

Parliamentary Select Committee on Transport and Industrial Relations
Hearings regarding petition of Joanne Clendon, 6th April 2017
Presentation by Roger Boulter, individual submitter

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A. My background

Urban and transport planning professional, 40 years in this field.

Much specialist cycle planning work.

UK, Birmingham City Council (full-time) Cycling Officer 1990-1995.

Represented Association of Metropolitan Authorities on Local Government and Cycling Working Party 1990-1995; chaired the Working Party 1995; helped in drafting the Working Party's *Taking Cycling Seriously* policy document.

Migrated to NZ for family reasons, 1995.

Represented New Zealand on (Trans-Tasman) Australian Bicycle Council/ Austroads Cycling Reference Group.

1999-2000 NZ Cycling Strategy Foundation Project, final report 2000 *Into The Mainstream*, major influence on 2005 NZ National Walking and Cycling Strategy *Getting There – On Foot, By Cycle*.

2005 co-author of NZ Cycle Network and Route Planning Guide.

Numerous local authority cycling and/ or walking strategies.

Won several professional awards (including one international).

Key learning from all this: **Every time there is stress on providing for cyclists off-road, then if wider mainstream transport context is not tackled** (some suggestion on this follow, at the end of this note) **it leads to downgrading cyclists' rights on the roads, expressing itself in harassment and changes in how roads are planned.** Then cyclists will never acquire the skills they need in order to know how to behave on the roads, with motor traffic – the opposite of what Jo Clendon wants.

B. Root issue – safety of 'cycling with children'

Jo Clendon is well-intentioned – I have met and talked extensively with her, and her '*Bikes Belong*' work to normalise cycling (e.g. cycle parking provision) is very welcome. **She has homed in on a solution which seems good at first sight, without looking at the bigger picture** (more below on what I suggest should be done instead).

The Select Committee will have heard many speak on the relationship between people on bikes and people on foot, on roadside footpaths. I will not focus on this – those the Select Committee have already heard will have spoken more eloquently on this than I can.

I will focus on my own area of expertise, which is **broad-scale transport policy and planning.**

C. NZTA's report *Footpath Cycling Rules Options Research*

C.1 The report's recommendations run counter to NZTA's own advice on footpath cycling safety.

The *Aotearoa Bike Challenge* promotional campaign, run earlier this year by NZTA's National Cycling Team, states as follows:

"Generally, avoid the pavement [roadside footpath] – it seems counter-intuitive at first, but it's actually a lot more dangerous and often illegal to ride on the pavement [roadside footpath; UK terminology]".

The *Aotearoa Bike Challenge* was current at the time this research report was released. It is not clear whether NZTA's National Cycling Team realised they were giving two contradictory messages at the same time, but in any case this seems very concerning.

C.2 The report raises concerns about the extent and quality of cyclist education.

The report states that only 4.9% of children aged 9-14 are being reached through child cyclist education. Especially considering the store placed on child cyclist education to teach 'courtesy', and 'safe' footpath cycling (see C.6.1 below), this is a very small proportion of children reached (see also D.1, D.3 and D.5 below).

The report also claims that most people do not know that it is illegal to ride on footpaths. This implies that cyclist educators are either not teaching this, or that their teaching is not getting the message across.

The former may be suggested by the further claim that some school cycle educators regret that the law does not allow them to teach children how they may 'safely' ride on footpaths. This implies they may be averse to teaching children that footpath cycling is illegal, or even that they deliberately avoid teaching this. In fact, if they taught the logical reasons behind footpath cycling being illegal (including, for example dangers at intersections, or from cars reversing from driveways) this would achieve the same without the educators having condoned children breaking the law.

C.3 Research uses the wrong mix of professional skill sets: numerate data analysis to the fore, when the more important data is non-numerate.

This research report was authored, and the research substantially led by, engineers and health data professionals, relating to what is primarily a public policy (rather than a technical) issue. This may have accounted to the research's focus on numerate, quantitative data, when the more important data, of greater relevance to this issue, is non-numerate and qualitative. Those skilled with evaluating non-numerate data, such as policy analysts, social scientists, psychologists, urban planners and/ or urban designers needed to play leading roles in this research; with numerate science (such as the researchers' skills) playing a lesser, 'input'-type, role.

Urban design issues are not substantially touched on, notably the potential effect of a law change on the attractiveness of walking as a transport choice, or the now very well-established role of walking in 'place-making', vibrancy and economic prosperity of urban centres. The wealth of international professional literature on urban design is missing from the other-wise extensive report bibliography.

