

Christchurch City Council Submission on the Accessible Streets Regulatory Package

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From: Christchurch City Council
To: New Zealand Transport Agency
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Scope of submission

The Accessible Streets Regulatory Package is a draft of proposed changes to:

- Land Transport Rule: Road User
- Land Transport Rule: Traffic Control Devices
- Land Transport Rule: Setting of Speed Limits, and
- Proposed new Land Transport Rule: Paths and Road Margins 2020.

The proposed changes will create a national framework clarifying the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. It includes a proposed 15km/h speed limit on the footpath and a requirement for all other footpath users to give way to pedestrians (a term which also includes wheelchairs and powered wheel chairs).

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

Overview of Submission Points

The status quo is not fit for purpose in this rapidly changing world

Christchurch City Council welcomes the government's proposed range of changes outlined in the consultation documents. Ōtautahi Christchurch is a city of opportunity for all, open to new ideas, new people and new ways of doing things. In recent years, new technologies have changed the way people travel within our city, and it has become evident that the existing rules are inconsistent and no longer fit for purpose.

Through our strategic framework, we are seeking to build safer and healthier communities by supporting active transportation. We are also creating a more liveable city by ensuring it is well connected and accessible by public transport. Historically, our road rules have largely prioritised private vehicles at the expense of active and public modes of transportation. This has made it more dangerous for pedestrians and cyclists at intersections and contributed to unreliable journey times for public transport. Additionally, there are a growing number of new and varied transport devices being used on our paths and streets. This has highlighted the inadequacy of our infrastructure and regulatory systems considering the broad range of user ages, abilities, and needs on our city streets and paths.

The focus must continue to be on our most vulnerable

As new transport modes and technologies emerge, we need to develop new travel behaviours that look out for our most vulnerable. It is important that people who regularly and primarily use footpaths as a

means of transport feel safe in our urban environment. It is also essential that people who do have a wider range of travel choices feel safe and comfortable when choosing public and active modes of transport. While Council supports the overall aims and objectives of the regulatory changes, there are a handful of technical aspects that appear to go against the grain of what the changes are intending to achieve. Specifically there are proposed changes around speed limits on footpaths and shared paths. Both of these proposals run counter to long-established social norms and user behaviours and may present several risks.

Striking the right balance is difficult, but we wish to highlight that attention and consideration must first be given to groups such as the young or people with restricted mobility when finalising the proposed changes.

We cannot rely solely on these rule changes to solve our problems

While these new rules and regulatory frameworks help address many issues on our city streets, they are not a panacea. Public education and messaging are critical tools in changing behaviour and building a collective understanding about safe and acceptable behaviours on our paths and streets. Council encourages NZTA to assist and work closely with local authorities in delivering the required messaging around these regulatory changes. The travelling public may not be aware of the need for change and therefore not adapt their behaviours accordingly. The risks of unchanged behaviour are not inconsequential. For example, many footpaths are narrow and access is already inhibited by rubbish bins, inappropriately parked cars, postal vehicles and e-scooters. We are hopeful that the proposed framework will help bring clarity and consistency to current rules. However, we believe the scale and magnitude of communication and education efforts needs to be significant if these rule changes are to proceed.

Finally, as with any proposed change at a national level, there will be unbudgeted costs for local authorities in order for changes to be successfully implemented. Given recent financial uncertainties posed by COVID-19, many authorities will be in a challenging position to meet these costs. NZTA and the Ministry should be conscious of this and review allocated budgets for implementation accordingly.

Specific submission points on the proposals

Proposal 1: Change current vehicle and device definitions and create new categories to better regulate new and emerging devices as well as where and how they're used.

Council broadly supports the proposal to create new categories of vehicles and users to better reflect the types of vehicles that are more commonplace on our city streets. However, with new codes and classifications comes the need for more signs and markings to communicate rules and regulations to the public. In finalising the regulatory proposals, Council submits that the Agency considers ways in which traffic control devices can be consolidated and rationalised. This would both reduce costs for local authorities and cut down on excessive visual clutter for road users.

Proposal 1A: Pedestrians and powered wheelchairs users

Council agrees with the proposal to create a new category of power chair users and treating them the same as pedestrians and wheelchair users. This change helps to recognise the similarities in risk between powered wheelchairs, unpowered wheelchairs and pedestrians, and sets them apart from a person using a much larger, faster and higher risk mobility device, like a high-speed mobility scooter.

Proposal 1B: Changing wheeled recreational devices

Council agrees with the proposal to replace the existing category of wheeled recreational devices with new categories for unpowered and powered transport devices. Before considering a device to be/not be a motor vehicle the Agency is encouraged to take a risk based approach and consider both the mass and velocity of the vehicle in making their determinations. Heavier and faster vehicles will pose more of a risk to users than lightweight, low-speed devices.

