this Rule and defined in the Road User Rule, but not defined in this Rule or the Act, has the meaning given in the Road User Rule (for example, **bus lane, cycle, cycle lane, cycle path, emergency vehicle, footpath, install, lane, mobility device, pedestrian, roadway, shared zone and wheeled recreational device**).
- (4) A reference to a road or roadway includes—
 - (a) part of a road or roadway (as the case may be); and
 - (b) an area of roads or roadways (as the case may be).

Section 2 Changing the use of roadways

2.1 Road controlling authority may change the use of roadways

- (1) A road controlling authority that is a local authority, government department or Crown entity may, in accordance with this Rule, take any of the following actions in relation to a roadway that it controls:
 - (a) prohibit or restrict the use of motor vehicles, or one or more classes of motor vehicle, on the roadway:
 - (b) create a school street:
 - (c) install or remove traffic control devices to instruct road users of a prohibition or restriction (including a prohibition or restriction by which the road controlling authority has created a school street):
 - (d) install or remove traffic calming devices:
 - (e) install or remove car parks:
 - (f) install or remove modal filters.

- (2) A prohibition or restriction under subclause (1)(a) may apply at all times, at specified times or during specified conditions.
- (3) The purposes of actions taken under subclause (1) must be any of the following:
 - (a) to improve the access and mobility of any of the following:
 - (i) pedestrians:
 - (ii) cyclists:
 - (iii) riders of mobility devices:
 - (iv) riders of wheeled recreational devices
 - (b) to improve the operation of public transport:
 - (c) to protect and promote public health and safety:
 - (d) to support environmental sustainability, including reducing carbon dioxide emissions:
 - (e) to create public spaces that support the wellbeing of communities.
- (4) A road controlling authority must notify any action taken under subclause (1) to the public and to any emergency services that, in the opinion of the road controlling authority, may be affected by the action.
- (5) The powers conferred under this Rule do not limit any powers of a road controlling authority under any other enactment.

2.2 School streets

- (1) Despite clauses [11.1\(1\)-\(3\)](#) and [11.6](#) of the Road User Rule, a pedestrian, rider of a mobility device or rider of a wheeled recreational device may use and remain on a roadway that is in operation as a school street.
- (2) However, a pedestrian, rider of a mobility device or rider of a wheeled recreational device must not unreasonably impede the passage of a motor vehicle that may be driven on the roadway under subclause (3) or (4).
- (3) When a roadway is in operation as a school street, a person must not drive a motor vehicle on the roadway unless—
 - (a) the person does so for the purpose of reaching or leaving a  property; and

- (b) there is no way for the motor vehicle to reach or leave that property other than a person driving the motor vehicle on the roadway.
- (4) A person driving a motor vehicle on a roadway in operation as a school street must give way to pedestrians, cyclists, riders of mobility devices and riders of wheeled recreational devices using the roadway.

Emergencies

- (5) Despite subclauses (3) and (4), a person may drive a motor vehicle on a roadway that is in operation as a school street if—
 - (a) the motor vehicle is an emergency vehicle; or
 - (b) the motor vehicle is being used to attend to an emergency in or near the school street.

Signs

- (6) A road controlling authority must install, or provide for the installation of, signs to indicate the presence of the school street and the restrictions on access by motor vehicles, in accordance with the Traffic Control Devices Rule.

Section 3 Community streets

3.1 Road controlling authority may approve community street

- (1) Without limiting any other power, a road controlling authority that is a local authority, government department or Crown entity may, in accordance with this Rule, approve the operation of a community street on a roadway that it controls.
- (2) The purpose of a community street is to temporarily restrict motor vehicle traffic on a roadway so that ~~children can play safely on the roadway.~~
- (3) An approval under subclause (1) must—
 - (a) designate an organiser of the community street; and
 - (b) identify when the community street is approved to operate; and
 - (c) approve a plan for how the organiser will guide motor vehicles that are permitted through the community street to travel through the street.
- (4) Without limiting subclause (3)(b), an approval under subclause (1) may permit a community street to operate—

