# Accessible Streets Submission

20 May 2020

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## Introducing Disabled Persons Assembly NZ

The Disabled Persons Assembly NZ (DPA) is a pan-disability disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

# The submission

DPA is extremely disappointed by many of the key proposals in this package.

We are concerned that if these proposals are implemented as proposed without substantial change, they will have a disproportionately negative impact on the use of footpaths by disabled people, and their ability to use footpaths safely. The New Zealand Transport Agency’s own guidance, based on international best practice purports to place ‘mobility impaired pedestrians’ at the top of the hierarchy of people to be considered in transport planning. Many of the proposals in this package clearly ignore this guidance by worsening the situation for disabled pedestrians.[[1]](#footnote-2)

We are also disappointed in the lack of direct consultation by the Ministry with the disability sector during the development of these proposals and we urge the Ministry to work through the specific issues raised in our submission with us and other relevant disability organisations.

Our analysis has been written based on data showing disabled people move more slowly and are less likely to be able to avoid other footpath users, particularly transport devices[[2]](#footnote-3).

In addition, we have provided some feedback regarding the use of footpaths during the COVID-19 situation and the plans for widening footpaths and creating cycle paths that were announced earlier this month.

## Alignment of the Accessible Streets package with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The proposed Accessible Streets package does not meet New Zealand’s obligations under the UNCRPD as regards the following articles:

* Article 4.3: Involving disabled people and our organisations;
* Article 9: Accessibility;
* Article 19: Living independently and being included in the community;
* Article 20: Personal mobility;
* Article 30: Participation in cultural life, recreation and sport

The UNCRPD provides for access to facilities for disabled people on an equal basis with others and requires the government to engage with disabled people and our organisations on changes which would significantly impact on us.

As many disabled people rely on footpaths to access our communities and do not have or cannot drive private vehicles, it is essential that our safety is considered in any proposed changes to footpath use.

Reduced safety on footpaths will reduce access for disabled people and we view the proposed policies as discriminatory on that basis.

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

Powered wheelchairs will no longer be considered a mobility device and will be re-categorised as pedestrians. This is a positive change for disabled people. However, powered wheelchairs travelling at higher speeds could cause injuries to other footpath users.

**Recommendation 1:** Include in the definition of powered wheelchairs a speed limit of 6km/h when used on footpaths, similar to UK legislation[[3]](#footnote-4).

### Mobility Devices

Omission of mobility devices from this review may create uncertainty.

**Recommendation 2:** Include mobility devices in this review to ensure clarity for disabled users and pedestrians.

### Replacing wheeled recreational devices with two new categories

Separating the category of ‘wheeled recreational devices’ into powered and unpowered devices recognises the different challenges they cause to pedestrians. However, the proposal to allow all devices to use the footpath does not acknowledge the additional risk of injury that powered devices pose:

* The fact that such devices are pretty much silent in a street setting increases the likelihood of injury to disabled people who can’t hear them;
* The proposed speed limit again risks injury to disabled people as we cannot move out the way as quickly as others;
* Some disabled pedestrians may not move in ways that are predictable to users of e-scooters and e-bikes. For example, blind people may move in front of the oncoming e-scooter or e-bike because they are not aware of how the e-scooter or e-bike has moved;
* Speed cameras are inaccurate at low speeds and there is already very low enforcement of breaches of the law on footpaths.

Therefore, we believe that any enforcement of the proposal is very unlikely to be at levels that are effective for disabled people to feel confident and safe.[[4]](#footnote-5)

**Recommendation 3:** Proceed with the proposed change to the categories but prevent the powered transport devices (e-scooters and yike bikes) from using the footpath.

### Cycles and e-bikes

Cycles and e-bikes pose a major threat to the safety and confidence of pedestrians:

* They can travel at much greater speeds than ordinary walking pace and particularly, the walking pace of disabled people which tends to be slower;
* They are quiet which means that pedestrians cannot hear them approaching which is particularly dangerous for vision impaired and blind pedestrians;
* Many disabled and older people would be unable to get out of the way of cycles and e-bikes travelling at the speeds proposed;
* The legal presence of cycles and e-bikes on all footpaths will increase anxiety amongst disabled people, limiting their likelihood of going for a walk. This is important because any implication of this law change cannot be considered in terms of crash risk alone.

The ability of disabled people to participate equitably in society relies on us having confidence using all footpaths. The proposed law change can only worsen equity for disabled people because it will decrease our likelihood of using footpaths, independent of any effects on safety[[5]](#footnote-6). However, we recognise that it may not be reasonable to expect young children on small bikes to ride on the road.

**Recommendation 4:** Do not allow cycles and e-bikes to use the footpath. Continue to categorise small bikes separately and include them in the new category of ‘unpowered transport device’ thus allowing them to be used on the footpath, with trained adult supervision.

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

The proposed speed limit of 15km/h on the footpath is too high. The option to allow for local changes will be confusing to people walking or cycling in different areas. It will also mean that disabled people in some areas will be less safe on footpaths than others depending on the decisions made by local government.

**Recommendation 5:** Designate a safe national speed limit and a ban on bikes and motorised transport devices on footpaths.

**Recommendation 6:** Set a speed limit of 6km/h for motorised transport vehicles on footpaths: this equates to fast walking speed[[6]](#footnote-7).

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

The proposal to allow paths to be declared ‘shared paths’ and to allow the speed limit on those paths to be the same as the adjacent road; or in some cases up to 50km/h, would create significant risk to disabled pedestrians. It doesn’t meet the 6 key principles of the Pedestrian Planning and Design Guide[[7]](#footnote-8) that recognise that pedestrians and cyclists have different needs and that the needs of current users must be addressed alongside those of new users. Consideration should be given to whether those using transport devices should be required to ring a bell/toot a horn.

