

## **Minutes of meeting at 9:30 on 11 APRIL 2017**

**NZ Transport Agency National Office Boardroom**

**Wellington**

### **PRESENT**

Dr Chris Teo-Sherrell	Living Streets Aotearoa Incorporated
Carina Duke	Blind Foundation
Bridget Burdett	Traffic Design Group Limited
Prof. Stuart Locke	Waikato University
Kirsty Horridge	Hamilton City Council
Amanda Banks	CCS Disability Action Waikato
Gerry Dance	NZ Transport Agency, National Cycling Team
Simon Kennett	Transport Agency, National Cycling Team
Dr Lynley Hood	Visual Impairment Charitable Trust Aotearoa
Jason Eady	NZ Police
Michael Voss	Waitaki District Council
Michael Harrison	(Chair)
Joanne Clendon	Cycling Action Network
Lisa Beech	Alzheimers NZ
Sue McAuley	Nelson City Council (SASTA)
Kate Bevin	Greater Wellington Regional Council
Patrick Morgan	Cycling Action Network

### **APOLOGIES**

Wayne Newman	RCA Forum Research & Guidelines Steering Group
Trish Rudolph	NZ Transport Agency
Phillipa Townsend	Office for Seniors, Ministry of Social Development
Gerri Pomeroy	CCS Disability Action Waikato

### **AGENDA**

1. Welcome, introductions, apologies and emergency briefing
2. Minutes of 25 November 2016 and actions arising
3. Terms of reference for the Working Group
4. Cycling on Footpath Petition
5. Give Way and other Rule research
6. E-bike and low-powered vehicles research
7. Regulatory tools for Footpaths in Other Countries
8. Trial of Footpath Sharing
9. Other Business and Next meeting

## ACTIONS

1. Review of publicly available guidance and other documents from the United Kingdom, Canada, European countries, Australia and New Zealand and gaps analysis has been completed. Action: to be circulated (*Wayne*)
2. All members to use individual contacts to advance policy engagement between health and transport on the determinants of health, expand connections (especially with potential research investors), and increase awareness of the working group and issues being addressed. Open
3. Stage 2 and Stage 3 research reports to be circulated (*Wayne*)
4. Forum leadership provide clarity on the next processes arising from the WG meeting discussions. (*Wayne*)
5. The link to minutes of meetings recorded on the Forum Web Page is resent to the WG members. (*Wayne*)
6. The power point slides from presentations to be circulated. (*Gerry*)
7. The review of regulatory tools to be circulated. (*Wayne*)

## NOTES OF MEETING

### 1. INTRODUCTIONS, APOLOGIES and EMERGENCY BRIEFING

G. Dance welcomed the meeting and provided the emergency and safety briefing. Each attendee gave a brief introduction of themselves and the organisation they represented. New attendees were welcomed and the apologies were noted.

### 2. MINUTES OF LAST MEETING AND ACTIONS ARISING

The minutes of the meeting on 25 November 2016 (circulated with Agenda) were approved as a true and proper record.

Actions from the last meeting:

1. Dr C. Teo-Sherrell, C. Duke, G. Pomeroy and S. Mellsop to complete review of publicly available guidance and other documents from the United Kingdom, Canada, European countries, Australia and New Zealand and further develop the gaps analysis. Review has been completed; to be circulated. Wayne to action upon his return.
2. All members to use individual contacts to advance policy engagement between health and transport on the determinants of health, expand connections (especially with potential research investors), and increase awareness of the working group and issues being addressed. Open
3. B. Burdett and Prof. S. Locke to complete and present Stage 2 and Stage 3 research reports. Stage 2 and Stage 3 research reports prepared. To be circulated by Wayne.

4. W. Newman to revise the terms of reference in accordance with the instructions of the meeting, and circulate. Completed

5. W. Newman to establish a suitable meeting date in April 2017 for the next meeting and arrange a venue. Completed

A general discussion on the status of action points followed. What happens after reports are received by the working group? M. Harrison advised that the reports are circulated to the group members and recorded on the RCA Forum web page for member's reference.

Dr Teo-Sherrell

- requested that the Forum leadership provide clarity on the next processes arising from the meeting discussions. (*Wayne requested to provide a confirmation*)
- requested that the link to minutes of meetings recorded on the Forum Web Page is resent to the group members. (*Wayne to send link*)

### 3. TERMS OF REFERENCE FOR THE WORKING GROUP

M. Harrison addressed the terms of reference for the group as circulated with the Agenda. The RCA Forum has established the Shared Footpaths Working Group with responsibility for:

(a) reviewing current guidance and direction for the use of footpaths and provision of facilities for ambulatory and mobility assisted pedestrians, personal and alternative mobility devices and other wheeled devices not exclusively confined to use on the road carriageway; and

(b) reviewing relevant national and international research with regard to footpaths and provision for pedestrians within the road; and

(c) developing research parameters for trials or projects with regard to proposed or potential use of footpaths by multiple personal mobility modes; and

(d) monitoring trials or projects involving use of footpaths by multiple mobility modes; and

(e) providing sector feedback on priorities for changes to road user or traffic control device rules affecting footpaths to support nationally consistent practice in ensuring the safety and widest accessibility for all potential footpath users.