- (a) on a one-off basis:
 - (b) on two or more dates:
 - (c) on a recurring basis:
 - (d) at specified times or during specified conditions.
- (5) A road controlling authority may grant an approval under subclause (1)—
- (a) only for the purpose in subclause (2); and
 - (b) for a period that does not exceed 12 months; and
 - (c) subject to any conditions that the road controlling authority considers proportionate to the risks and traffic effects while the community street is in operation, including any conditions requiring proportionate notification of each occurrence of the community street (*see* clause 3.3); and
 - (d) only if the road controlling authority is satisfied of the following matters:
 - (i) an identified individual consents to being the organiser; and
 - (ii) there is an appropriate plan for how the organiser will guide motor vehicles that are permitted through the community street to travel through the street; and
 - (iii) in the opinion of the road controlling authority—
 - (A) pedestrians, riders of mobility devices and riders of wheeled recreational devices will still be able to reach and leave properties on the roadway while the community street is in operation; and
 - (B) it will be safe for pedestrians, riders of mobility devices and riders of wheeled recreational devices to use and remain on the roadway while the community street is in operation; and
 - (C) there has been adequate consultation with residents whose properties are on the roadway on which the community street is to operate.

3.2 What road controlling authority must have regard to when considering whether to approve a community street

- (1) In considering whether to grant an approval under clause 3.1(1), a road controlling authority must have regard to—
 - (a) any guidance that the Agency or the Director has issued in respect of controlling or restricting traffic for community streets or play streets; and
 - (b) whether the roadway on which the community street is to operate is a key route for freight in the local area, a usual route for emergency vehicles, or a bus route; and
 - (c) the safety and convenience of alternative routes suitable for the motor vehicle traffic that will be affected when the community street is in operation.
- (2) A road controlling authority may have regard to any other matter that it considers relevant.

3.3 What road controlling authority must have regard to when considering whether a condition or notification is proportionate

When considering whether a condition or notification is proportionate to the risks and traffic effects while the community street is in operation, the road controlling authority must have regard to—

- (a) the number of persons expected to attend the community street while it is in operation; and
- (b) the time of day when each occurrence of a community street is expected and how long each occurrence of a community street is expected to last; and
- (c) in respect of the roads that will be affected while the community street is in operation—
 - (i) how many roads will be affected; and
 - (ii) the type of roads (for example, residential, arterial, or feeder) that will be affected; and
 - (iii) the usual volumes and speed of motor vehicle traffic on those roads.

3.4 Road controlling authority may modify when a community street is approved to operate

- (1) This clause applies to an approval under clause 3.1(1).

- (2) During the period for which the approval was granted, the road controlling authority may modify when the community street is approved to operate during that period (and, to provide further clarity, may provide for the community street to operate on any of the bases in clause 3.1(4)).
- (3) If a road controlling authority modifies when the community street is approved to operate under subclause (2), the road controlling authority may, if the road controlling authority considers that the new or modified conditions are proportionate to the risks and traffic effects while the community street is in operation, also modify the approval, to do any of the following:
 - (a) add a new condition:
 - (b) remove an existing condition:
 - (c) change an existing condition.



3.5 Requirements to notify approval or occurrence of community street

- (1) A road controlling authority must notify any approval under clause 3.1(1) to any emergency services that, in the opinion of the road controlling authority, may be affected by the approval.
- (2) If a road controlling authority modifies any approval under clause 3.4, the road controlling authority must notify the modification to any emergency services that, in the opinion of the road controlling authority, may be affected by the modification.
- (3) If a road controlling authority grants an approval under clause 3.1(1), the road controlling authority must also notify, or arrange for the notification of, the first occurrence of the community street—
 - (a) to those persons and in the way that the road controlling authority considers proportionate to the risks and traffic effects while the community street is in operation (*see* clause 3.3); and
 - (b) no later than two weeks before the first occurrence of the community street.

Signs

- (4) If an approval under clause 3.1(1) is granted subject to a condition that **signs must be installed** to indicate the operation of the community street and the restrictions on access by motor

vehicles, those signs must be in accordance with the Traffic Control Devices Rule.

3.6 Road controlling authority may approve community street more than once

To provide further clarity, a road controlling authority may grant a new approval for the operation of a community street on a roadway once any previous community street approval in respect of that roadway has expired.