**Recommendation 7:** Shared paths should have a speed limit of 20km/h or lower with a 10km/h or lower speed limit when passing pedestrians.

**Recommendation 8:** Shared paths should only be created where it is possible for transport devices to leave a passing distance of 1 metre from pedestrians.

**Recommendation 9:** Transport devices should leave a passing distance of pedestrians of 1 metre.

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

This proposal would be of benefit to disabled pedestrians as it would take transport devices away from the footpath in areas where cycle paths are available.

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

This proposal would increase safety by enabling some disabled people to notice and avoid powered transport devices travelling at night.

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

This proposal would be of benefit to disabled pedestrians. However, some care must be taken to ensure that the crossings are designed in such a way that they can be used safely.

**Recommendation 10:** Consider whether such crossings can be made zebra crossings with the relevant tactile markings to remove ambiguity over who has the right of way. Care must be taken to ensure that the crossings have dropped kerbs and tactile markers appropriately installed.

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

This proposal will increase the safety of those people who use mobility devices.

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

Parking on berms can create significant hazards to disabled pedestrians with the risk of car doors opening onto the footpath or the footpath being blocked, often forcing disabled people onto the road. Also, rules around parking on berms are currently local, therefore lacking consistency.

**Recommendation 11:** A nationwide ban on parking on berms.

# DPA’s recommendations

The Disabled Person’s Assembly recommends the following:

**Recommendation 1:** Include in the definition of powered wheelchairs a speed limit of 6km/h similar to UK legislation[[8]](#footnote-9).

**Recommendation 2:** Include mobility devices in this review to ensure clarity for disabled users and pedestrians.

**Recommendation 3:** Proceed with the proposed change to the categories but prevent the powered transport devices (e-scooters and yike bikes) from using the footpath.

**Recommendation 4:** Do not allow cycles and e-bikes to use the footpath. Continue to categorise small bikes separately and include them in the new category of ‘unpowered transport device’ thus allowing them to be used on the footpath, with trained adult supervision.

**Recommendation 5:** Designate safe national speed limit and a ban on bikes and motorised transport devices on footpaths.

**Recommendation 6:** Set a speed limit of 6km/h for motorised transport vehicles on footpaths: this equates to fast walking speed. [[9]](#footnote-10).

**Recommendation 7:** Shared paths should have a speed limit of 20km/h or lower with a 10km/h or lower speed limit when passing pedestrians.

**Recommendation 8:** Shared paths should only be created where it is possible for transport devices to leave a passing distance of 1 metre from pedestrians.

**Recommendation 9:** Transport devices should leave a passing distance of pedestrians of 1 metre.

**Recommendation 10:** Consider whether such crossings can be made zebra crossings with the relevant tactile markings to remove ambiguity over who has the right of way. Care must be taken to ensure that the crossings have dropped kerbs and tactile markers appropriately installed.

**Recommendation 11:** A nationwide ban on parking on berms.

# Safer Streets and COVID-19

DPA welcomes the announcements made over the Easter weekend regarding funding being made available for widening footpaths and creating cycle lanes. While full details on these proposals are not yet available, we support the widening of footpaths to enable social distancing. The widened footpaths must be accessible to all disabled pedestrians.

In addition, the creation of new cycleways would increase the safety of disabled pedestrians and those using motorised mobility devices. The COVID-19 situation has made possible several things that were deemed impossible before the crisis. The creation of additional cycle paths as outlined in the Easter weekend proposals fall into this category. Although these are likely to be introduced as a temporary measure in the short term, we would suggest that they become a permanent feature of the cycle network.

Given that e-scooters for hire are not allowed to be used during the COVID-19 level 4 designation, the opportunity could be taken to consult specifically with disabled people and our organisations while such devices are not in use.

1. NZ Transport Agency Pedestrian Planning and Design Guide, Figure 5.1 <https://www.nzta.govt.nz/assets/resources/pedestrian-planning-guide/docs/chapter-5.pdf> [↑](#footnote-ref-2)
2. <https://www.nzta.govt.nz/assets/resources/pedestrian-planning-guide/docs/chapter-3.pdf> [↑](#footnote-ref-3)
3. <https://www.gov.uk/guidance/the-highway-code/rules-for-users-of-powered-wheelchairs-and-mobility-scooters-36-to-46> [↑](#footnote-ref-4)
4. <https://www.nzta.govt.nz/assets/consultation/accessible-streets/accessible-streets-ris.pdf>  
    [↑](#footnote-ref-5)
5. Burdett, B. (2017) Understanding Pedestrian Safety in New Zealand, Research Paper presented to Engineering New Zealand Transportation Group Conference 2017 [https://static1.squarespace.com/static/5591f57ee4b07952c1a4d8bd/t/58b4c7dd725e25bf6113074e/1488242659802/Burdett%2C+Bridget+-+Paper+26+-+Understanding+pedestrian+safety+in+New+Zealand.pdf](https://d.docs.live.net/6b77436fa21d4687/Desktop/%09%09) [↑](#footnote-ref-6)
6. <http://www.legislation.gov.uk/uksi/1988/2268/regulation/4/made> [↑](#footnote-ref-7)
7. <https://www.nzta.govt.nz/assets/resources/pedestrian-planning-guide/docs/pedestrian-planning-guide.pdf> [↑](#footnote-ref-8)
8. <https://www.gov.uk/guidance/the-highway-code/rules-for-users-of-powered-wheelchairs-and-mobility-scooters-36-to-46> [↑](#footnote-ref-9)
9. <http://www.legislation.gov.uk/uksi/1988/2268/regulation/4/made> [↑](#footnote-ref-10)