



BUSINESS SCHOOL

Retirement Policy and Research Centre

Department of Economics, Owen G Glenn Building, 12 Grafton Rd, Auckland

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To: Ministry of Transport Wake Kotahi c/o accessible.streets@nzta.govt.nz

Submission: Accessible Streets Regulatory Package 2020

The Retirement Policy and Research Centre (RPRC), an academically focused centre specialising in the economic issues of demographic change, is based in the Department of Economics at the University of Auckland Business School. Information on the people and their research is found on the website at <http://www.rprc.auckland.ac.nz>.

Thankyou for the opportunity to submit on the Accessible Streets Regulatory Package 2020.

Contact: Dr M.C.Dale, Research Fellow RPRC, m.dale@auckland.ac.nz

The purpose of the Accessible Streets Regulatory Package¹ is stated as:

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

Accessible Streets will create a national framework clarifying the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. This will include a 15km/h speed limit on the footpath and a requirement for all other footpath users to give way to pedestrians....

Background:

The package appears to be primarily a response to the proliferation (prior to COVID-19) of micro-mobility devices like e-scooters. In fact, one blessing to emerge from the pandemic is that our pavements, provided social distance is maintained, have become, again, safe for pedestrians.

New Zealand has an ageing population. Estimates indicate there will be one million seniors within the next decade, and by 2034, a quarter of the population (1.2 million) will be aged 65-plus. [Auckland Council is drafting an age-friendly action plan](#) in a bid for membership of the World Health Organisation's [Global Network of Age-Friendly Cities and Communities](#).

To be 'age friendly', both the physical and social environments need to enable older people to live in their community safely and comfortably. An 'age friendly' community

¹ See <https://www.nzta.govt.nz/about-us/consultations/accessible-streets>.

requires the same 'safety and comfort' conditions for all people, including those less able, and children.

For these conditions to be met, it must be safe for people to walk the pavements.

Concerns related to e-scooters:

1. **The lack of safety for pedestrians on our footpaths.** The decision to restrict e-scooters to footpaths destroyed the enjoyment of walking in the city and suburbs. This has occurred at the same time as massive disruption as cycle-ways are developed.

If e-scooters were confined to roads, we wouldn't see 2-up on an e-scooter, with the second rider often a child. Road rules would have to be obeyed, and we wouldn't have pedestrians nervously approaching every corner, trying to watch both in front of them and behind, hoping they will not be knocked down by a speeding e-scooter.

In Auckland, the pavements became a battleground between e-scooter riders and pedestrians. It is a battle the pedestrians cannot win. An OIA request to Government Engagement & Support showed that between July 2018 and 18 February 2020, ACC accepted 4,512 e-scooter claims, and 46 e-scooter and pedestrian claims.

Pavements will not be age-friendly as long as they are ruled by e-scooters. The current regulations mean Auckland City cannot be age-friendly.

2. **The safety of e-scooters was first questioned** only days after the arrival in Auckland of rent-to-ride e-scooter operator, [Lime, in October 2018](#). A year later a study found e-scooter injuries cost Auckland's health system **\$1.3 million in seven months**.

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: 23 operations for e-scooter riders cost a total of \$360,557 excluding the victims' lost income.

After the first [e-scooter death in Auckland](#) in June 2019, Transport Minister Phil Twyford said "We are going to regulate to ensure the users of these scooters can share public spaces in a way that's safe and reasonable for everyone." Yet July to November 2019 averaged 30 presentations per month at [Auckland City Hospital's emergency department](#) for such injuries. In December, there were 44 such presentations – the highest number in six months. On 25 January 2020, Brittany Keogh reported² that despite the withdrawal of two major operators, [e-scooter-related injuries](#) in Auckland cost taxpayers more than \$40,000 per week. Data shows ACC paid out \$179,477 for [e-scooter related incidents](#) in December 2019.

3. **Auckland Council ignored the prior experiences of other cities:**

Many cities, including New York, have banned scooters. In [London, e-scooters are illegal](#), although hundreds of Londoners have bought their own, and the owners e-scoot on the roads, not the footpaths.

