ACCESSIBLE STREETS CONSULTATION

Submission form

The Ministry of Transport and Waka Kotahi NZ Transport Agency are proposing a collection of rule changes that we call the Accessible Streets Regulatory Package.

Thank you for taking time to tell us what you think. Please answer as many or as few questions as you choose to answer.

You can find information about these proposals in the Accessible Streets Overview (available at www.nzta.govt.nz/accessible-streets-consultation), which includes the same questions included in this online submission form. You may want to have the Accessible Streets Overview open in a different window or printed alongside you.

Please remember your submission is public information and we will use your submission to help us make the changes to the rules.

Please note that the Transport Agency will publish a summary of submissions. If you do not want your name or any identifying information to be included in anything we publish (including because you believe your comments are commercially sensitive) please indicate this clearly in your submission.

Please note that your submission is also subject to the Official Information Act 1982 (OIA). This means that other people will be able to obtain copies of submissions by making a request under the OIA. If you think there are grounds for your information to be withheld under the OIA, please note this in your submission. We will take your reasons into account and may consult with you when responding to requests under the OIA.

1. Please answer a few questions about yourself

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Proposal 1: Change and re-name the types of devices that used on footpath, shared paths, cycle paths and cycle lanes

Proposal 1A: Pedestrians and powered wheelchair users

2. We are proposing to include people using powered wheelchairs in the pedestrian category. How much do you agree or disagree with this proposal?

- ◯ Strongly disagree
- ◯ Disagree
- ◯ Agree
- ✔ Strongly agree
- ◯ I don't know

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

This proposal aligns with the following guiding principles set out in the QLDC Disability Policy:

- Recognise the need to provide all people with equity of opportunity and access
- Ensure that quality standards and safety are maintained and barriers to access are removed

Proposal 1B: Changing wheeled recreational devices

3. 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).

We are proposing to include people using powered wheelchairs in the pedestrian category. How much do you agree or disagree with this proposal?

- ◯ Strongly disagree
- ◯ Disagree
- ✔ Agree
- ◯ Strongly agree
- ◯ I don't know

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

With reference to the proposed new groups of devices, 'unpowered and powered transport devices' are devices that can be used for transport or for recreational purposes. This re-categorisation is highly useful for enforcement and management purposes, but may be misleading of confusing for recreational users.

4. 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?

Classification should be based on overall vehicle size, vehicle speed and purpose of vehicle.

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

- [x] Yes
- [ ] No

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

- [x] Yes
- [ ] No

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

Vehicle speed and size are the most important factors when considering user and pedestrian safety.

7. 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?

- [ ] Strongly disagree
- [x] Disagree
- [ ] Agree
- [ ] Strongly agree
- [ ] I don't know

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

This process will inhibit innovation and uptake of new devices. New devices will need to await a declaration by Waka Kotahi NZTA before becoming legal to use in any meaningful way. This is not practicable. QLDC suggests that vehicles meeting certain size, speed, power and purpose definitions should be classified as 'transport devices' by default.

Proposal 1C: Clarifying cycles and e-bikes

8. 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?

   - ◯ Strongly disagree
   - ◯ Disagree
   - ✔ Agree
   - ◯ Strongly agree
   - ◯ I don't know

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

   QLDC queries why cycles and e-bikes need to be categorised separately to transport devices. Usage and speed is largely the same, and the new rules will allow them to be used in largely the same way.

Proposal 1D: Mobility devices

9. 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 wheelchair users.

   How much do you agree or disagree with this proposal?

   - ◯ Strongly disagree
   - ◯ Disagree
   - ◯ Agree
   - ✔ Strongly agree
   - ◯ I don't know

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

   This proposal will improve equity of access for mobility device users.

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

    No comment

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

No comment

Alternative proposal

12. 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?

QLDC supports the proposal to make changes now. Technology and trends in usage are changing fast; legislation needs to keep up to promote innovation and mode shift.

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

13. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ◯ Agree
    - ☑ Strongly agree
    - ◯ I don't know

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

This legitimises and provides guidance on what is a desired user behaviour, and will lead to safety and access improvements for all users, both on and off road.

Enforcement of the proposed requirements will be difficult and may require additional police resources. QLDC suggests that positive behaviour change initiatives, including education

14. Do you think there should be any other requirements, in addition to speed, width and behaviour?

No comment

15. 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?

    ◯ A

    ◯ B

    ✔ C

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

    ◯ Yes, I would support an age limit

    ✔ No, I would not support an age limit

    If yes, what age would you prefer?

An age limit does not capture all vulnerable users or situations.

17. 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?

    ◯ Strongly disagree

    ◯ Disagree

    ◯ Agree

    ✔ Strongly agree

    ◯ I don't know

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

This will be a useful ability in areas busy with crowds or tourists, or where cycling leads to safety risks (for example some steep hills where it is difficult to manage speeds).

18. 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?

- [x] Yes
- [ ] No

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

This aligns well with our existing processes.

QLDC seeks clarity as to whether this power will extend to recreational footpaths, and footpaths on State Highways. These are currently delegated for management and maintenance to QLDC.

Alternative proposal

19. 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?

- [ ] Strongly disagree
- [x] Disagree
- [ ] Agree
- [ ] Strongly agree
- [ ] I don't know

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?

QLDC carries out all reasonable steps as part of the resolution process, however requiring these as standard may add further costs and time.

20. 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. We support the proposed framework.

