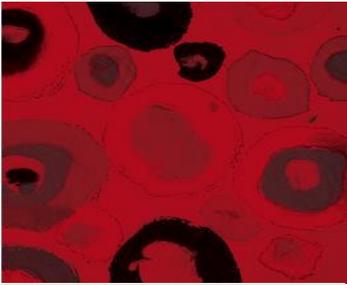


# Submission from the Office of the Children's Commissioner on the Accessible Streets Package

1. The Office of the Children's Commissioner welcomes the opportunity to provide this short submission on the *Accessible Streets* rules package. We present this submission from a child-centred viewpoint. Our focus is on children and young people up to age 18, the issues that directly impact on them, and how their rights – including the right to have their views heard – can be upheld.
2. We note that the package of changes proposed is designed to increase the safety and accessibility of footpaths and streets for a range of people, including children, and agree with this intention. Children are a particularly vulnerable road user group; in New Zealand child pedestrian injuries are a leading cause of traffic related child deaths, and school-aged children (particularly between 5 and 9 years old) are most at-risk of pedestrian injuries.<sup>1</sup>
3. Further, children living in more socio-economically deprived areas have a significantly higher risk of road traffic injury due to being less likely to be driven around in cars, and therefore more likely to be on the footpaths, and less likely to have access to other play areas.<sup>2</sup> Areas with high levels of socio-economic deprivation must therefore be prioritised when implementing interventions to improve the safety of travel environments.
4. Improving the accessibility and safety of streets for children would link directly to the 'Loved, Safe and Nurtured' outcome of the Child and Youth Wellbeing Strategy, by keeping children and young people safe from unintentional harm and contributing towards a reduction in injury prevalence rates. We emphasise the importance of NZTA seeking the views of children and young people, including mokopuna Māori and children with disabilities, to inform both this package's creation and implementation, as is intended in the 'Involved and Empowered' outcome of the Strategy. We suggest that, as well as considering the Strategy, Child Impact Assessments are undertaken to ensure changes to the rules will contribute to the wellbeing of children and young people.
5. We also consider that it is important that any rule change is accompanied by an extensive education campaign to both alert users to the change in rules and to encourage behaviour change (such as calling out if a rider is passing a pedestrian).
6. With this in mind, we make comments and recommendations on:
  - The proposal to enable road controlling authorities to give priority to pedestrians walking along a road and crossing a side road over turning vehicles;
  - Allowing children to cycle on footpaths;
  - Taking the opportunity to make streets more child-friendly beyond the Covid-19 lockdown period.



The Children's Commissioner represents **1.1 million** people in Aotearoa New Zealand under the age of 18, who make up 23 per cent of the total population.

We advocate for their interests, ensure their rights are upheld, and help them have a say on issues that affect them.

For further information on this submission, please contact Erin Gough [e.gough@occ.org.nz](mailto:e.gough@occ.org.nz)

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<sup>1</sup>See: <http://www.safekids.nz/Safety-Topics/Details/Type/View/ID/9/Child-Pedestrians>

<sup>2</sup> Benchmarking cycling and walking in six New Zealand cities Pilot study 2015, source: <http://sustainablecities.org.nz/wp-content/uploads/Benchmarking-cycling-and-walking-in-six-NZ-cities.pdf> Accessed 18/05/2020

## GIVING PRIORITY TO PEDESTRIANS WALKING ALONG A ROAD OR CROSSING A SIDE ROAD OVER TURNING VEHICLES

7. Given the vulnerability of child pedestrians, we support the proposal to give priority to pedestrians crossing a side road over turning vehicles if there are road markings indicating pedestrians have priority.
8. This proposal would particularly benefit children living in low socio-economic areas who are more likely to commute by walking than children living in high socio-economic areas. They are also more likely to live further from recreation resources, such as playgrounds, bike parks or cycle ways, live in areas with poor quality or absent footpaths and are more likely to walk alone or with peers.
9. We consider this to be a positive step in making conditions safer for all pedestrians, including children. We also note it will mean pedestrians and drivers are treated consistently in terms of give-way rules.
10. We recommend making this the default rule applied consistently across the country (road hierarchy considered), rather than leaving it up to individual Road Controlling Authorities to decide if and where the proposed rule would apply.

