ROAD CONTROLLING AUTHORITIES FORUM (NZ) INC
Shared Footpaths Working Group

Meeting at 9:15 on 18 August 2016
NZ Transport Agency Wellington Regional Office
Room 5-16, Majestic Centre, 100 Willis Street
Wellington

PRESENT:

Dr Chris Teo-Sherrell	Living Streets Aotearoa Incorporated
Carina Duke	Foundation for the Blind
Kirsty Horridge,	Hamilton City Council (from 12.00)
Bridget Burdett	Traffic Design Group Limited (to 1.00)
Jason Eady	NZ Police (to 1.40)
Gerri Pomeroy	CCS Disability Action Waikato
Michael Harrison	Dunedin City Council
Gerry Dance	NZ Transport Agency, National Cycling Team
Lee Orchard	Office for Seniors, Ministry of Social Development
Susan Hutchinson-Daniel	Greater Wellington Regional Council (to 12.00)
Kate Bevin	Greater Wellington Regional Council
Prof. Stuart Locke	Waikato University
Sue McAuley	Nelson City Council
Andrew Knight	NZ Post (to 10.30)
Simon Kennett	NZ Transport Agency, National Cycling Team (from 12.00)
Heather Robertson	Safekidsnz, Auckland District Health Board (from 1.00)
Jeanette Ward	Abley Transportation Consultants (from 11.00)
Hamish Mackie	Mackie Research & Consulting (from 9.55)
Wayne Newman	RCA Forum Research & Guidelines Steering Group

APOLOGIES:

Karen Smith	Brain Research Clinic, University of Auckland
Margaret Parfitt	Nelson City Council
Catherine Hall	Alzheimers New Zealand
Robyn Denton	Trafinz
Will Andrews	Cycling Action Network
Trish Rudolph	NZ Transport Agency
Susan Hutchinson-Daniel	Greater Wellington Regional Council (pm only)
Jemima de Lacey	Ministry of Transport
Phillipa Townsend	Office for Seniors, Ministry of Social Development
Nathaniel Benefield	New Plymouth District
Michael Voss	Waitaki District Coucil

AGENDA

1. Welcome, introductions, apologies and emergency briefing
2. Minutes of 22 April 2016 and actions arising
3. Presentation from NZ Post on new delivery vehicles
4. Putting a value on access and participation
5. Programme for next six months – research and reporting
6. E-bike and low-powered vehicles research project
7. Footpath cycling – Transport Agency research project workshop
8. Wrap-up and next meeting

ACTIONS

1. Dr C. Teo-Sherrell (Living Streets), C. Duke (Blind Foundation), G. Pomeroy and S. Mellsopp (CCS Disability Action) to complete review of publically available guidance and other documents from the United Kingdom, Canada, divers European countries, Australia and New Zealand and further develop the gaps analysis.
2. W. Newman to circulate recommendation that road controlling authorities considering conditions for approval of footpath operation of electric delivery vehicles by NZ Post should seek a specified maximum speed less than 20km/h, specified hours of exemption, routine access to recorded vehicle data to allow proper monitoring of routes, behaviour and interaction, and a prior count of footpath users to enable monitoring of the effect on participation rates by the elderly or mobility aid users.
3. W. Newman to propose to road controlling authorities through AMIG that consistent national conditions for the acceptable minimum footpath width and volume of use, exclusions and agreed safe speeds for NZ Post delivery vehicles be agreed.
4. 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.
5. W. Newman to provide copies of two reviews of international literature regarding personal mobility devices, and mobility scooters in particular, done for the Research and Guidelines Steering Group to the E-bike and low-powered vehicles research project.

1. ATTENDANCE and APOLOGIES

Gerry Dance welcomed the meeting to the Wellington Regional Office of the NZ Transport Agency and provided the emergency and safety briefing. Each attendee gave a brief introduction of themselves and the organisation they represented and the apologies were noted. The minutes of the meeting on 22 April 2016 were approved as a true and proper record.

2. ACTIONS FROM 22 APRIL 2016

1. B. Burdett to write a summary for Forum members of the rationale and method for measuring participation by counting pedestrians including mobility aid users. This was completed and circulated.
2. W. Newman to investigate providing research budget for work on indicators to inform business cases, using the willingness to pay methodology, and developing notion of the value of a trip to different groups of people. A proposal for research in three stages was considered by the Research and Guidelines Steering Group meeting on 12 May 2016 and Stage 1 was approved.
3. W. Newman to invite Cycling Action Network, Ministry of Transport and NZ Transport Agency to participate in the group. This action is completed. CAN and MoT were apologies for this meeting.
4. W. Newman to invite NZ Post to present to the group, explaining their H&S package, operating guidelines and monitoring procedures. This action is completed. See Item 3.
5. G. Pomeroy, C. Duke and Dr C. Teo-Sherrell to identify current gaps in guidelines for providing footpaths and for shared footpaths. This action is open.