3.7 Road controlling authority may approve more than one community street for a roadway

- (1) To provide further clarity, a road controlling authority may grant more than one approval for the operation of a community street on the same roadway.
- (2) However, a road controlling authority must not grant an approval under clause 3.1(1), or modify an approval under clause 3.4, if doing so would result in more than one community street being in operation on the same roadway at any given time.

3.8 Use of and access to community streets

- (1) Despite clauses [11.1\(1\)-\(3\)](#) and [11.6](#) of the Road User Rule, a pedestrian, rider of a mobility device or rider of a wheeled recreational device may use and remain on a roadway that is in operation as a community street.
- (2) However, a pedestrian, rider of a mobility device or rider of a wheeled recreational device must not unreasonably impede the passage of a motor vehicle that may be driven on the roadway under subclause (3) or (4).
- (3) When a roadway is in operation as a community street, a person must not drive a motor vehicle on the roadway unless—
 - (a) the person does so for the purpose of reaching or leaving a property; and
 - (b) there is no way for the motor vehicle to reach or leave that property other than a person driving the motor vehicle on the roadway; and
 - (c) the motor vehicle is escorted through the roadway by a pedestrian who is aged 16 years or older. 
- (4) A person driving a motor vehicle on a roadway in operation as a community street must give way to pedestrians, cyclists, riders

of mobility devices and or riders of wheeled recreational devices using the roadway.

Emergencies

- (5) Despite subclauses (3) and (4), a person may drive a motor vehicle on a roadway that is in operation as a community street if—
- (a) the motor vehicle is an emergency vehicle; or
 - (b) the motor vehicle is being used to attend to an emergency in or near the community street or school street.

3.9 Organiser’s responsibilities for community streets

The organiser of a community street must ensure that any conditions on which the road controlling authority has approved the operation of the community street are complied with.

Section 4 Pilots of street layout changes

4.1 Road controlling authority may install street layout changes as a pilot

- (1) Without limiting any other power, a road controlling authority that is a local authority, government department or Crown entity may install a pilot on a road that it controls in accordance with this Section 4 for the purpose in subclause (2).
- (2) The purpose of installing a pilot is to allow a road controlling authority to—
- (a) make street layout changes on a road, without having to make or amend a bylaw or exercise any other power under any other enactment; and
 - (b) receive and consider feedback from the public on the changes, based on their experience of using the street layout changes on the road, before the road controlling authority decides whether to make the changes permanent.
- (3) In this Rule, **street layout change**, in relation to a road, means a change to the way that the road is laid out for any of the purposes in subclause (5) and includes (without limitation) any of the following:
- (a) installing, removing, or changing the part of the road to be used as, any of the following:
 - (i) a bus lane:

- (ii) a cycle lane:
 - (iii) a cycle path:
 - (iv) a footpath:
 - (v) a shared zone:
 - (b) installing or removing traffic calming devices:
 - (c) installing or removing modal filters, curb cut-outs, plants, trees, or street furniture:
 - (d) installing or removing car parks: 
 - (e) prohibiting or restricting the use of motor vehicles, or one or more classes of motor vehicle, on the road:
 - (f) installing or removing traffic control devices to instruct road users of a prohibition or restriction:¹
 - (g) setting a new speed limit for the road (*see* Land Transport Rule: Setting of Speed Limits 2022, clauses 2.7A and 2.7B).
- (4) A street layout change may apply at all times, at specified times or during specified conditions.
- (5) The purposes of a change to the way that the road is laid out for a pilot may be any of the following:
- (a) to improve the access and mobility of any of the following:
 - (i) pedestrians:
 - (ii) cyclists:
 - (iii) riders of mobility devices:
 - (iv) riders of wheeled recreational devices
 - (b) to improve the operations of public transport:
 - (c) to protect and promote public health and safety:
 - (d) to support environmental sustainability, including reducing carbon dioxide emissions:
 - (e) to create public spaces that support the wellbeing of communities.

¹ Explanatory note: Any traffic control device a road controlling authority installs must comply with the Traffic Control Devices Rule. If the road controlling authority wants to, as part of the pilot, trial a new traffic control device, it must make a separate application to the Agency under clause 3.4 of the Traffic Control Devices Rule.