This is no reflection on the professionalism of the report authors – I know them and they are well-respected professionally. The problem is that NZTA are using the wrong mix of skills sets to lead this research.

The report analyses usage data, crash data, and hospital data, and compares this with a wide range of overseas research on this. It concludes by referring to "*a relatively poor evidence base from which to make decisions about a rule change for footpath cycling*" (report section 8).

It is hardly surprising that the "*evidence base*" is "*relatively poor*". Footpath usage data, of any kind, is very sparse indeed. Crash, injury and hospital data only exists where a collision or injury had resulted. Most issues between different users of footpaths, or potential hazards of cycling on footpaths, do not involve either a collision or injury (and even when they do, under-reporting is widespread).

C.4 Research grouped with unrelated, road-based reviews of land transport rules and cycling; which narrows research scope so as to excluded important issues from consideration

The problems are compounded by this work being grouped within a wider review of land transport rules concerning cycling, within which it does not 'belong'. The wider land transport rules review concerning cycling, into which this footpath cycling rules review has been placed, resulted from a recommendation of the 2014 NZ Cycling Safety Panel, which was primarily concerned with cyclists' safety amongst motorised traffic (since it had been set up following a recommendation of a coroner's inquiry into cyclists' road deaths) and not issues between different footpath users. The conflating into this wider review of a study on issues raised by Jo Clendon narrows the scope of the research report, and prevents it from considering the issue which need to be considered.

It is unfortunate that, because of the way this research has been set up, it only focuses on footpath users, and a possible change in the law on footpath cycling. It should have focused on the root issue which prompted Jo Clendon's petition; that is, the safety of children cycling with adults on the road. This project focuses on a potential law change before it has been established that such a law change would be the best, or even any appropriate, way to respond to the issues raised by the submitter.

The above problems mean that the report does not even touch on several very important issues, which need to be addressed if an intelligent view of to be formed on how to respond to Jo Clendon's petition.

There is no analysis of the issue of attitudes between cyclists on the road, and motorists on the road. An extensive international literature exists on this, which finds no mention at all in the report's otherwise-extensive bibliography.

C.5 There is no analysis of the effect of a law change.

The report states that footpath cycling is widespread, and seems to infer from this that this might make a law change advisable (e.g. "*the current footpath cycling law is out of step with the existing norm of footpath cycling*", report section 1.1).

Any legal framework, whether it is widely obeyed or not, influences human behaviour. At present, cyclists on footpath have no legal grounds for defending themselves in the event of a crash, which may engender a cautious, courteous approach to people on foot. Were the law changes implemented as recommended in this report, this may encourage a more aggressive attitude ("*I've as much right here as you have, so get out of my way!*"). The report does not touch on this issue.

C.6 The report is unrealistic in several respects.

C.6.1 It significantly over-states the potential of cycle trainers (in schools) to teach footpath cycling skills and 'courtesy'.

By the report's own admission, only 4.9% of 9-14 year olds receive any school-based cycle training – so the trainers are reaching less than 1 child in 20. This age group is approaching adolescence, an age well-known as one when 'children' are known to challenge what they are taught.

C.6.2 'Adolescent males' are reported to be a problem, but the report contains no suggests as to how this problem could be resolved.

The idea of teaching 'courtesy', through reaching just 4.9% of adolescence-approaching children is manifestly impractical.

C.6.3 The report suggests a speed limit on footpath cycling, and a requirement for footpath cyclists to 'give way' to pedestrians.

Very few bikes have speedometers, very few people on foot carry speed monitoring equipment, and enforcement of the law on footpath cycling is acknowledged in the report as being close to non-existent.

C.6.4 The report suggests that a law change might encourage better design of footpath/driveway interfaces.

Land transport rules on footpath use will not be uppermost, or even anywhere at all, in the minds of developers.

C.6.5 The report does not raise concerns about the practicality of the provision, in Jo Clendon’s petition, for local authorities to have power to exclude some stretches of footpath from the law change.

This would be a very onerous task – a local Council assessing every stretch of footpath in its district – and since local authorities have many more pressing responsibilities, it almost certainly will not be done (or be done in a cursory, reactive way). If done at all, the public will be confused (even with signage in place) as to where cycling is allowed and where not and, as widely known, enforcement of the law will be close to non-existent.