The Working Group has been set the task to:

- support, undertake and/or steer research on the use and benefits or costs of footpaths being shared by different modes of personal mobility;
- oversee any trials of new shared footpath solutions proposed for adoption in guidelines or documents;
- provide advice and input on the form and content of guidelines for the design, provision or use of footpaths shared by multiple mobility modes;

- actively contribute to reaching sector consensus on the design, provision or use of footpaths shared by multiple mobility modes;
- provide advice and input on the implementation of guidelines and research by practitioners;
- review regulations, guidelines and practice in light of published research and recognised current best practice;
- ensure the full costs and benefits associated with the use of footpaths by all potential users are appropriately considered;
- consider legal implications for multiple personal mobility modes sharing any given footpath;
- develop recommended guidelines for adoption.

Issues to be considered by the Working Group include, but are not limited to:

- links between walking, perceptions of safety and footpath use by different groups;
- the value of social and economic participation and of footpaths in enabling
- that participation for otherwise excluded groups;
- the need to consider the whole journey, rather than just the road phase, in planning for transport infrastructure, and the need to have data for all aspects of the journey to enable effective planning;
- examining the way pedestrian infrastructure is funded to ensure pedestrian routes to and from public transport are safe and perceived to be safe by all potential users;
- *ensuring* that walking surfaces are designed, constructed and maintained to be fit for purpose for use by pedestrians most at risk of, and from, trips and falls;
- ensuring road-works practices cater adequately for all pedestrians and footpath users;
- ensuring that transport projects reflect Safe System principles (for example, maximum separation between modes);
- when and where it might be appropriate to mix modes, and which modes, and under what conditions.

In considering new forms of mobility device, issues to be considered by the Working Group include:

- Classification of devices
- Regulatory approaches
- Education and training
- Licensing of operators
  - Assessment of device operator competency
  - Limits based on age, health or weight for device operators
  - Requiring certified mobility impairment
  - Requiring training prior to use and certification/ licensing
- Registration and licensing of devices
  - Requiring tests for braking, turning, climbing capacity, dimensions and weight
  - Conditions on use, and where a device can be used
  - Limits on speed

- Requiring minimum standards for wheel diameter, tyre width, ground clearance or stability
- Operation
  - Requiring minimum levels of insurance
  - Requiring extra safety equipment
  - Direction of travel on the road
- Infrastructure requirements
- Design of pedestrian infrastructure
- Requiring wider crossings and longer crossing times
- Provision for safe parking for scooters and personal mobility devices outside the path of travel of any other users with sensory impairment within retail precincts and at destinations such as medical centres and hospitals.

Dr Hood confirmed that her records have the Working Group having a 5-year term in the Terms of Reference.

#### 4. CYCLING ON FOOTPATH PETITION

S. Kennet presented on the Cycling on Footpaths Petition before the Select Committee and on the Transport Agency Footpath Cycling Options Report. The report was presented to the Select Committee considering the petition from Joanne Clendon. The report concluded that the petition has merit and recommended for further consideration a rule change to permit cycling on footpaths of children aged under 12, accompanying adults, persons over 65 and vulnerable adults.

S. Kennett spoke to the use of footpath accident statistics. The Footpath Cycling Options Report evaluates accidents recorded in the CAS data. A general discussion followed about the relevance and completeness of the CAS accident records for accidents on footpaths. B. Burdett and Dr Hood expressed concern that the CAS data under-estimated the number of pedestrian/cyclist accidents. G. Dance responded that they could not debate the differing accident records, but that CAS was the source used by NZTA as the accepted accident record for reporting traffic incidents. The meeting raised questions about the importance of accident record completeness and consistency, in that there are other records for pedestrian accidents that present a significant difference from the CAS data.

S. Kennett asked to be provided with the hospital discharge data statistics cited by Dr Hood and reported that NZTA considered many data sources for the report, including a Stuff Poll, that had supported the position reported to the Select Committee. The reference, at any level, to any reliance on a Stuff Poll was criticised by B. Burdett, who categorised as offensive the inclusion of an unscientific poll into a professional investigation and Government report.

C. Duke advised the meeting of the problems footpath cycling would create for people with impaired vision. A. Banks raised the obligation under the UN Convention on the Rights of Persons with Disabilities for New Zealand to facilitate full and effective participation of disabled people in society and questioned whether the report to the Select Committee had adequately considered the UN Convention.

Dr Teo-Sherell asked what the timeline could be for the select committee to consider and decide on the petition. This could not be confirmed, but the select committee decision would progress through a normal consultation process to consider any rule change.

L. Beech noted that disability advocates were not giving a blanket no to footpath cycling; they were asking for more discussion based on both scientific data and recognition of a hierarchy of users that placed the most vulnerable users at the apex.

The meeting agreed that, if NZTA had \$350 million to spend on pedestrian safety, we would be talking about pedestrian safety today.