   Chris Teo-Sherrell (Living Streets), Carina Duke (Blind Foundation), Gerri Pomeroy and Susan Mellsopp (CCS Disability Action) reviewed publically available guidance and other documents from the United Kingdom, Canada, several European countries, Australia and New Zealand for relevance. A draft summary of the gaps identified by advocates to date was circulated for this meeting. It is envisaged that this draft will be developed further after completion of the literature review and discussion with the working group.

   Key Messages from the review are:

- Any guidance, rules or regulations:
  - Must be holistic and minimise unintended consequences;
  - Must consider international best practice regarding management of shared footpaths/ paths
  - Must have an agreed definition of shared footpaths/ paths
  - Must have pre and post counts in trial areas to enable considered evaluation
- The first response should not be to convert existing footpaths to shared paths, or that new footpaths are designed as shared paths.
- The ideal is to design for all modes of transport with pedestrians having the priority.
- Behaviour change, education and awareness programmes are as essential as enforcement and maintenance.

3. NZ POST NEW DELIVERY VEHICLES

3.1 NZ Post has been considering the introduction of new vehicles for local deliveries in areas suitable for their use. NZ Post approached the NZ Transport agency to undertake trials of two potential delivery vehicles. Their preferred option, following these trials, is the Loyds Paxster Hardtop.

3.2 The NZ Transport agency concluded that trials in New Plymouth have shown that, where the road and footpath layout can accommodate these vehicles, they can be operated safely, without creating concerns for other road or footpath users.

3.3 The Agency considers that the Paxster can be safely used on a footpath, subject to factors such as the width of the footpath and volumes of pedestrians. The Agency has agreed to issue exemptions to allow the use of the Paxster on a footpath by NZ Post where the responsible road controlling authority has given permission for that use.

3.4 Andrew Knight explained that NZ Post was under pressure to integrate the delivery of mail and parcels in the urban residential delivery zone. This zone has high unit costs and delivery duplication at the moment. An integrated delivery model could allow a 40% potential reduction in Courier Post delivery van numbers in this zone, if 80% of residential parcel deliveries were by the Paxster vehicles.

3.5 Integrated delivery is expected to be a phase lasting about 5 – 7 years, beyond which mail volumes are forecast to drop to levels where mail can be delivered by the courier vans. NZ Post has plans to deploy 555 Paxster Hardtops.

3.6 The vehicles will have additional safety modifications, including top LED running lights and a forward GPS-linked ‘dash-cam’ with three days of video storage. The camera will have a manual override to prevent any footage of an incident from being lost by being over-recorded. Footpaths near schools, hospitals, libraries and suburban shops are likely to be excluded from inclusion on integrated delivery routes.

3.7 The Paxster has a maximum speed of 45km/h. The footpath operating speed in the early trials was 10km/h, but this has since been amended to a ‘safe riding speed reasonable in the conditions’ with a maximum of 20km/h. This was evident in the conditions for the approval of footpath operation granted by New Plymouth District Council, where the vehicles “will travel no faster than 10 km/hr on the footpath”, and Waitaki District Council, where the vehicles “will maintain a safe speed on the footpath”.

3.8 Similarly, the tare weight has increased from 335kg to 400kg and the payload has increased from 200kg to 300kg, increasing the fully laden weight 30.8% from 535kg to 700kg.

3.9 NZ Post has identified potential deployment sites in 37 road controlling authority districts and obtained initial “approval in principle” from 25 of these. Whakatane, Napier, Wellington, Nelson and Tasman have declined approval to date. NZ Post intends to “re-visit” these authorities.

Discussion

3.10 There is a potential for the added high-intensity LED lights to be a 'dazzle-hazard' in some circumstances. This will need to be monitored. At the moment there seems nothing in place for monitoring to be undertaken (or be able to be undertaken) by local authorities. It would be of enormous value to local authorities to have access to the camera data from their networks, both to monitor the condition and levels of service of the network and to monitor the speed, behaviour and interaction of the NZ Post delivery vehicles.