- (6) To provide further clarity, a road controlling authority may make the decision to install a pilot in any way it considers appropriate, provided it follows the requirements in this Section 4.

4.2 Road controlling authority's obligations before installing pilot

Before installing a pilot, a road controlling authority must—

- (a) notify the public and specified organisations, in any way that it considers appropriate but no later than two weeks before the pilot is installed, that a pilot is to be installed; and
- (b) provide, as part of the notification, information about:
 - (i) the purpose of the pilot; and
 - (ii) the road on which the pilot is to be located; and
 - (iii) what street layout changes will be installed on the road as part of the pilot, including any prohibitions or restrictions that will apply to who can use the area affected by the pilot; and
 - (iv) the period during which the pilot is intended to operate (which may not be longer than 2 years after the date that the road controlling authority completes installation of the pilot); and
 - (v) how the public can provide feedback on the pilot to the road controlling authority; and
 - (vi) the feedback period for the pilot.

4.3 Road controlling authority's obligations during pilot

Once a road controlling authority has installed a pilot, the road controlling authority must—

- (a) monitor the operation of the pilot; and
- (b) give the public a reasonable opportunity to provide feedback on the pilot.

4.4 Road controlling authority may modify pilot

- (1) After it has installed a pilot, a road controlling authority may modify the pilot by making further street layout changes on the road, if—

- (a) the road controlling authority considers it appropriate to do so; and
 - (b) the modification is for any of the purposes in clause 4.1(5).
- (2) Before modifying a pilot, a road controlling authority must—
- (a) notify the public and specified organisations, in any way that it considers appropriate but no later than two weeks before the pilot is modified, that the pilot is to be modified; and
 - (b) provide, as part of that notification, the information specified in clause 4.2(b) updated as necessary in the light of the modification.
- (3) However, subclause (2) does not apply if the road controlling authority modifies the pilot—
- (a) in a way the road controlling authority considers is minor; or
 - (b) to address matters that the road controlling authority consider to be urgent safety risks.
- (4) If a road controlling authority modifies a pilot, the road controlling authority must give the public a reasonable opportunity to provide feedback on the pilot as modified (unless the road controlling authority considers that the modification is minor).
- (5) For greater clarity, in this clause **modifying a pilot** does not include altering a feedback period under clause 4.5 or ending a pilot early under clause 4.6.

4.5 Road controlling authority may alter feedback period

- (1) After it has installed a pilot, a road controlling authority may alter the feedback period.
- (2) A road controlling authority must notify the public of the new feedback period at least 2 weeks before the feedback period is proposed to end.

4.6 Road controlling authority may end pilot early

A road controlling authority may end a pilot before the pilot period has expired (*see also* clause 4.10).

4.7 Road controlling authority must decide whether to make pilot permanent

- (1) This clause applies unless a road controlling authority has ended a pilot under clause 4.6.
- (2) Before the pilot period expires, a road controlling authority must decide whether to—
 - (a) make the street layout changes that were the subject of the pilot permanent (whether in whole or in part and whether with or without further modification); or
 - (b) return the road (or any part of the road) to its street layout immediately before the pilot was installed.
- (3) Before making the decision in subclause (2), the road controlling authority—
 - (a) must consider any information or data it has collected while monitoring the operation of the pilot; and
 - (b) must consider any public feedback it received on the pilot during the feedback period; but
 - (c) is not required to carry out any other consultation.
- (4) To provide further clarity, nothing in this Rule prevents the road controlling authority from carrying out any further consultation on the pilot before making the decision in subclause (2).

4.8 Changes may remain in place if made permanent

- (1) If the road controlling authority decides under clause 4.7(2)(a) to make the street layout changes that were the subject of the pilot permanent (whether in whole or in part and whether with or without further modification), the road controlling authority—
 - (a) must promptly notify the public and specified organisations of the decision; and
 - (b) may keep installed on the road the street layout changes that were the subject of the pilot.
- (2) Subclause (1)(b) is subject to clause 4.9.