#### 5. GIVE WAY AND OTHER RULE RESEARCH

S. Kennett presented an update on the research project. At the November meeting the working group supported giving pedestrians priority over turning traffic in accord with the priority in many North American and European jurisdictions, but noted that it would reverse the current priority for motorists on the roadway here and would need to be a highly publicised national change to avoid increasing the risk for pedestrians.

##### *Road User Rule – Intersections*

- Currently left-turning traffic has priority over other road users going straight-through on the left when in separated lanes;
- The review is seeking to tidy this up and improve safety for cyclists and pedestrians.

Living Streets Aotearoa is petitioning to have pedestrian priority over turning traffic at intersections. Options for crossings at intersections have been developed for NZTA by ViaStrada.

C. Duke noted that the green paint colour for crossings was not good for visual effect. This is emerald green and the AMIG has already recommended that apple green should be the specified colour used on such facilities.

##### *Research on Shared Paths*

S. Kennett and G. Dance presented an update on research on Shared Paths, which has looked at:

- Minimum Passing Widths
- Education
- Speed (Ratio of speed to passing gap)
- Safe passing behaviour
- Wheel size (currently the proxy for age)
- Legal description and rules

There is an increasing trend for mobility devices, particularly Kick Scooters, being used for travelling to schools, rather than bicycles.

#### 6. E-BIKE AND LOW-POWERED VEHICLES RULES

S. Kennett and G. Dance presented an update on research on potential rules for e-bikes and low-powered vehicles. The meeting agreed that a shared path is a footpath for any pedestrian using it. Any device travelling on a footpath at 25 km/h would be travelling at a speed that posed a risk to other users. Delivering facilities that can provide an acceptable level of service for faster devices remains a critical challenge. The meeting recognised the challenge in providing space for dual facilities, and the trade-off required in terms of green space or parking likely to be lost in order to provide separate facilities.

The research report would be available for the next meeting. The meeting noted preliminary statistics that:

- 14,000 e-bikes were imported last year; and
- 6,000 mobility scooters are imported each year.

L. Beech questioned the monitoring and evaluation process for any changes to rules to observe the effects of rule changes. S. Kennett explained that proposed changes to the Road User Rule start with an investigation and research undertaken by NZTA. From the research a document is produced that is circulated for comment and discussion before a Rule change is recommended. There is no specific process for subsequently monitoring the effect of a Rule change.

#### 7. REGULATORY TOOLS FOR FOOTPATHS IN OTHER COUNTRIES

A. Banks spoke to the review of regulatory tools. The report had been presented, but was not available for the meeting, due to W. Newman's illness and absence. The paper looks at the policy tools for footpath sharing internationally and had been provided to advocacy groups for comment prior to final completion.

The paper identified Policy in New Zealand, Australia, UK, US, Canada and Singapore:

- Regulation seemed to be done well; however the enforcement provisions within the policies have not been a strength;
- Monitoring and evaluation has generally not assessed the effects of sharing on pedestrians;
- There is not a lot of information on how the regulations are performing;
- Generic evidence for the impacts of the regulations in operation is the norm;
- Footpath use counts are used as the metric for participation;
- There is a lack of evidence to support any discussions on the effectiveness of any regulatory regime.

The report found there were a few key principles able to be developed:

- a. Safe accessibility for all;

- b. A need to protect transport choice where other options are unavailable;
- c. A need to provide an analysis based on UN Convention on Rights for Persons with a Disability;
- d. An evidence base for footpath use is required; and
- e. Enforcement is needed to be practical and achievable

## 8. TRIAL OF FOOTPATH SHARING

The meeting queried whether it is possible to trial footpath sharing in several locations. A trial could assist with discussions on principles, the hierarchy of footpaths and impacts of sharing in the different hierarchies, policy responses to those impacts and directing designs, and creating a strong evidence base for decision-making.

Dr Teo-Sherell noted that some councils are generating their own guidelines. The meeting discussed common problems with these:

- The ground work has not been done;
- There are serious inconsistency issues between districts;
- There is a hierarchy of Motorist, Cyclist and Pedestrian, forcing pedestrians as the last consideration to use whatever space is remaining;
- Cycle speeds are an issue for shared facilities;
- There are no rules for cyclists on how to alert/signal on shared paths;

The meeting agreed:

- There are very different reaction times for user conflicts in shared paths that make behaviour and signalling rules critical;
- Social Conventions need to be adopted nationally (if not internationally);
- Crash data affecting pedestrians on footpaths is not clear on the definitions of accidents with pedestrians.
- There needs to be robust evidence that is consistent, of defined scope and agreed detail;
- Implementation without the evidence baselines will not allow measurement of benefits and effects;
- The rules we introduce now need to provide for a future with an aging population;
- More than lip-service needs to be given to making the most vulnerable pedestrians the first consideration in design and policy;
- We need to design safety for all modes, rather than focus on excluding modes.

## 9. OTHER BUSINESS and NEXT MEETING

No item of other business was raised. A. Banks requested that at the next meeting at least half of the Agenda should be allocated to discussion and understanding of the purpose of the Working Group. A date and venue to be set and communicated.

The meeting closed at 4.15.