Currently there are a large number of powered transport devices where there is no declaration they are not a motor vehicle (for example e-skateboards). Many owners and users of these devices will be seeking reassurances about if and when they will be able to use these devices on paths and streets. Council suggests that the Agency moves swiftly to recognise and clarify which powered transport devices it will declare not to be a motor vehicle.

Proposal 1C: Clarifying cycles and e-bikes

Council agrees with the proposal to keep cycles a legally separate category of vehicle to transport devices. Despite the fact that in terms of speed and weight, bicycles (including e-bikes) are not fundamentally different to many powered and unpowered transport devices on the market, it is logical to keep a separate definition (especially when the proposal is to keep the helmet rule to apply only to cycles).

As the form of powered transport devices continues to evolve, it is difficult to codify common standards and specifications. Conversely the basic design of the bicycle has remained largely unchanged in 140 years so common design and assembly practices have evolved to ensure user safety. The AS/NZS Standards and Product Safety Standards (Pedal Bicycles) Regulations 2000 are helpful in ensuring that manufacturers and retailers can adhere to a common set of standards, but aren't a legal requirement for roadworthiness. Council believes there is a continued role for the Ministry of Business, Innovation and Employment in protecting consumer safety.

Proposal 1D: Mobility devices

Council agrees with the proposal that Mobility devices have the same level of access as pedestrians but must give way to pedestrians.

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

Council supports the establishment of a national framework for all footpath users. The status quo is inconsistent and unclear, and the proposal appears to create a logical framework to help the public distinguish between who *can* be on the footpath and who *should* be using the footpath. Current rules regarding footpath use are outdated and out of step with the existing norm of footpath cycling. While this should by no means be widely encouraged, there are in some cases no safe sections of the roadway for children to cycle.

Above all, simply changing the rules and establishing a framework will be in vain if it is not accompanied by a thorough and widespread education campaign. Council is concerned that the funding estimates for the campaign outlined in the regulatory impact statement may not be enough to adequately inform the public.

Council believes it will be clearer if new decisions (regulating use of paths and speed limits) under that new Paths and Road Margins rule are specified to be made by resolution.

Council tentatively supports having to consider and follow criteria in addition to their usual resolution processes in order to restrict devices from using the footpath. However we expect local authorities to be extensively consulted and engaged on this criteria before it is put in place.

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

Council strongly supports the use of footpaths under the proposed land transport rule. A clear logical hierarchy of users and right of way is needed as these spaces become more crowded and the use of various transport devices becomes more common. It is critical that a widespread education campaign accompanies any rule changes to ensure courtesy and respect become common behaviours among all footpath users.

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

Cycling on footpaths has long been a prohibited activity because it has been deemed unsafe both for cyclists and other users of the footpath. However, Council recognises that there are at times, real world practicalities that often mean the footpath provides the safest option for the user (e.g. for children, novice riders or in certain traffic contexts). Council supports the need to change the status quo, as 80% of children who participate in the Cycle Safe Skills programme require more practice with an adult before going on-road alone. Relying on adults for accompaniment can limit independence, and provide a barrier for more children to take up cycling as a means of transport. However, the proposed changes signal that all cyclists will be able to legally to use the footpath at a limited speed of 15km/h. This could result in a number of unintended consequences, such as:

- Increased conflicts between pedestrians and vulnerable users
- Developing perceptions and norms that bicycles belong on the footpath
- Persistent risk of vehicles and driveways given the bidirectional flows on footpaths

Council wishes to be clear that, footpaths are not appropriate places for adults on bicycles. We do not want to see, allow or encourage increased numbers of bikes on footpaths and have concerns that the proposed rule change and would permit this. Council recommends an alternative to the proposed rules that would allow:

- Cyclists up to and including the age of 13 legally cycle on the footpath at a speed less than 15km/h, and
- caregivers or accompanying people older than 13 to cycle on the footpath at a speed less than 15km/h

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

Council agrees with the proposed maximum width for footpaths (excluding wheelchairs and power-chairs). As imported 'micro-cars' become more commonplace it is important to set clear expectations about the maximum width of these devices and where they can and cannot be used.

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

Council supports the proposed framework for the use of shared paths and cycle paths. Like the proposed framework for footpaths, it is important to underscore the hierarchy of user vulnerability and subsequent give way rules. Additionally the Council welcomes the ability for local authorities to implement speed restrictions on shared paths as occasionally this will be necessary.