3.11 The process or consultation involved in the 30% increase in laden weight and 100% in maximum footpath speed remains unclear, but each increase of itself is a concern and the combined increase of mass and speed in any potential accident is alarming. While NZ Post and the Transport Agency have looked at the safety of the vehicles for operators and other users of the road and footpath, there remains a need to monitor the affect of these devices on participation rates by different parts of the community.

3.12 The road controlling authority would need to be assured that a change in the perception of risk by more vulnerable network users did not diminish their rates of participation and lead to increased social fragmentation and isolation. In the context of the increasing range of mobility devices seeking space on the network and generally being moved onto footpaths, there is a greater need for recognition of the hierarchy of mobility needs, based on the opportunity cost to the individual of losing mobility.

3.13 The hours for the exemptions being sought seem very broad: 24 hours a day, seven days a week in New Plymouth; 7 am to 6 pm seven days a week in Waitaki. Do these hours realistically reflect the planned operating hours of NZ Post?

3.14 It was agreed that road controlling authorities considering conditions for approval of footpath operation of electric delivery vehicles by NZ Post be encouraged to seek a specified maximum speed less than 20km/h, specified hours of exemption and routine access to recorded vehicle data to allow proper monitoring.

3.15 For any authority to be able to monitor the effect on participation rates by the elderly or mobility aid users, a prior count of users must be undertaken. Consistent national conditions for the acceptable minimum footpath width and volume of use, exclusions and agreed safe speeds should be sought.

4. PUTTING A VALUE ON ACCESS AND PARTICIPATION

4.1 Bridget Burdett reported on the results from the surveys done in Hamilton. Hamilton City matched the RCA Forum funding for the project, which produced 74 hours of pedestrian counts.

4.2 The rationale for the project is that data on inclusion is lacking for both public transport and footpaths. There is a dearth of data about people using shared footpaths, with next to no data about inclusion in public spaces, or public processes generally. In transport we understand even less about path

users' age profiles, gender, ethnicity, purpose for travelling and how investment in a transport asset, such as a path, benefits peoples' lives.

4.3 Counts were done on Wairere Drive at three locations (Wairere, Te Rapa and Clyde), on the River Path and at Hamilton Lake. Lower than 'expected' results, for the known proportion of the population in the area with a disability, were obtained at the River Path and Hamilton Lake (8/3002 across 34 hours). Higher than 'expected' results were obtained on the Wairere Drive "ring road" (34/364 using mobility aids across 13 hours).

4.4 A possible explanation for this difference is that the most prevalent mobility aid counted was a powered scooter. No manual wheelchairs, walking frames or white canes were seen on any of these paths in 74 hours of survey. Whereas Wairere Drive is a level and smooth path, the paths at Hamilton Lake and beside the river are recreational and steeper.

4.5 Stuart Locke presented an analysis of the approaches to valuing a path for someone lacking mobility alternatives. What is the value of the intangible benefits? A benefit-cost analysis seeks a monetary equivalence. If use by persons with a disability is considered only in terms of safety, the benefit-cost is defined by value of life, limb, suffering or damage. For persons without a disability, use is considered in terms of mobility benefits – access to desired destinations, time savings, increased comfort and increased convenience. There is a need to look at the capability or opportunity to achieve well-being. The user benefits of mobility to someone with a disability can include better health, access to education and access to employment. Participation in daily life can deliver improved physical and psychological health.

Discussion

4.6 In every measure of inclusion there is a gross under-representation of Asian, Maori or Pasifika people using active infrastructure, and there is a matching over-representation of these groups in health issues exacerbated by inactivity. There is a need to have high-level policy engagement between health and transport on the determinants of health.

4.7 There is a need to understand why some facilities are used or not used. The "Veranda" at Hamilton Lake is a very popular location, with very high numbers of young mothers and young children, but no mobility aid users or children with a visible disability were observed. Conversely, many malls are used intensively by the elderly and those with moblity aids, because they offer cover, good surfaces and compact access to destinations.

4.8 The challenge is to "see who is not there" and to understand why. More data are needed to make any inferences about variation by time of day or week. Are the elderly and those using mobility aids most likely to be using the footpaths at the same time as Paxster delivery vehicles, for example?

4.9 There is a significant overlap in this work with the work being done with Future Streets. There is a need to establish the principle of use and the priority of pedestrians. This requires a reassessment of the reallocation of space that is occurring, with the default already becoming the shared path. The One Network Road Classification recognises footpaths, with roads and

bridges, as system outputs and notes their maintenance is a direct infuence on safety and accessibility. While under the Funding Assistance Rate local authorities get co-funding for maintence of shared paths, maintenance of footpaths is a non-subsidised activity.

