

ACCESSIBLE STREETS CONSULTATION

Submission to accessible.streets@nzta.govt.nz

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About us

The purposes of the Association are: to identify, protect, enhance and promote the special character, amenity and environment of the Creswick Valley and surrounding Karori, Northland and Wilton areas, including the flora and fauna of the Creswick Valley and upper Kaiwharawhara Stream; educate the community about the special character, amenity and environment of the Creswick Valley and surrounding Karori, Northland and Wilton areas, including the flora and fauna of the Creswick Valley and upper Kaiwharawhara Stream; educate the public about the safety and protection of the community; and provide education, training and other support to achieve and sustain a healthy community.

In brief

Northland, as with much of Wellington, has narrow streets and narrow to non-existent footpaths. Shared footpath use (combining pedestrians, bikes, scooters, etc) will be challenging and requires consideration and respect from all users. Any policy direction needs to support the behavioural change that this requires. In broad terms, it should be encouraging non-private motor vehicle use - public transport and all do-it-yourself modes (including walking). It is cars that need to lose the priority they currently enjoy, not pedestrians. We accept that in Wellington it will not be possible to have the space to accommodate a bike lane on every major suburban road, but our Association has previously urged Wellington City Council to extend a suburb-wide 30kmph speed limit to Northland and remains of the view that making footpaths less safe instead of streets more safe is an inadequate policy response.

We support traffic having to give way to buses pulling out from stops. We support a general prohibition on parking on berms with councils able to exempt some berms. We support the minimum overtaking gaps proposed. We support the lighting requirements for transport devices used on shared or cycle paths, in cycle lanes or on the roadway during hours of darkness. We support allowing cycle riders to go straight ahead from left-turn lanes at intersections, turning traffic having to give way to people who are going straight ahead riding in separated lanes, and turning traffic having to give way to pedestrians travelling straight ahead along a main road and crossing a side road.

We do not support the approach taken to determining vehicle categories or to the number of vehicle categories which can be used in cycle lanes. We do not support the proposed speed limits for footpaths or shared paths, which we consider to be unsafe for the most vulnerable users in each case.

We respond to the consultation questions in detail below.

Proposal 1:

1A:

2. We agree that powered wheelchairs should be treated as pedestrians. These users travel at about walking speed and typically move cautiously about others. They are similarly vulnerable to the actions of other road users as pedestrians. They would generally abide by any speed limit set for the footpath.

1B:

3. We agree that different device categories are needed. The wattage of a motor doesn't translate directly into the speed the device can go, so it is not an appropriate criterion, and use of power ratings has caused inconsistent regulation and practical difficulties in enforcement.

Instead of power output or wheel size or any other proxy for speed and user size, categories should be based on speed potential and mass, as it is the speed and mass that largely determine the severity of injury resulting from any collision.

4. We agree that a device should still be able to be regulated even if declared not to be a motor vehicle and regardless of power output, based on an assessment of its safety for the user and other road users and its suitability for the part of the road that it will be able to be used on.

5. and 6. Conditions should be able to be applied regardless of power output for any device, as it is the potential speed and the mass that are important, not the power rating.

7. We struggle to understand the logic that forbids powered devices that have not been declared not to be motor vehicles from using either the footpath or the carriageway, but would permit them to use both once they were declared not to be motor vehicles. We strongly disagree with this approach.

Our greater concern is the range of devices that could be allowed to be ridden on footpaths. The present proposal would allow anything designed for transporting one person, whether propelled by human effort, gravity or a motor with an output of less than 300 watts, including many e-bikes and e-scooters, to be ridden on footpaths. This effectively turns footpaths into shared paths. Most of our footpaths do not meet the minimum width requirements for shared paths. We believe that the use of footpaths should be restricted to:

- a) Pedestrians (people walking);
- b) People in wheelchairs (whether powered or unpowered);
- c) People riding mobility devices;
- d) People using unpowered transport devices (skates, kick-scooters, skateboards or similar); and
- e) Children 10-years old and younger, and people qualified to train them to ride, using unpowered cycles.

1C:

8. We agree that child cycles that are not propelled by cranks, such as balance bikes, be defined as transport devices.

1D:

9. We agree that mobility devices should have the same level of access as pedestrians, but should give way to pedestrians and powered wheelchairs.

10. We retain concerns that the range of devices and vehicles potentially able to access the same spaces as used by mobility devices does pose potential safety problems.

11. As many of our local footpaths are narrow and frequently intercepted by steep haunches that could overbalance a mobility device, we would wish to see a future review of this category consider:

- a) width and stability of the device
- b) potential speed and actual ability to monitor speed
- c) ability to set a limit on the speed
- d) safety features for user, and for others in event of a collision
- e) user competency

12. We do not support deferring changes to the vehicle definitions, but nor do we support the proposed changes, which retain the cause of most of the current anomalies.