[Los Angeles has confined e-scooters to roads](#). Although data collection is not good, a study out of Austin, Texas [published in early May 2019](#) showed that of 190 people injured while riding e-scooters over a 3-month period, nearly half sustained head

² The Stuff article is available [here](#).

injuries, 15% suffered a traumatic brain injury, and only 1% of riders were wearing helmets.

[In Paris, the 20,000 e-scooters](#), despite being confined to the roads, have caused multiple injuries and at least six scooter deaths have been reported in France.

Research in Paris has also revealed other myths:

- a [June 2019 survey](#) of Paris e-scooter users revealed that 47% of riders would have simply walked if one hadn't been available.
- e-scooters are often promoted as a "green" mode of transportation, but 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.
- the business model currently used by operators of dockless e-scooters and bikes imposes a range of [negative externalities](#), for example e-scooters left sprawling after being used, and cities having to impose order, discard broken vehicles, and sort out (and fund) minor and [sometimes fatal](#) accidents.

Proposed e-scooter regulations in France,³ a recommended model:

- Riding on the pavement will be prohibited unless in designated areas, and then at walking speed only
- Only one rider will be allowed per device, and no mobile phone use will be allowed
- Users cannot go against the traffic flow and must use cycle paths where available
- Riders will not be allowed to wear headphones while on their scooter
- The scooters' top speed will be capped at 25km/h
- Users riding on permitted faster roads must wear a helmet and high-visibility clothing
- E-scooters will be banned completely on country roads
- Any infringement will be punished by a fine of €135 (NZD \$232.32), and up to €1,500 (NZD \$2,581.31) for going over the speed limit.

Responses to Accessible Streets Regulatory Package Proposals:

Proposal 1. Change and re-name the types of devices that used on footpath, shared paths, cycle paths and cycle lanes.

We support:

Pedestrians are the main people using the footpath. If there's no footpath available, they can also use cycle paths, cycle lanes, shared paths and the roadway.

Powered wheelchairs will be treated as pedestrians and will be allowed to use the footpath. If there's no footpath available, they can also use cycle paths, cycle lanes and shared paths.

Unpowered transport devices including skateboards, push scooters, bicycles, adult tricycles and roller blades can be used on footpaths 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.

³ See <https://www.bbc.com/news/world-europe-50189279>, 25 October 2019.

Powered transport devices, including e-skateboards, powered unicycles, hoverboards, powered adult tricycles, e-scooters and e-bikes can be used on cycle lanes, cycle paths and the roadway if a road controlling authority permits it.

We do not support:

Powered transport devices including e-skateboards, powered unicycles, hoverboards, e-scooters and e-bikes using footpaths and shared paths.

Proposal 2. Establish a national framework for the use of footpaths

We support:

For the safety of others sharing the footpath, users riding on the footpath under the new rule must behave in a courteous and considerate manner, travel in a way that is not dangerous for other people using the footpath, and give right of way to pedestrians.

Users riding on the footpath must travel no faster than 5km/h.

We do not support:

Powered transport devices including e-skateboards, powered unicycles, hoverboards, e-scooters and e-bikes using footpaths.

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

We support:

A path is declared to be a shared path or cycle path by resolution by road controlling authorities.

All users must give way to pedestrians on shared paths, and

A speed limit is set on shared paths and cycle paths.

We do not support:

Powered transport devices including e-skateboards, powered unicycles, hoverboards, e-scooters and e-bikes using shared paths.

Proposal 4. Enable transport devices to use cycle lanes and cycle paths

We support:

Transport devices, including e-scooters and skateboards, using cycle lanes and cycle paths.

Pedestrians and mobility devices can use cycle lanes and cycle paths if a footpath is not available.

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.

We do not support:

Powered transport devices including e-skateboards, powered unicycles, hoverboards, e-scooters and e-bikes using footpaths and shared paths.

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

We support:

Cycles when riding on the road at night must use a headlamp, a rear facing position light, and reflectors.

Powered transport devices on the roadways, cycle lanes and cycle paths at night must be fitted with a headlamp, a rear-facing position light, and a reflector, and **The user** must wear reflective material.

Further proposals to promote 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.

Any infringement will be punished by a fine of \$232.32), and up to NZD \$2,581.31 for going over the speed limit.

The use of powered transport devices must be reframed to promote user and pedestrian safety if our hospitals are not to be burdened with avoidable injuries and our cities and communities are to become truly age-friendly.