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A commentary from the Retirement Policy and Research Centre

Accessible Streets? Yeah, right.

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Once the COVID-19 lockdown ends, our streets will be busy again. We have a chance to ensure we get it right for pedestrians this time, and e-scooters stop being a hazard.

The Accessible Streets consultation

On 9 May 2020, the Ministry of Transport Wake Kotahi released the [Accessible Streets Regulatory Package](#) for consultation. The purpose of the Accessible Streets Regulatory Package is stated as:

To increase the safety and accessibility of our footpaths and streets, and encourage active modes of transport.

'Active modes of transport' includes, as well as walking and running, micro-mobility devices and powered transport devices such as e-skateboards, powered unicycles, hoverboards, powered adult tricycles, e-scooters and e-bikes.

Health and safety reality check

E-scooters and other powered transport devices on our footpaths have proved to be disastrous for pedestrians and unsafe for riders, imposing high costs on our health and ACC systems. University of Auckland researchers looked at 708 acute orthopaedic operations at Auckland City Hospital between October 15, 2018 and February 22, 2019, before Wave, Jump and Flamingo entered the e-scooter market.

[Auckland surgeons are operating on more e-scooter injuries than motorbike injuries](#), and e-scooter crash victims are arriving at hospital with the sort of traumatic, multiple injuries usually only seen after car crashes. On 25 January 2020, Brittany Keogh reported that despite the withdrawal of two major operators, Auckland's [e-scooter-related injuries](#) cost taxpayers over \$40,000 per week.

The decision to restrict e-scooters to footpaths destroyed the enjoyment of walking in the city and suburbs. In Auckland, the pavements became a battleground between e-scooter riders and pedestrians, and pedestrians lost. Those brave enough to risk walking must cautiously approach every corner, trying to watch both in front of them and behind, hoping they will not be knocked down by a speeding e-scooter. The speed and silence of e-scooters makes them a formidable and terrifying weapon on the footpath.

International experiences of e-scooters

Many cities have banned scooters. In [London, e-scooters are illegal](#), although hundreds of Londoners have bought their own, but the owners e-scoot on the roads, not the footpaths. [Los Angeles has confined e-scooters to roads](#). [In Paris, the 20,000 e-scooters](#) have caused multiple injuries despite being confined to the roads, and at least six scooter deaths have been reported in France.

Promotion of powered transport devices is often justified on the basis of decreasing road congestion, however a [June 2019 survey](#) of Paris e-scooter users revealed that 47% of riders would have simply walked if an e-scooter hadn't been available. There is also a likely negative impact on the use of public transport.

Also, environmental sustainability claims are not supported by much of the available research. While e-scooters are often promoted as a "green" mode of transportation, dockless systems have [high environmental costs](#). In [some scenarios](#), their per-kilometre lifetime carbon emissions that are comparable to those of midsize gas-powered cars.

For communities in general, the business model currently used by operators of dockless e-scooters and bikes imposes a range of [negative externalities](#), including e-scooters left sprawling after being used, leaving cities to impose order and discard broken vehicles.

Proposed regulations

The package of proposed regulations for New Zealand appears to be primarily designed to ensure micro-mobility devices have almost unrestricted legal access to footpaths, shared pathways, cycle-paths and cycle-ways.

Under **Proposal 1**, pedestrians are acknowledged as the main people using the footpath, and powered wheelchairs will be treated as pedestrians. If there's no footpath available, they can use cycle paths, cycle lanes and shared paths.

Also, unpowered transport devices including wheelchairs, skateboards, push scooters, bicycles, adult tricycles and roller blades can be used on footpaths but only when the footpath is empty of pedestrians, and on cycle paths, cycle lanes, shared paths and the roadway if a road controlling authority permits it.

But contrary to any pedestrian safety concerns, powered transport devices including e-skateboards, powered adult tricycles, powered unicycles, hoverboards, e-scooters and e-bikes can use footpaths and shared paths, as well as cycle lanes, cycle paths and the roadway if a road controlling authority permits it.

Proposal 2 would establish a national framework for the use of footpaths. Under the new rule, users riding on the footpath "must behave in a courteous and considerate manner, travel in a way that is not dangerous for other people using the footpath, travel no faster than 5km/h and give right of way to pedestrians".

Yeah, right! Just as e-scooter riders currently give right of way to pedestrians.

Proposal 3 establishes a national framework for the use of shared paths and cycle paths, so the same regulations would apply nationwide.

Proposal 4 would enable powered and unpowered transport devices, including e-scooters and skateboards, to use cycle lanes and cycle paths. And if a footpath is not available, it would enable pedestrians and mobility devices to share cycle lanes and cycle paths.

The only concession to pedestrian safety is that faster transport devices, like e-scooters or skateboards, must move onto parts of the road where they are less likely to come into conflict with pedestrians.

Proposal 5 introduces the only concessions to night-time safety for all users of footpaths, shared paths, cycle lanes, cycle paths and the roadway. Cycles and powered

transport devices riding at night must use a headlamp, a rear facing position light, and reflectors, and the user must wear reflective material.

The other proposed regulations are:

Proposal 6: Allow cycles and transport devices to travel straight ahead from a left turn lane; Allow cycles and transport devices to carefully pass slow-moving vehicles on the left, unless a motor vehicle is indicating a left turn; Give cycles and buses priority over turning traffic when they're travelling through an intersection in a separated lane.

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

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

Proposal 9: Give buses priority when exiting bus stops.

A better way forward

Contrast those proposals with [Proposed e-scooter regulations in France](#), published in October 2019, promoting both user and pedestrian safety.

- Riding on the pavement is prohibited unless at walking speed.
- Only one rider is allowed per device.
- No mobile phone use is allowed.
- Users cannot go against the traffic flow and must use cycle paths where available.
- Riders are not allowed to wear headphones while on their e-scooter.
- The e-scooters' top speed is capped at 25km/h.
- Users riding on permitted faster roads must wear a helmet and high-visibility clothing.
- E-scooters are banned completely on unsealed roads.

It is also worth noting that any infringement of the regulations will be punished by a fine of NZD \$232, and up to NZD \$2,581 for going over the speed limit.

Conclusions

It seems a gross oversight that New Zealand's proposed regulations to ensure accessible streets have ignored the overseas experience with the use of powered transport devices.

If our hospitals are not to be burdened with avoidable injuries and our cities and communities are to become truly age-friendly, the accessible streets regulations must be revised to promote both pedestrian and user safety.

If e-scooters were confined to roads, we wouldn't see 2-up on an e-scooter, with the second rider often a child, and neither rider wearing a helmet or any other safety gear.

Pavements will not be age-friendly as long as they are ruled by e-scooters. Let's ensure our Accessible Streets regulations make pavements safe for us all.

Closing date for submissions on the [Accessible Streets Regulatory Package](#) have been extended from 22 April to 20 May.

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