Proposal 2

13. We do not support the proposed changes that will allow mobility devices, transport devices, and cycles on the footpath - provided users meet speed, width and behavioural requirements – as we retain grave misgivings over achieving these speed, width and behavioural requirements.

14. For most streets within our suburb, we would greatly prefer all vehicles to use the carriageway and for the speed limit there to be made appropriate to such mixed use, as offering greater opportunity to enhance the placemaking role of our streets and safety of all users.

15. We do not agree with allowing cyclists up to the age of 16 to ride on the footpath. We don't support children older than 10 being allowed to ride on footpaths because they are capable of going faster and are bigger, so the consequence of any collision and the perception of danger is likely to be greater for other footpath users. Most children older than 10 have developed the motor skills and mental judgement to be able to be safe users of the roadway. They are also more likely to behave in ways that other footpath users find inconsiderate or intimidating or are actually unsafe. Cyclists older than 10 years old should be able to use safe facilities such as shared paths, cycle paths and cycle lanes. The 1m or 1.5m passing rule that is part of this package, if widely abided by, would also make the carriageway of most suburban roads feel safer to riders.

16. We would consider that cyclists up to the age of 10 should be able to ride on the footpath. It is accepted that up to about 10 years of age many children have not developed enough to be able to ride safely on roads. It is unlikely, however, that riding bikes on footpaths prepares children for dealing with the traffic on roads. We would support an age limit in place of any proxy, such as the present wheel size rule.

17. We agree with the proposal to allow local authorities to restrict cycle or device use on certain footpaths or areas of footpaths to suit local communities and conditions, within the limits of what might safely use any footpaths already discussed. We support the proposed process with national guidance and other factors to be considered explicit and transparent, and affected parties able to have input.

18. We agree with specifying that local authorities will make decisions to regulate the use of paths by resolution, rather than by making a bylaw, in the Land Transport Rule: Path and Road Margins 2020.

19. We support the proposal that local 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 described as:

- 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;
- consult with any party affected by the proposed restriction;
- give those parties reasonable time to respond; and
- take their submissions into account.

In our view all users and potential users of any footpath would be affected by any proposed restriction and we would be strenuously opposed to any move to allow councils to determine who was or was not affected.

20. We would not support retention of the current footpath rules, which need to be clarified; the status quo cannot remain where people are being injured on the footpaths or deterred from using them. Much of the current problem has arisen from some devices being declared not to be motor vehicles while relatively similar devices are regarded as motor vehicles. Nevertheless, we cannot support the proposals allowing all vehicles of less than 300W to be used on the footpath and at the speed limit of 15kmph.

2A:

21. We believe that wheelchair users, rather than pedestrians, should always have priority on the footpath, but that pedestrians are next highest on the priority list, with all other footpath users giving way to them.

22. We have reservations about any proposal setting out behavioural requirements for footpath users that refers to them operating vehicles, and would prefer that users are required to:

- enter and use footpaths in a courteous and considerate manner,
- use and travel on them in a way that isn't dangerous, and
- give 'right of way' to wheelchair users and pedestrians.

If 'right of way' or priority is to be required to be ceded, it will need to be defined precisely what these terms mean.

2B:

23. We do not support the proposed default speed limit on a footpath of 15kmph.

Speed and mass determine momentum, which is the critical element in determining the ability to avoid collisions, and (with vehicle design and the physical characteristics of the people involved) they also determine the severity of injury resulting from collisions. The speed, more than the mass of vehicles, is also a key determinant of pedestrians' perception of danger.

We support all users of the footpath having to use it without creating a danger for other footpath users. We believe that the speed limit for any vehicle allowed to be used on a footpath needs to be compatible with the comfort and safety of all users. A speed only a little faster than the typical walking speed that a healthy adult can sustain should be adopted.

The speed should also be such that children riding bicycles on the footpath can do so without stalling and losing balance, but which enables them to avoid the most significant danger to them on footpaths – motor vehicles exiting from driveways.

A brisk pedestrian speed also minimises the risk of collision, and injury resulting from collision, for pedestrians, wheelchair users or child cyclists with heavier vehicles, such as mobility scooters, which might have a laden weight of over 250kg for larger devices.

24. If central government sets a default speed limit for footpaths, then local authorities should be able to lower it for a footpath or area of footpaths in its area of jurisdiction, but this approach of a default speed limit is contrary to the approach now being used for motor vehicle speeds on roads. To be comparable, the task is to determine a safe and appropriate speed for footpaths, shared paths and cycle paths and cycle lanes.