C.7 The report could be considered biased in some respects.

There are many other phrases, too many to list here, which by their choice of words seem to take for granted that the suggested law change is inevitable (e.g. see C.5 above).

There is reference to some footpath user stakeholders having a “*clear position*” on the possibility of a footpath cycling law change. This implies intransigence on the part of those stakeholders. It could be stated, with equal justification, that advocates for a footpath cycling law change also have a “*clear position*”.

Every place where tricycles, or trikes, are mentioned, there are referred to as “*mobility trikes*”. This implies they are medical equipment. There is no acknowledgement that some tricycle users are not mobility impaired in any way, but simply prefer the stability afforded by three wheels (I personally know one tricycle user, who is not mobility-impaired in any way). The report says the medical exemption available to tricycle users (to allow them to ride on footpaths) is cumbersome, but does not say anything of what is involved – this information should be available if decision-makers are to make an informed decision.

D. Action needed instead of acceding to a law change

Below are set out my suggestions for public policy attention in response to Jo Clendon's petition.

D.1 Scrutiny of child cyclist education to ensure law and skills are being appropriately taught

As outlined above, some cycle trainers may be failing to teach that cycling is illegal on roadside footpaths, or the logic behind this (which would achieve the same effect "*some cycle trainers*" say they want, of equipping children with footpath cycling skills).

D.2 Footpath cycling law: no change – "*it ain't broke, so don't fix it*".

Although the current law on footpath cycling is widely disregarded, enforcement is almost non-existent, and this does not seem to cause major problems. Contrary to some claims, wheel size is an appropriate basis for regulation, rather than age (because the former is easier to ascertain). **A law change** as suggested in NZTA's report (which runs counter to the Agency's own advice on footpath cycling; see C.1 above) **would encourage** more aggression of footpath cyclists towards people on foot; more aggression of some motor vehicle drivers towards cyclists on the road; less attention given to providing appropriate cycling infrastructure; and **child cyclists failing to acquire road skills they need in order to stay safe while cycling among motor traffic** (because the law change will disincentivise them from transitioning to on-road cycling).

D.3 Increase child cyclist education to reach all pupils

Cycling should be taught as a basic life skill to all schoolchildren. An increase from the current 4.9% to 100% of schoolchildren is practicable, through it being worked into the mainstream of the school curriculum (rather than an 'add-on').

D.4 Teach cycling to adults through driver training and licencing

Although all adults need to be able to cycle competently, in order to cycle with their children as Jo Clendon does, **working on-road adult cyclist training into driver training and licencing would be a practicable way to reach a high proportion of adults**. It would also have the great advantage of giving drivers first-hand experience of what it is like to cycle on New Zealand's roads, which should contribute greatly to courtesy between cyclists and motorists. **This in itself would have safety benefits. It may also have traffic congestion benefits, through encouraging more take-up of cycling, by those who would not otherwise consider cycling, for some trips.**

D.5 Cyclist training of both children and adults should include a substantial on-road content

Learning to drive a car involves a small amount of theoretical instruction, followed by the bulk of training taking the form of 'coaching' with an instructor on the road. In contrast, cycle training tends to major on theory and simulated off-road instruction. The proportion of cycle training which takes place on the road needs to be broadly similar to that for motoring, if the necessary skills of interacting with motor traffic are to be acquired.

D.6 Road planning needs adaptations to provide for cycling

By this I do not mean building 'cycleways' or 'cycling facilities'. Most roads do not have, and practically never will have, 'cycleways' or 'cycling facilities' provided along them. The vast bulk of cycling takes place, and will always take place, on roads without any dedicated cycling infrastructure.

There is strong evidence, with supporting professional literature, going back many years that a bigger difference is made to the 'cycle-friendliness' of a transport system by attention to traffic volumes and traffic speeds. Reducing both these requires attention to measures to 'head off' potential congestion, but there are means within the scope of transport planning by which this potentially could be achieved.

Attention to the permeability of a road system is one means by which this could be addressed. Under this approach, **connections are frequent and direct for pedestrians and cyclists, while motor traffic is directed onto a more limited network of 'arterial roads'.** This 'filtered permeability' has worked well overseas, and has significantly increased the attractiveness of cycling relative to driving (with consequential benefits in terms of congestion mitigation). It also support the classic transport planning theory of a 'road hierarchy', on which much of transport planning has been based since the mid-20th century, by distinguishing between roads for through-traffic and local-access functions.