



Cabinet

Minute of Decision

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Accessible Streets Regulatory Package: Public Consultation

Portfolio Associate Transport (Hon Julie Anne Genter)

On 17 February 2020, following reference from the Cabinet Economic Development Committee (DEV), Cabinet:

Draft transport amendment rules

- 1 **agreed** to proceed to public consultation on draft rules for the Accessible Streets Regulatory Package, which is a collection of proposed rule changes designed to increase the safety and accessibility of footpaths, shared paths, cycle lanes and cycle paths, and other related measures;
- 2 **agreed** that the draft rules to be consulted on are:
 - 2.1 to re-categorise vehicles and transport devices allowed on footpaths, shared paths, cycle paths and cycle lanes;
 - 2.2 to establish a nationally consistent regulatory framework for footpaths, shared paths, and cycle paths, that:
 - 2.2.1 clarifies what and how vehicles can be used on footpaths, **subject to** including an option in the consultation document of only allowing children up to the age of 16 to ride a cycle on a footpath, including an accompanying adult; and to also including a “do nothing” option;
 - 2.2.2 provides for the creation and regulation of shared paths and cycle paths;
 - 2.2.3 governs what and how vehicles can use shared paths and cycle paths;
 - 2.2.4 enables local decision making in regard to what and how vehicles use footpaths, shared paths, and cycle paths;
 - 2.3 the conditions under which vehicles operate on the footpath are that they:
 - 2.3.1 are operated in a courteous and considerate manner, in a way that does not constitute a hazard, and gives right of way to pedestrians;
 - 2.3.2 do not travel faster than 15km/h (to ensure the safety of others sharing the footpath);

- 2.3.3 are not wider than 750mm (to enable multiple users to still access the footpath);
- 2.4 to enable transport devices, including e-scooters, to be used in cycle lanes and cycle paths;
- 2.5 to require users of powered transport devices to use lights and to use reflectors or wear reflective material at night time, as is currently required of cyclists;
- 2.6 to improve the safety of cyclists and other road users at intersections by:
 - 2.6.1 allowing cyclists and users of transport devices to ride straight ahead from a left-turn lane;
 - 2.6.2 allowing cyclists and transport devices to carefully pass slow-moving motor vehicles (undertake) on the left (unless the motor vehicle is indicating a left turn);
 - 2.6.3 enabling road controlling authorities to give priority to footpath, shared path and cycle path users over turning traffic when they are travelling straight across a side-road at specific locations where the required traffic control devices are installed;
- 2.7 to mandate a minimum overtaking gap for motor vehicles when passing cyclists, pedestrians, horses, mobility device users and users of transport devices on the road, namely:
 - 2.7.1 a gap of 1 metre when the speed limit is 60km/h or lower;
 - 2.7.2 1.5 metres when the speed limit is over 60km/h;
- 2.8 to clarify that road controlling authorities can restrict motor vehicle parking on berms, and that the restrictions are enforceable whether signs are installed or not;
- 2.9 that road controlling authorities can vary the default speed limits and permitted users of paths, and establish berm parking restrictions by resolution, and that these variations will be made by inclusion on a publicly available register maintained by the New Zealand Transport Agency;
- 2.10 to give buses priority when exiting bus stops on roads where the posted speed limit is 60km/h or less;
- 3 **invited** the Associate Minister of Transport (Hon Julie Anne Genter) to proceed to public consultation on the draft rules;
- 4 **authorised** the Associate Minister of Transport (Hon Julie Anne Genter), in consultation with the Minister for Seniors, to make any necessary editorial or minor policy changes to the draft rules and consultation document to reflect the above proposals or that may arise prior to their release for public consultation;
- 5 **invited** the Associate Minister of Transport (Hon Julie Anne Genter) to:
 - 5.1 report back to DEV on the final proposed rules and regulations before they are made, following consultation on the Accessible Streets Regulatory Package;

- 5.2 issue drafting instructions to the Parliamentary Counsel Office to develop a draft final amendment to the Land Transport (Road User Rule) 2004 and consequential amendments to regulations following the consultation on the Accessible Streets Regulatory Package;

Other matters

- 6 **noted** that work on standards and guidelines for New Zealand's roads and streets is being progressed through the road safety strategy;
- 7 **noted** that ACC is considering how it might respond to the kinds of emerging technology and business models seen in the micro-mobility sector;
- 8 **noted** that councils are able to impose levies on e-scooter sharing operators through existing bylaw-making powers under the Local Government Act 2002;
- 9 **noted** that the Accessible Streets Regulatory Package will not address whether helmets should be mandatory for transport devices, nor whether helmets should continue to be mandatory for cycling;

Regulatory Impact Assessment

- 10 **noted** that the initial analysis in the preliminary Regulatory Impact Assessment, attached to the paper under CAB-20-SUB-0034, was used to support the development of the draft amendment rules and will be tested through the consultation process;
- 11 **noted** that a final Regulatory Impact Assessment will be prepared before any amendments to rules are signed, and will be published on the Ministry of Transport's website;

Communications and implementation

- 12 **noted** that:
- 12.1 a communication plan, attached to the paper under CAB-20-SUB-0034, has been prepared for the release of the draft amendment rule;
- 12.2 a final communication plan will also be prepared for the final Accessible Streets Regulatory Package of changes once agreed, as part of the normal rule making process;
- 13 **noted** that an implementation plan will be prepared that will map out the timing for bringing the amendment rule into force and for the required education campaigns on rule changes.

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister of Transport
Minister for Seniors
Associate Minister of Transport (Hon Julie Anne Genter)