Given the role of footpaths and diversity of users (even among pedestrians – only one of the user groups – this may include spatially- and risk-unaware toddlers and elderly, as well as those physical and cognitive disabilities, or conditions that make them particularly vulnerable to injury and to having their community made inaccessible to them if they do not feel they can safely use the footpath), the safe and appropriate speed can never be much greater than walking speed.

25. Footpath safety might be further enhanced by requiring that crossings do not alter the height or texture of the footpath, but require the footpath to continue across the crossing to reinforce where priority lies, as we say at 46 below.

2C:

26. While we do not disagree with the proposed maximum width of 750mm (except for wheelchairs) for devices using the footpath, we are aware of many places within our suburb where two such devices could not pass, and of some places where one such device might struggle.

27. We do not use a mobility device.

28. We believe that mobility devices should be limited to this width if they are to be used on footpaths, for the effects on all users of footpaths.

29. We support the proposal that people who already own a device wider than 750mm could apply for an exemption, as administration of such an exemption process (with perhaps a special authorisation sticker to be displayed) would enable the Transport Agency to have the best possible knowledge of the number of devices wider than 750mm and from that knowledge it could develop and apply appropriate policies. The alternatives are impractical or unduly complex.

Proposal 3:

30. We agree with users having to use shared and cycle paths in a careful and considerate manner, not endangering other users and not interfering with other users, but we suggest that different rules should apply to shared and cycle paths. Shared paths are expected to have a wide diversity of users, including people in wheelchairs, pedestrians, and users of various unpowered or low-powered

devices, whereas cycle paths would not be expected to be attractive to pedestrians and others capable of only low speeds.

Shared paths should be defined to be primarily for recreational or local access purposes and not intended for high speed use, while cycle paths should serve primarily commuter functions or recreational purposes where pedestrians are not expected.

31. We agree that all users be required to give way to pedestrians when using a shared path, with the exception of wheelchair users, who should be given priority by all other users.

32. We do not agree with the proposed speed limits where, if a shared path or cycle path is adjacent to a roadway, the speed limit will be the same as the roadway, as is currently the case, or if a shared path or cycle path is not adjacent to a roadway, it has a default speed limit of 50kmph.

The speed limit on the adjacent road is irrelevant. Would this argument be given credence for a suburban street adjacent to a motorway? A speed limit of 50kmph on any path where pedestrians and disabled people are actually expected to be present is manifestly unsafe. A basic rule of transport safety is that, where mixed types of user are in the same space, speeds must be kept low to minimise the speed differential between users.

As a general rule, users capable of going faster should give way to those capable of only slower speeds. So on a shared path cyclists and faster device users should yield to wheelchair users, pedestrians and slower devices, whereas on cycle paths, wheelchair users, pedestrians, low-speed and unpowered device users should give way to faster devices and cycles.

On shared paths the speed limit should be set for the safety and feeling of safety of pedestrians and other low-speed users. Two alternative approaches are possible: a relatively low default speed limit; or a higher limit with extra requirements for passing speed and separation, and alerting other users of their approach for cycles and higher speed devices.

On cycle paths, the speed limit could sensibly be 30kmph to be suitable for cyclists of many different levels of experience and competence using them. These paths should not be seen as training facilities for fast cyclists or higher-speed devices. Those users should be on the roadway.

These limits could be complemented by rules, rather than suggested behaviour guidance, that require:

1. all users to keep left except when passing other users
2. all users to move off the path when stopped
3. all leashes used for animals to be highly visible
4. all users not to impede unreasonably other users

If 'default' speed limits are set as proposed in the package (contrary to the approach now adopted for setting safe and appropriate speeds for roads) then local authorities should have the ability to set lower limits (but not to raise them).

33. We agree that local authorities should be able to declare a path a shared path or a cycle path, provided only that any path so declared fully meets the defined standards, including minimum width, for such a facility. As well as meeting nationally consistent standards and criteria in making such declarations, council should consider location, whether there are alternative unshared paths, cycle paths, cycle lanes or roads nearby suitable for use, the actual or expected number of different types of users (specifically including children and disabled people), the likely times of use by these users, and whether the path serves a local access, commuter or purely recreational purpose.

34. We very strongly support the Transport Agency being able to investigate and direct local councils to comply with the required criteria.

Proposal 4:

35. We agree that devices other than cycles should be allowed to use cycle lanes and cycle paths, provided that a practical distinction is made between devices. Higher-speed powered devices are capable of speeds similar to those that cycles are typically ridden at; they have similar mass, and similar vulnerability to injury as cycle riders. Like cycles, they pose too great a negative effect on the safety and perception of safety of pedestrians, wheelchair users, etc, to be appropriate for use on footpaths. It is appropriate that they are able to be used in the same space as cycles, on cycle paths and in cycle lanes.