As Christchurch has an extensive number of shared paths within the city, Council has an interest in the proposals concerning shared paths. The draft rules propose that pedestrians have priority on shared paths but the default limit on shared paths is 50km/h. Council believes that these rules are incompatible, send mixed signals, and pose serious risks for pedestrians. Pedestrians cannot feel safe in an environment while simultaneously the speed limit is than ten times the average walking speed. While the proposed rules enable local authorities to set lower different speed limits, Council believes that a lower national default limit would be more appropriate.

Council also does not think the Transport Agency should be able to investigate and direct road controlling authorities to comply with the required criteria for shared path restrictions without first being consulted on the specific guidance and criteria.

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

Council supports the proposal that devices other than cycles should be allowed to use cycle lanes and cycle paths. The emergence of lightweight, powered transport devices has made it apparent that the existing rules are out of step with common and safe behaviour. By enabling and encouraging these devices to use cycle facilities there will be benefits to be gained by a more universal range of users accessing the infrastructure.

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

Council supports this proposal and this is already a requirement for shared e-scooter trading permits.

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

Council supports the proposal to increase the safety, convenience and attractiveness for active modes. Many people regularly and primarily rely on walking and cycling as a means of transport, but they are not prioritised under the existing rules and at times, severely disadvantaged. Crash statistics reveal just how vulnerable these users are, so efforts to increase their visibility and safety are welcomed by Staff.

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

Council supports this proposal as it makes common and safe behaviour by cyclists legal.

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

Council supports this proposal as it makes common and safe behaviour by cyclists legal.

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

Council supports this proposal as it clarifies an existing ambiguity in current rules. To ensure user safety Council has extensively installed traffic signals to control separate movements by people travelling in separated cycleways alongside main road traffic. This proposal only applies in situations where there are no traffic control devices that would otherwise control an intersection. Therefore over time, cost of constructing cycleways may be reduced as it may be safe to do so without the need for signs and signals.

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

New Zealand is one of the few countries in the world where pedestrians do not have right of way when travelling parallel to the main road when they are crossing a side street. As a result, the attractiveness and convenience of walking over driving is greatly diminished. Council strongly supports the proposal, however encourages the Agency to recognise that in order to realise benefits, more funding needs to be made available both for intersection treatments and education campaigns.

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

Council supports the proposal to implement a minimum overtaking gap for cyclists. However there appears to be little rationale as to why the proposed minimum is 1m instead of 1.5m. The official road code recommends 1.5m so the proposal would create an inconsistency. Council submits that the minimum gap on roads less than 60km/h should also be 1.5m. The disadvantages of a 1.5m gap are not discussed in the accompanying regulatory impact statement.

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

Council's expectation is that our current Traffic and Parking Bylaw berms clause, which is made under clause 6.2(2) of the Land Transport Rule, will still apply to our management of berms, and will not need amendment as a result of this proposal. We submit that a 'to avoid doubt' clause be added to the new rules to ensure that is the case for any such existing bylaws/bylaws made under new clause 6.2(2)(b), otherwise we anticipate the new rule may cause further confusion.

Proposal 9: Give buses priority when exiting bus stops

The Council strongly supports the proposal to give priority to buses when exiting bus stops. A key issue identified in the Regional Public Transport Plan is that the current public transport system can be unreliable and many journey times are not competitive with the private car.

Summary

Christchurch City Council thanks the New Zealand Transport Agency for the opportunity to submit on the proposed changes contained within the Accessible Streets package. We believe that the proposals are a step in the right direction and will be critical in developing a framework in which to manage the increasing and diverse range of users on our streets and paths.

Currently, the use of some vehicles and devices is permissible in some locations, and not in others. This binary and inflexible definition leaves no room for the Agency or local authorities to provide better guidance to users about appropriate hierarchies and behaviours on our streets and paths.

We would urge the Agency in their communication and education campaign efforts to highlight that pedestrians (and wheelchair users) are the dominant mode on footpaths. While the proposals allow for footpaths to be used by other modes, they must give heightened care and consideration to pedestrians to ensure they have the right of way. There is a risk that if these messages are not communicated properly, the aims and objectives of the rule changes could be thwarted. Additionally, people who regularly and primarily rely on footpaths for transport could be adversely affected. With that in mind, the success of the rule changes hinges on the success of the subsequent educational and communication campaigns. There are a lot of changes for the public to consider and they move the national road user culture in a new direction. This adjustment will be very different to the behaviours and norms people have become accustomed to in the past. Local authorities are close to their communities and well placed to support the Agency with these messages if sufficient resources to assist are provided.

Yours faithfully



Chair
Urban Development & Transport Committee