4.9 Changes may remain in place despite inconsistent bylaw

- (1) This clause applies if—
 - (a) a road controlling authority decides under clause 4.7(2)(a) to make street layout changes that were the subject of a

- pilot permanent (whether in whole or in part and whether with or without further modification); and
- (b) the street layout changes that were the subject of the pilot are inconsistent with the provisions of any bylaw—
 - (i) in force at the beginning of the pilot period; or
 - (ii) made or amended after the beginning of the pilot period.
- (2) Despite the inconsistent provisions of the bylaw, the road controlling authority may keep the street layout changes that were the subject of the pilot installed on the road during the period in subclause (3).
- (3) The period is—
- (a) 5 years after the bylaw was made; or
 - (b) if the bylaw has been reviewed under section [158](#) or [159](#) of the Local Government Act 2002, 10 years after the bylaw was last reviewed.

4.10 Road controlling authority's obligations if pilot is ended early or not made permanent

- (1) This clause applies if a road controlling authority—
- (a) ends a pilot under clause 4.6; or
 - (b) decides to return a road to its previous street layout under clause 4.7(2)(b).
- (2) The road controlling authority must promptly—
- (a) notify the public and specified organisations that it has ended the pilot or decided to return the road to its previous street layout (as the case may be); and
 - (b) remove the pilot from the road; and
 - (c) make publicly available—
 - (i) a summary of any information or data collected on the operation of the pilot that the road controlling authority considered when deciding to end the pilot or return the road to its previous street layout (as the case may be); and
 - (ii) a summary of feedback received on the pilot; and

- (iii) the reasons why the road controlling authority ended the pilot or decided to return the road to its previous street layout (as the case may be).

Section 5 Director's powers regarding road controlling authorities' actions under this Rule

5.1 Director may investigate and direct road controlling authorities

- (1) The Director may investigate a road controlling authority for compliance with this Rule, or with the Traffic Control Devices Rule to the extent that an action under this Rule means that the road controlling authority must comply with a requirement of the Traffic Control Devices Rule.
- (2) The Director must notify a road controlling authority in writing if the Director considers that the road controlling authority has not complied with this Rule or the Traffic Control Devices Rule (as the case may be) and give the road controlling authority a reasonable opportunity to respond.
- (3) If, after considering the road controlling authority's response under subclause (2), the Director is not satisfied that the road controlling authority has complied, the Director may issue directions to the road controlling authority requiring the road controlling authority to review, rectify or modify the non-compliance and may require the instructions in the direction to be completed within a stated period.
- (4) A road controlling authority must comply with the directions given by the Director under this clause.

5.2 Director may exercise powers of road controlling authority in certain circumstances

If a road controlling authority does not comply with directions given under clause 5.1, the Director may, by notice in the *Gazette*, exercise the power of the road controlling authority under this Rule or the Traffic Control Devices Rule, as the case may be.

Section 6 Amendments to other land transport rules

6.1 Amendments to Land Transport Rule: Traffic Control Devices 2004

(1) This clause amends the Traffic Control Devices Rule.

(2) After clause 2.1(1), insert:

2.1(1A) 2.1(1)(a)(ii) does not apply to a prohibition or requirement regarding the operation of a community street.

(3) Before clause 3.4(1), insert:

3.4(1A) Without limiting any other power, a road controlling authority may apply to the Agency for authorisation to install and maintain a traffic control device for trial purposes.

(4) Replace clause 3.4(6) with:

3.4(6) Not less than two weeks before a trial traffic control device is installed, a road controlling authority must notify the public, in any way the road controlling authority considers appropriate, of the placement of the traffic control device to be trialled and the purpose of the trial.

(5) In clause 3.4(10),—

- (a) replace “that this rule be amended” with “that this rule be changed”; and
- (b) replace “the rule is amended” with “the rule is changed”; and
- (c) replace “the amended rule” with “the changed rule”; and
- (d) replace “not to amend the rule” with “not to change the rule”.

(6) After clause 3.4(10), insert:

3.4(10A) In clause 3.4(10), to **change this rule** includes to make a *Gazette* notice under 4.4(4) or 5.4(1A).