Users of devices capable of only low speeds should not be able to use these facilities unless there is not a footpath or shared path available.

36. We agree that local authorities should be able to exclude powered transport devices or unpowered transport devices from cycle lanes and cycle paths, both for the reason set out at 35 and because the speed and mass of some powered devices are incompatible with the speeds that are to be expected from most people riding cycles and most low-powered devices. Such high-speed devices should be used on the roadway.

Proposal 5:

37. We agree strongly with the proposal that powered transport devices must be fitted with a headlamp, rear facing position light, and a reflector (unless the user is wearing reflective material) if they are used at night. This should apply from twilight through the hours of darkness, rather than just at night, which has a narrower defined meaning, and should extend to unpowered transport devices used in the same period. A minimum height and luminosity would need to be stipulated.

38. We believe that such a requirement would be practical. Many cyclists do this daily. If affixing lights to a device is impractical, a headlamp and rear-facing light and reflective material can be worn by the user.

39. We support users of unpowered devices having to meet the same requirements. Regardless of whether the device is powered or unpowered requiring lights of anyone travelling along any path, lane or road during the hours of darkness to be easily seen will enhance the safety of all users.

Proposal 6:

6A:

40. We agree that cyclists and transport device users should be able to ride straight ahead from a left turn lane at an intersection, when it is safe to do so, provided that riders can only proceed straight from the left turn lane when they have a green light for going straight ahead, not when there is only a green left turn arrow.

6B:

41. We agree that cyclists and transport devices should be allowed to carefully 'undertake' slow-moving or stationary traffic, as this enables riders to get to the front of the lane where they are most visible and from where they are able to clear an intersection most safely.

6C:

42. We agree that turning traffic should give way to users travelling straight through at an intersection from a separated lane, as this would treat all road users on the same basis, with those travelling straight have priority over those turning, and whether a separate lane is involved or not should be irrelevant.

43. We support introducing a list of traffic control devices used to separate lanes from the roadway to help users understand what a separated lane is and if the user has right of way at an intersection, as being necessary for a common understanding of road marking.

44. We suggest that the definition of a separated lane needs to define the basis or means of separation, which might include the distance between the lane and the road, or bollards, kerbing or vegetation, required to meet the definition.

6D:

45. We agree strongly that turning traffic should give way to path users crossing a side road with the proposed markings, but having differing markings for similar intersections requiring differing priorities between them appears to be a recipe for confusion that will leave path users more at risk. Providing for path users travelling straight across side roads should be the default, with councils having to implement a programme to achieve this.

Leaving it to local councils to decide whether or not to implement such priority measures will result in inconsistency that will make it harder for road users to

understand and abide by. This change has the potential to increase the efficiency of walking and other modes using footpaths, shared paths and cycle paths, encouraging more people to use active modes consistent with government objectives to decrease reliance on private motor vehicle journeys. It must, therefore, be made nationally consistent and not left to local councils to decide.

46. We consider the proposed minimum markings are appropriate as the minimum, with raised platforms that indicate priority, keep the level of the paths the same across the side road and traffic remaining best practice.

47. Additional treatments that might augment the minimum markings might include the white "shark's teeth" or white "elephant's feet" squares between the lines, if greater visibility were required.

Proposal 7:

48. We agree with the proposal for a mandatory minimum overtaking gap for motor vehicles of 1 metre (when the speed limit is 60km/h or less), and 1.5 metres (when the speed limit is over 60km/h) when passing pedestrians, cyclists, horse riders, and users of other devices, whether on roads, cycle paths or shared paths.

Proposal 8:

49. We do not agree with the proposal that local authorities should be able to restrict berm parking without the use of signs and instead rely on an online register. Not everyone has access to the internet or a mobile device to be able to check the register when the need arises. A need for signs is both expensive and unsightly, and can be largely avoided by a general prohibition on parking on berms with exceptions possible and at the discretion of local councils. Expecting people to find out where exceptions apply by consulting a register, even if it is on-line, is unreasonable. If a thing is not allowed then either that is indicated at the location where it is not allowed or locations where exceptions apply are indicated. For this, markings may be more appropriate than signs.

50. While it might be helpful if information on berm parking restrictions was available in other places, like at a local library, i-SITE, or a local council, markings would provide a less obtrusive and cheaper way to indicate where parking on the berm is permitted within a general prohibition.

Proposal 9:

51. We agree that traffic should give way to indicating buses leaving a bus stop on a road with a speed limit of 60kmph or less.

52. We agree that traffic should give way to indicating buses leaving a bus lane and merging into traffic lanes for the same reason as in 51, that such measures make public transport more efficient and attractive, thereby decreasing congestion and pollution and increasing the provision of equitable, safe travel alternatives to private motor vehicle journeys.