4.10 The result has been an increase in efforts to shift cycling off roads, despite research showing that more cyclists on roads was the more effective means to increase cyclist safety once a threshold of around 5% cycling mode share is achieved. Most of New Zealand is still below this threshold. As paths have been smoothed and made more direct, allowing cyclists to use them at higher speeds, the pedestrian journey has often been made more difficult.

4.11 A broader conversation on participation is needed to entrench recognition of a hierarchy of road space users that places those with the least mobility choice at the apex. For the Transport Agency, the need is to recognise that the network is fractal; no matter at what scale it is examined, there is a finer network of mobility connections beneath it that cannot be ignored in understanding the functioning of the network.

4.12 This group needs to continue to expand its connections, especially with cross-government potential research investors, and membership.

5. PROGRAMME FOR NEXT SIX MONTHS

It was agreed that further discussions on this would take place. Reports to the Trafinz Conference and RCA Forum in November are planned, and a presentation to the IPENZ Transportation Group in March has been mooted. Actions from this meeting are expected to carry the group to a meeting before Christmas this year.

6. E-BIKE AND LOW-POWERED VEHICLES RESEARCH

6.1 Simon Kennet provided a brief introduction to this project and invited comment on the possible parameters for the research.

Discussion

6.2 The 2 KW limit used to define the project is consistent with existing regulatory limits for mopeds, but inconsistent with the limits used for other devices on footpaths. These are already an unsatisfactory device for enforcement. Although a consistent power rating would be desireable, there is no effective means of being certain of the cc or W rating of a device stopped on the roadside. New devices, such as the Yikebike, can travel at 30km/h and potentially would be able to use the footpaths.

6.3 The regulatory separation of the road into carriageways, cycle lanes or paths and footpaths is struggling to respond appropriately to new technology. A regulatory approach that anticipates a multi-modal network and provides the regulations that are able to cope with unknown future need is required. This needs to begin by avoiding the situation where devices arrive in NZ and need to be fitted into an existing class.

6.4 The research needs to address whether devices being used within the road network, including on footpaths, should be regulated by registration and certification. It needs to consider speed governance, rules for use and

assessment of competency, including potential minimum and maximum ages, reaction times, cognitive and physical capability, and vision and hearing impairment limits.

6.5 The risks to footpath users with any disability, or to the very old or very young need to be considered, and detectability for other users with impaired vision or hearing needs to be addressed. In considering risk, the question of insurance needs to be addressed, too.

6.6 The research should fit within a strategic vision for the transport network and address the question of what is an appropriate fit for the network. The planning and design of the footpath network has been predicated entirely on an assumption of very low speeds; visibility, angles, entrances and intersections are not designed for speeds significantly faster than walking speed. The research needs to address the effect of speed differentials on footpaths that are several multiples of walking speed.

6.7 The RCA Forum has already undertaken two reviews of international literature regarding personal mobility devices and mobility scooters in particular. It was agreed that the reports would be provided to the project.

7. FOOTPATH CYCLING – RESEARCH PROJECT WORKSHOP

7.1 Jeanette Ward and Hamish Mackie facilitated a workshop on the issues for footpath cycling, as part of the Transport Agency research on the effects of allowing cycling on footpaths.

7.2 A range of devices already has access to footpaths beside pedestrians, including mobility scooters, recreational devices with wheels less than 355mm and NZ Post delivery vehicles (where approved) and footpath cycling is permitted in all Australian states to some degree.

7.3 Survey findings show that elderly and vision impaired pedestrians have had near misses and been forced to jump aside from cyclists on footpaths, but that cyclists are not prepared to ride on some roads. 86% of children surveyed reported having ridden on footpaths; 71% claimed that they did not know this was illegal.

7.4 A search of 20,737 incidents logged in CAS involving cyclists, pedestrians, skateboarders or mobility scooters found that 10,589 involved cyclists falling off with no other party involved and only 1,065 involved cyclists riding on the footpath. Of those 1,065 incidents, only 14 involved a collision with a pedestrian, with no fatalities and 7 serious injuries.