(7) After clause 4.2(2), insert:

4.2(2A) 4.2(2)(a) does not apply to a requirement, restriction or prohibition regarding the operation of a community street.

(8) In Part 2, in its appropriate alphabetical order, insert:

community street has the same meaning as in *Land Transport Rule: Street Layouts 2022*

school street has the same meaning as in *Land Transport Rule: Street Layouts 2022*

- (9) In Schedule 1, insert in alpha-numerical order the items set out in the Schedule to this Rule.

6.2 Amendments to Land Transport Rule: Setting of Speed Limits 2022

- (1) This clause amends Land Transport Rule: Setting of Speed Limits 2022.
- (2) After clause 2.7, insert:

Pilot speed limits

2.7A Certain road controlling authorities may set speed limits as part of a pilot

- (1) This clause applies if—
- (a) a road controlling authority that is a local authority, government department or Crown entity installs a pilot on a road in accordance with Section 4 of Land Transport Rule: Street Layouts 2022; and
 - (b) the applicable speed limit for the road under clause 2.1(1) immediately before the pilot is installed is 60 km/h or less.
- (2) As part of the pilot, the road controlling authority may set a speed limit for the road, provided it follows the requirements in this clause.
- (3) The road controlling authority must provide details to the Director of the speed limit, including the information that would need to be submitted to the Registrar under [section 200L](#) of the Act.
- (4) Once the road controlling authority that is the Agency (as RCA) or a territorial authority has set the speed limit, it must publish on an Internet site, alongside the relevant plan or a hyperlink to the relevant plan (unless a plan has not yet been published), details of the speed limit.
- (5) A speed limit set under this clause may be a permanent, seasonal, or variable speed limit.
- (6) To provide further clarity, the road controlling authority may, when modifying a pilot under clause 4.4 of Land Transport

Rule: Street Layouts 2022, set a speed limit for the road, provided it follows the requirements in this clause.

- (7) In this clause and clause 2.7B, **pilot** and **road** have the same meaning as in Land Transport Rule: Street Layouts 2022.

2.7B Certain road controlling authorities may set speed limits when removing a pilot

- (1) This clause applies if a road controlling authority that is a local authority, government department or Crown entity needs to set a speed limit on a road in order to comply with its obligation under clause 4.10(2)(b) of Land Transport Rule: Street Layouts 2022 to remove a pilot from the road.
- (2) As part of removing the pilot, the road controlling authority may set a speed limit for the road, provided it follows the requirements in this clause.
- (3) The speed limit that the road controlling authority sets for the road must be the speed limit that was the applicable speed limit for the road under clause 2.1(1) immediately before the pilot was installed.
- (4) The road controlling authority must provide details to the Director of the speed limit, including the information that would need to be submitted to the Registrar under [section 200L](#) of the Act.
- (5) Once the road controlling authority that is the Agency (as RCA) or a territorial authority has set the speed limit, it must publish on an Internet site, alongside the relevant plan or a hyperlink to the relevant plan (unless a plan has not yet been published), details of the speed limit.

Schedule

Amendments to Schedule 1 of Land Transport Rule: Traffic Control Devices 2004

Ref: clause 6.1(9)

R3-15 Community street – no through traffic

Motor traffic is not permitted to travel through street when sign is erected. 

Note: Motor traffic may use street to access property on street even when sign is erected.

Shape and size rectangle 600 x 600 mm

Background white (R)

Border red (R) 25mm

Legend	Description	Colour	Size
	‘COMMUNITY STREET’	Black	100/15.5
	‘NO THROUGH TRAFFIC’	Black	100/15.5

R3-16 Pedestrian and cycle zone

Motor traffic is not permitted to travel through street during times outlined on sign.

Note: Motor traffic may use street to access property on street even when sign is erected.

Shape and size rectangle 900 x 600 mm

Background white (R)

 **Border** red (R) 25mm

Legend	Description	Colour	Size
	‘PEDESTRIAN AND CYCLE ZONE’	Black	150/23
	‘Mon-Fri’ ‘8:30am – 9:15am’ ‘3:15pm – 4:00pm’	Black	150/23

Note: days and times outlined on sign can be changed to reflect local restrictions.

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 licencing 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 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