

23 March 2026

NZ Transport Agency - Waka Kotahi

email to rules@nzta.govt.nz

CONSULTATION ON LANE USE IMPROVEMENTS

Te Whare Piki Ora o Māhutonga – the Royal Australasian College of Surgeons (RACS) is the leading advocate for surgical standards, professionalism and surgical education in Aotearoa New Zealand and Australia. The RACS Aotearoa New Zealand Trauma Sub-committee is committed to preventing and mitigating the effects of fatalities and traumatic injury from road crashes. As surgeons and trauma specialists, we are exposed daily to the results of road trauma, supporting improved trauma care, quality trauma data collection, and trauma research. Road trauma has an ongoing and devastating impact on people, whānau, communities, clinicians, ACC, the health and welfare systems, and our society. Advocacy to reduce road trauma, improve road safety, and prevent and mitigate trauma-related injury are critical roles for RACS.

RACS welcomes the opportunity to provide feedback to NZ Transport Agency - Waka Kotahi (Waka Kotahi) on the five proposed changes to the Land Transport Rules to improve the safe use of lanes. We support as below, and have also provided further comment in relation to, the proposals to:

1. allow children aged 12 years and under to ride bikes on footpaths
2. set a minimum passing gap for when vehicles pass other road users
3. allow people to ride e-scooters in cycle lanes
4. require drivers to give way to buses leaving bus stops
5. clarify signage requirements for enforcing berm parking restrictions.

We recognise the scope of these proposals is limited to five practical and technical changes which do not include wider revisiting definitions or transport device categories, and wider reforms to road use, mode priority, enforcement frameworks, or transport system design. However, these matters do need to be addressed if we are to reduce road trauma. Accordingly, we have taken the opportunity to comment on our view of the need to move more quickly toward a roading system based on three separated and safe pathways – one for motorised vehicles, another for bicycles and e-mobility devices, and a third for pedestrians, children and those with disabilities.

Proposal 1. Allowing children aged 12 years and under to ride bikes on footpaths.

We support the proposal to allow children aged 12 and under to cycle on footpaths.

We recommend the rule also explicitly allow a responsible older cyclist (an older sibling, peer, or caregiver) to accompany a child aged 12 and under when they are actively providing supervision, safety, or guidance in cycling skills).

We note the existing provisions in the Road User Rule will continue to apply to both children and the accompanying older cyclist – anyone using a path must do so in a careful and considerate manner and not create a hazard to others, and the prohibition on using devices at a hazardous speed.

The older cyclist could also provide physical separation from other users by corralling the children. We note the prohibitions above on creating a hazard to others. If required to ride on the road, accompanying older cyclists would need to simultaneously consider road traffic, footpath traffic, their own safety, and that of the children. This would be both impractical and dangerous.

The risk to young cyclists from people backing vehicles out of driveways will need to be addressed by an education campaign targeting young and adult cyclists and drivers. Vehicles parked on berms also reduce visibility of the footpath to vehicles turning into or coming out of driveways and will need to be covered in the education campaign. The proposed measures to clarify the ability to enforce berm parking rules may mitigate this risk to some extent.

We would prefer e-scooters be on cycleways, not sharing the footpath with pedestrians, young children on bicycles, and people using mobility devices. However, we recognise cycleways are not available on or adjacent to all roads, and not yet even all main roads.



Proposal 2. Introducing a minimum passing distance when drivers overtake other road users (such as cyclists, horse riders, and micro-mobility users).

We support the establishment of a mandatory minimum passing distance of 1 metre when passing at speed limits of 60 km/h or less, and 1.5 metres when passing at speed limits at higher speeds, as in existing NZTA guidance.

The current requirement leaves an unacceptable risk of collision and associated road trauma from limited awareness and inconsistent understanding of a safe passing distance.

Proposal 3. Allowing e-scooters to be used in cycle lanes

We strongly support allowing people to ride e-scooters in cycle lanes.

We support this proposal because it will shift faster micro-mobility users into infrastructure already designed for similar speeds and movement patterns. Footpath users are currently slowed by meeting and navigating around e-scooters, while cycle lanes are often under-utilised relative to their design capacity. The speed differential created by e-scooters on footpaths presents a safety risk to pedestrians, seniors, blind and other disabled people, including those using mobility devices. Proposal 1 increases the potential for e-scooters to collide with children under twelve on bicycles.

Education and publicity will be needed as to who can use which part of the road (the roadway, cycle lanes and footpaths) and how this applies on roads with or without cycle paths. Cyclists currently ride on roads when there is no cycle lane. Increasing awareness among e-scooter riders that they can ride on cycle lanes is likely to increase riding on the roadway when a cycle lane is not available. It will be important to enforce compliance with speed limits, and the rules for turning traffic on the roadway.