Discussion

7.5 It was noted that the rate of serious injury was 50% and that over 1,000 incidents were logged for cyclists riding on the footpath - an activity that is still illegal unless with wheels under 355mm, or in delivering mail, newspapers or advertising materials. The levels of under-reporting in CAS for cycle-only incidents is estimated at 75-95%, with similar levels likely for pedestrian-cyclist incidents. Under-reporting for incidents involving vehicles and pedestrians or vehicles and cyclists is estimated at 30-35%.

7.6 Several local authorities have set up 0800 numbers or on-line forms for reporting incidents to overcome the deficiencies of the CAS data. Local authority data is likely to be more reliable and finer grained. ACC data is too imprecise to be useful at all.

7.7 The focus remains on safety as measured by reported incidents, rather than on perceptions of safety, which will be a product of unreported near misses, or the effect on participation.

7.8 The proposal to allow children below a certain age (potentially 12) to cycle on footpaths seems to be an admission of failure of the Safe Systems approach, if the roads that most children under 12 ride on, likely be roads where most children live, play, go to school or visit libraries and local shops, cannot be made safe enough for children to ride on.

7.9 Given that recent research indicates that children's use of their local neighbourhood will reflect their parents' use of their neighbourhood, an approach of encouraging children to cycle, rather than encouraging adults to cycle, is probably a less effective long-term strategy than encouraging *both* adults and children to cycle and increasing the cycling mode share on roads.

7.10 There is a need to define a pedestrian and to define what the priority of pedestrians means, and to define what priority for the most vulnerable means. What is being proposed is a decision that would advantage one group that by ethnicity, income and age is generally already advantaged, while further disadvantaging numerous groups with disabilities.

7.11 Adoption of general access footpath cycling extends the choice available to cyclists, of using either the road or the footpath, at the potential cost of a diminution in safety and opportunity for pedestrians with no other alternative to footpaths. This is inequitable.

7.12 The current situation permits an authority to designate a footpath as a shared path if it meets minimum standards and where it will not disadvantage existing users. This can adress situations where cycling on the road is perceived to be unsafe (e.g. parents will typically forbid young children from riding to school or the park on busy arterials). The proposal for general access to footpaths can be interpreted as a move to reduce the minimum standards for a path shared by cyclists and pedestrians. Based on the Australian experience, there is a significant difference in the behaviour of people cycling on a footpath compared with cycling on a shared path. That is, people tend to cycle relatively slowly on footpaths, and more quickly on a shared path.

7.13 Footpaths vary greatly in their specifications and maintenance standards and already many footpaths are not universally accessible in their current state. Allowing general footpath cycling through a rule change cannot improve accessibility, safety or perceived safety for pedestrians.

7.14 Discussion of the need for protocols for passing or for direction of travel on footpaths by cyclists, relative to the direction of travel of the nearest traffic lane, or for stopping or standing on a footpath, indicates the inherently inappropriate nature of a footpath for vehicular use.

7.15 Mandatory requirements for flashing lights and auditory warning devices (whether a bell or a 'clicker') would not transfer responsibility for care and would need to be considered carefully for potential effects and effectiveness. Many individuals have a susceptibility to flashing light. Auditory warning devices would have limited effect for pedestrians with impaired hearing, either through disability or by choice in choosing to wear earphones while walking.

7.16 The political consequences of the proposal need to be considered. Allowing cyclists to ride on footpaths would further reduce any incentive for local councillors to commit funding to improving facilities for, or reducing impediments to, cycling. Based on overseas experience, providing cyclists with the right to ride on footpaths is interpreted by motorists as removing the right of cyclists to ride on roads. This proposal has the potential to undo two decades of progress in gaining better acceptance of cyclists on roads.

7.17 Published research on a negative correlation between footpath cycling and pedestrian perception of safety is strong, and suggests that safety for cyclists themselves for footpath cycling is "mixed" at best:

7.18 Local research has supported the international literature. In 2015 CCS Disability Action and TDG completed a survey of peoples' views of transport in New Zealand, with a focus on people with disability. The comments received in that survey highlighted perceptions about safety and amenity that affect use of pedestrian infrastructure:

- *"I am unhappy about the numbers of bicycles being ridden on the footpath as though every footpath is a shared cycle and pedestrian path. Even on shared paths I will often walk on the grass rather than compete with bicycles approaching without warning, from behind especially, and at speed. I would hate to have my future mobility curtailed by being hit by a bike."*

- *"Sometimes I get scared because people come too close to me and I end up falling."*

8. NEXT MEETING

It was agreed that no meeting be convened before the presentations in mid-November. A meeting in late November or early December to be scheduled.

Meeting closed 4.30