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

21. We propose that pedestrians should always have right of way on the footpath.

    How much do you agree or disagree with this proposal?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    In practice, pedestrians usually step off the path to let cyclists or device users through. Priority may be in principle only. There is a risk it could lead to confusion or conflict, however this can be addressed through behaviour change initiatives and education.

22. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    We agree with this proposal. Unfamiliar users in this district may have differing ideas of 'courteous and considerate', or may be unable to adequately control their device or act in this way. This will require careful management and education.

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

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

    How much do you agree or disagree with this proposal?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    We agree in principle. However, powered transport devices and cycles can comfortably travel at 30km/h or more. We expect compliance to be low and there will be requirements for enforcement and education. Signage will need to be carefully managed to avoid clutter. QLDC queries whether this applies to recreational footpaths, or those on private land, and how this may be managed.

24. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ◯ Agree
    - ✔ Strongly agree
    - ◯ I don't know

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

    This will be a useful ability in areas busy with crowds or tourists, or where cycling leads to safety risks (for example some steep hills where it is difficult to manage speeds).

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

    Behaviour change and education will be key to the effective implementation of these rule changes. QLDC is considering the development of a 'code of conduct' and other social norming measures.

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

26. 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:

- ◯ Too wide
- ✔ About right
- ◯ Too narrow

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

Many footpaths in the Queenstown Lakes District are narrower than desirable standards, however 750mm is a reasonable width.

27. Do you use a mobility device?

- ◯ Yes
- ✔ No

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

No comment

28. Should a maximum width limit apply to mobility devices?

- ✔ Yes
- ◯ No

What is the reason for your response?

No comment

29. 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.

Which is your preferred option?

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

Do you have any comments on these alternatives?

The preferred solution must not inhibit access to mobility device users in the short term, before classifications are updated.

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

30. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

QLDC's shared path network is used by a large variety of users, from commuter to recreation, training athletes to dog walkers. This can lead to conflict. The wording of the rule changes should acknowledge all user types.

Enforcement of the proposed requirements will be difficult and may require additional police

31. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

As per Question 21, we agree in principle, but this may not work in practice.

32. 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?

    - ◯ Strongly disagree
    - ✔ Disagree
    - ◯ Agree
    - ◯ Strongly agree
    - ◯ I don't know

    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?

QLDC agrees that local road controlling authorities should be able to change speed limits. However, 30km/h is a more suitable default speed limit. This reflects the normal maximum speed of micro-mobility devices, with Safe System speeds and with the current design of shared paths.

33. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

QLDC queries whether this requirement extends to recreational tracks and trails. There are many shared recreational paths within the district, but these are not set up to be taken through our standard Transport and Parking resolution process. QLDC does however, see an opportunity to standardise rules across our transport and recreational networks.

34. 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
    - ◯ No

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

No comment

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

35. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    QLDC agrees with the proposal, however there is concern that this will encourage unfamiliar or inexperienced users to use facilities that they are not safe to use. Education will be critical.

36. 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?

    - ◯ Strongly disagree
    - ✔ Disagree
    - ◯ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    This will reduce consistency across the country, which may lead to confusion for users.

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

37. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    There are a large number of non-illuminated footpaths and shared paths within the Queenstown Lakes District. This requirement will improve safety for all users.

38. 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?

    Manufacturers may need time to adapt to these rules.

39. 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?

    Yes

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

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

40. We propose that cyclists and users of transport devices (like skateboards and escooters) 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

No comment

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

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

    How much do you agree or disagree with this proposal?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ◯ Agree
    - ✔ Strongly agree
    - ◯ I don't know

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

QLDC agrees with this proposal and echoes the importance of targeted education for all users. A 'safe and steady speed' may be different for different users and subject to misinterpretation.

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

42. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

No comment

43. 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?

    - ✔ Yes
    - ◯ No

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

QLDC is concerned that differences in rules between non-separated vehicle lanes, separated lanes or lanes separated by larger barriers will lead to user confusion and safety risks.

44. Should the definition of a separated lane include the distance between the lane and the road?

    - ✔ Yes
    - ◯ No

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

This sets a clear definition and reduces confusion.

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

45. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    No comment

Additional questions for road controlling authorities

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

    The proposed minimum markings are not sufficient and may lead to confusion over priority. Minimum marking should include a physical change (for example raised table or a clear change in surface).

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

    No comment

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

48. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    While QLDC understands why the 1m gap is reduced to account for tighter urban settings, this may confuse requirements for users.

    QLDC would like to have clarity on how this distancing will be enforced and anticipate that

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

49. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ✔ Agree
    - ◯ Strongly agree
    - ◯ I don't know

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

    QLDC would support standardised language. 'Parking off a roadway' captures more situations and is used in existing legislation.

    This proposal broadly aligns with QLDC's Traffic and Parking Bylaw. This rule is currently

50. 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?

    Yes. Any information would need to align with existing data capture processes and standards. It is recommended that information is presented in spatially, in the form of a map or GIS.

    We keep currently keep all similar information on our website.

Proposal 9: Give buses priority when exiting bus stops

51. 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?

    - ◯ Strongly disagree
    - ◯ Disagree
    - ◯ Agree
    - ✔ Strongly agree
    - ◯ I don't know

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

No comment

52. 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
    - ◯ No

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

No comment

Thank you for making a submission on the Accessible Streets Regulatory Package.

Visit www.nzta.govt.nz/accessible-streets-consultation for updates or if you have any questions please email us at accessible.streets@nzta.govt.nz