It is common, although contrary to the Rule, for two people to ride on an e-scooter simultaneously. Compliance action will be more important if clarification of the Rule leads to more e-scooter users sharing cycle lanes with larger or faster bicycles and sharing the roadway with vehicles.

The Discussion Document says, “No new offences or penalties are proposed, and the change isn’t expected to materially change behaviour or add extra costs”. However, e-scooters users in cycle lanes will in many locations be adjacent to the roadway with little or no physical separation from the roadway and thus from heavy vehicles on there, and the consequences of a crash are much worse.

Given this, we recommend making helmets compulsory if e-scooters are using cycle lanes, with fines for non-compliance, and increasing the frequency and level of compliance action. Assuming as above that speed limits apply to e-cycles, we recommend the limits on alcohol consumption also apply to e-cycles used on the roadway.

Beyond the immediate implementation of changes to the Rule, it will be important to ensure road users understand how the Rule currently defines e-scooters given the broad range of similar e-mobility devices now available, and to define the forms and functional capabilities of e-mobility devices that may be able to use cycle lanes.

Proposal 4. Requiring drivers to give way to buses leaving bus stops

We support introducing a requirement for motorists travelling at 60km/h or less to give way to buses leaving bus stops, with an appropriate infringement penalty.

It is important to mitigate the risk of serious nose-to-tail crashes if a bus driver pulls out into a continuous, moving line of traffic and the right rear indicator on the bus is obscured behind the first vehicle or the following vehicles are too close to see the high indicator lights.

As well as an obligation on the following drivers to let the bus go ahead, there is a responsibility on the bus driver to ensure that the traffic is slowing down safely, or to pull out into a reasonable break in a line of traffic so that the signal will be visible to following vehicles with reasonable time to react.

The budget for signage and communications should support proactive education and promotion.

We recommend visible, even if low level, compliance action to increase awareness of this change.

Proposal 5. Clarify that signage is not required for berm parking rules to be enforceable.

We support clarifying signage requirements for enforcing berm parking restrictions.

Vehicles parked on berms between the road and footpath reduce visibility of the footpath to vehicles turning into driveways, and vehicles parked on berms between the property and the footpath reduce

visibility of the footpath to cars backing out from driveways. With Proposal 1 allowing children and accompanying adults to ride on footpaths, a higher number of people will now be at risk on footpaths.

The proposed measures to support road controlling authorities to manage berm parking by clarifying the enforceability of the berm parking rules should help mitigate these risks.

We recommend visible, even if low level, compliance action. Publicity should focus on the prohibition being driven by the safety risk of parking on berms, as such compliance action is often seen as revenue driven.

Beyond the 5 proposals – toward roads with three separated safe pathways for different users.

Road trauma has an ongoing and devastating impact on people, whānau, communities, clinicians, ACC, the health and welfare systems, and our society. Advocacy to reduce, improve road safety, reduce road trauma and prevent trauma-related injury are critical roles for RACS.

We urge greater effort and resources dedicated to improving the safety of road users and reducing road trauma. Attention should be focused on:

- reducing the risk of a crash (separation – spatially, physically, vehicle and device types)
- minimising the force of impact (speed reduction)
- minimising injury from impact of crash (helmets).

We see increasing potential and actual conflict between multiple vehicle and device types now available, with increasing numbers of e-bikes and e-scooters in use across all age groups.

RACS urges Waka Kotahi to move more quickly toward a roading system based on three separated lanes or pathways which are safe and suitable for a defined set of users, essentially:

- the roadway for motorised vehicles
- cycle lanes for bicycles and e-mobility devices
- footpaths for pedestrians, children, and people using mobility devices.

We recommend immediate attention to reconsidering mode priority on New Zealand roads:

- reducing the potential for conflict between multiple vehicle and device types now in use
- definitions of transport device categories
- priority to protecting pedestrians and other vulnerable groups
- effective use of enforcement frameworks.

Finally

If you have any questions or would like to discuss this submission, please contact Calum Barrett, General Manager, Aotearoa New Zealand at Calum.Barrett@surgeons.org. RACS looks forward to contributing to further land transport reform to reduce road trauma.

Nāku noa, nā

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RACS represents more than 8300 surgeons and 1300 surgical Trainees and Specialist International Medical Graduates across Aotearoa New Zealand and Australia. We are the accredited training provider in nine surgical specialities. Surgeons are also required by RACS and Te Kaunihera Rata o Aotearoa - Medical Council of Aotearoa, to continue with surgical education and review of their practice throughout their surgical careers.