

Proposal 2C: 750mm width restriction for vehicles that operate on the footpath

Current state

Devices and vehicles that are allowed on the footpath do not have a width restriction. However, cycles with a wheel diameter exceeding 355mm (a wheel size that typically fits a cycle ridden by a five or six-year-old) cannot be used on the footpath.

This means that most children (and all adults) are currently prohibited from cycling on the footpath. In practice, younger cyclists tend to ride on the footpath for most of their trips, unaware that this is illegal. To most children and their parents, the footpath is seen as the safest option, and the New Zealand Police and the Transport Agency recommend that children under the age of 10 only ride on the road when accompanied by a competent adult rider.

Other cyclists use the footpath at some point in their journey in response to unsafe road environments. For example, when there is heavy, fast-moving traffic and a cycle lane is not available. The current settings mean that this action, taken in the interest of safety, is not allowed.

There are also devices (such as larger mobility devices) that fit the wheel size requirements but take up the entire footpath when they travel. This can impact another user's access to the footpath as they must walk or travel behind the large device, or walk on the road, which can be dangerous.

Proposed change

The proposed change will create a general width requirement of 750mm for all devices using the footpath. This means that users will be able to ride a cycle or other device on the footpath, if that device or cycle is 750mm or less in width. 750mm is half the clear width of a narrow footpath, which will ensure that the footpath can be shared between users.

Powered and un-powered wheelchairs will still be able to use the footpath if they exceed this limit.

Cycles that exceed 750mm

We understand most cycles are less than 750mm wide. However, there may be some cycles with particularly wide handlebars that exceed this width. Users of these cycles would not be permitted on the footpath.

Devices for medical or mobility purposes that exceed 750mm

Devices used for medical or mobility purposes will not be permitted on the footpath if the device exceeds 750mm. Mobility scooters (which have an average width of around 660mm) will not be affected by this change. Wheelchairs (both powered or unpowered) will be exempt from this limit. However, there are already mobility devices for sale in New Zealand that exceed 750mm. Cabin mobility scooters (covered in mobility scooters), for example, have an average width of 800mm. There are also oversized devices known as mini electric cars or 'twizys', which are enclosed four-wheeled electric devices with an average width of 1190mm. These devices are not viewed as mobility devices by the Transport Agency but are owned by some New Zealanders.

We currently have limited information about devices that exceed 750mm in width and how many people use these types of devices for mobility purposes on the footpath. While the 750mm limit is intended to provide plenty of space to all footpath users, the proposed width limit may not be suitable for a range of users who already ride and depend on a wider device. If you use or supply a mobility device that is wider than 750mm, we are interested in your feedback on the type of device you own, the size and width of this device and where it is used.

Exemptions for devices that exceed 750mm

If the proposed restriction is introduced, users who already own these types of devices and use them for medical or mobility purposes may be able to apply for an exemption from the NZ Transport Agency to continue using their device on the footpath. Users will need to pay a fee of \$27.80 to apply.

To be granted an exemption, the user will need to show that the risk to safety will not be significantly increased by being permitted on the footpath. The user will also need to show that:

- Requirements have been complied with and further compliance is unnecessary; or
- providing an exemption is as effective or more effective than actual compliance with the width requirements; or
- the prescribed requirements are unreasonable for the user or,
- events have occurred that make the width limit inappropriate for the user.

These criteria are set in legislation and will need to be considered by the Agency whenever an application for an exemption is made. This means that even if a wide mobility device was purchased before the introduction of the width limit, the above criteria will still need to be met for an exemption to be granted. Likewise, if an exemption is granted for a device, this does not guarantee an exemption will be granted for a similar device. The Transport Agency grants exemptions on a case by case basis and may consider its own guidance on mobility devices before deciding to grant an exemption. Existing guidance on the importation of mobility devices suggests that mobility devices should not exceed 850mm¹.

Risks

It is currently unclear how many users rely on devices that exceed 750mm in width. If the number of users is significant, this could result in a number of users being disadvantaged by the proposed change.

Requiring users to apply for an exemption could also put an unnecessary financial burden on those who need these devices for medical reasons. It is unlikely that the NZ Transport Agency will grant exemptions for electric mini cars or 'twizys' as it is the Agency's view that these devices should not be treated as a mobility device or used on the footpath. This could disadvantage vulnerable users who have already purchased a 'twizy' as they would not be permitted on the footpath.

Alternative approaches to mitigate the impact on existing device owners

In addition to the existing exemption process, we are interested in your feedback on whether other steps should be taken to mitigate the impact of the proposed width limit on owners of existing mobility devices that are over 750mm wide.

For example, mobility devices purchased prior to the rule changes could be automatically exempt from the width limit. This would mean owners of existing mobility devices would not be unfairly disadvantaged. However, we recognise this could be difficult to enforce, as it would be challenging for enforcement authorities to prove whether a mobility device was purchased before the changes were introduced.

Alternatively, or in addition, we could introduce a change where wider devices that are over 750mm wide and declared to be mobility devices under section 168A of the Land Transport Act are excluded from the width requirements. Once declared to be a mobility device, devices over 750mm would be

¹ Transport Agency guidance on importing mobility devices can be accessed here:
<https://www.nzta.govt.nz/assets/Vehicles/docs/General-guidance-on-what-to-look-for-when-importing-a-mobility-vehicle.pdf>

permitted on the footpath. This could help mitigate the risks associated with vehicles that are being sold as mobility devices that resemble small cars.

Given we know there are existing mobility devices that are over 750mm wide, a separate width limit could apply to mobility devices. However, we recognise allowing wide vehicles on the footpath creates risks for other users and could make sharing some footpaths more difficult.

Questions 7-10 below seek specific feedback on these options

Questions for your submission

7. Should the width limit apply to devices that are used for mobility or medical purposes, or should a different width limit apply?
8. Should existing mobility devices that are over 750mm wide be exempt from the width limit?
9. Should vehicles over 750mm wide that have been declared to be mobility devices by the NZ Transport Agency be allowed on the footpath?
10. If you use a device for mobility or medical reasons, what is the width of your device?