## ALLOWING CHILDREN TO CYCLE ON FOOTPATHS

11. Riding bikes, scooters and skateboards are popular leisure activities for New Zealand children and their families. In a 2016 survey we conducted with children aged 7-15, 84 percent had ridden a bicycle, with just over half riding regularly (daily, weekly, or monthly). The children we surveyed rode their bikes with parents, friends, siblings, and on their own. Thirty eight percent of children reported going on rides with their parents/caregivers, and 48 percent with friends, suggesting that cycling is an important family and social activity for children and young people in New Zealand.
12. However, as noted in the consultation document, current rules mean a child riding a bike with wheels larger than 355mm diameter (typically by around five years old) is prevented from riding on the footpath legally. In practice, many children over this age ride on the footpath already without realising it is illegal. This is consistent with our 2016 survey findings in which 86 percent of children reported that they had ridden their bike on the footpath and 71 percent didn't know it was illegal to do so. This highlights a major issue with the way the current legislation is enforced and promoted, and we therefore welcome the proposed change.
13. The children we engaged with in 2016 supported a change to the current rules about cycling on footpaths. Seventy percent of the children we asked in our 2016 survey supported the idea that children aged 14 years and younger should be allowed to ride on the footpath.
14. There are safety concerns about allowing footpath cycling, such as mixing transport modes (i.e. walking and cycling), and with vehicles entering and exiting driveways. However, as the consultation document recognises, this behaviour is already common in practice and unlikely to change, given the inherent risks that the alternative of riding on often busy roads presents to young, novice cyclists.
15. The safety of children riding bicycles on the footpath is a key issue. There are a number of issues to consider in allowing children and other vulnerable road users to cycle on the

footpath, including safety and accessibility. The risk to children of injury from vehicles is still present in the form of vehicles entering and exiting driveways, and other hazards also exist (such as bins, parked cars, and e-scooters) which are a risk to children riding. The majority of cycling related injuries to children are caused by a loss of control, not through a crash with a motor vehicle. However, children are significantly more likely to be killed or seriously injured in crashes with motor vehicles than if they lose control of their bike in a non-vehicular environment<sup>3</sup>.

16. With this in mind, we recommend that children aged 12 and under (and accompanying adults) be legally allowed to cycle on the footpath based on the research commissioned by NZTA on this issue in 2016.<sup>4</sup> As that research concluded, this would take into account children's cognitive development and would enable the proactive teaching of safe footpath riding to younger cyclists, as well as potentially encourage the design of safer footpath/driveway infrastructure which would benefit a range of footpath users.<sup>5</sup>
17. To support the teaching of safe footpath riding, we recommend that cycle skills training (such as those currently funded through councils and NZTA) continues to be supported at a national level, with an increased focus on safe riding on footpaths.
18. Further, we recommend that Road Controlling Authorities be supported to develop footpaths on key commuting routes into wider, shared pathways to accommodate a broader range of footpath users, and that Road Controlling Authorities be able to limit where footpath riding is able to occur, for instance on footpaths with exceptional levels of foot traffic, or areas where other footpath users are likely to be particularly vulnerable (e.g. near retirement homes or kindergartens).

## **TAKING THE OPPORTUNITY TO MAKE STREETS MORE CHILD-FRIENDLY BEYOND THE COVID-19 LOCKDOWN**

19. The Covid-19 lockdown provided valuable insights into what cities look like with far fewer cars on the roads. It allowed many children and young people to experience a different reality, and has given an opportunity to consider how to make neighbourhood footpaths and streets more accessible for a wide range of users, including children.
20. Anecdotally, we know that during the lockdown, children and their families took the opportunity to use the streets for play, because parents were less concerned about the dangers of traffic.<sup>6</sup> Children and their families used roads in ways they were not able to previously; cycling, scootering, and playing with toys. It allowed families to teach children valuable cycle and road safety skills without having to worry about the usual hazards discussed above.
21. We welcome the announcement that the government will provide extra funding to help councils expand footpaths and roll out temporary cycleways to help people keep 2 metres apart after the alert level 4 lockdown lifts. This will make getting around our cities easier for parents pushing prams and children on scooters and bikes, as well as people using mobility devices such as wheelchairs and mobility scooters.

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<sup>3</sup> Safekids New Zealand Cycling Position Paper, 2012.

<sup>4</sup> See: <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Footpath-Cycling-Research-FINAL.pdf>

<sup>5</sup> See page ii.

<sup>6</sup> See:

<https://thespinoff.co.nz/society/16-04-2020/enjoying-the-people-friendly-streets-of-lockdown-lets-make-them-permanent/>

22. We encourage NZTA to use these insights to consider ways to make streets more accessible permanently to a wide range of groups, including children and their families, elderly people, and people with disabilities, by lowering car speeds and traffic counts and encouraging councils to make footpath and cycleway extensions permanent.
23. It is clear that it is beneficial for cities to prioritise pedestrians and vulnerable road users, but that currently, cities are still designed largely with vehicle traffic in mind. We consider that NZTA has an important role in driving change so that pedestrians and vulnerable road users are prioritised in Council traffic projects.

## SUMMARY OF RECOMMENDATIONS

- Pedestrians crossing a side road are given priority over turning vehicles as a default, and this is applied consistently across the country.
- Children aged 12 and under (and accompanying adults) are legally allowed to ride on the footpath.
- Any rule change is accompanied by an extensive education campaign to both alert users to the change in rules and to encourage behaviour change (such as calling out if a rider is passing a pedestrian).
- Child Impact Assessments and consideration of the outcomes of the Child and Youth Wellbeing Strategy is undertaken to ensure changes to the rules will contribute to the wellbeing of children and young people.
- Children and young people, including mokopuna Māori and children and young people with specific access needs, for example those with disabilities, are given the opportunity to contribute to proposed changes in their neighbourhood.
- Cycle skills training (such as those currently funded through councils and NZTA) continues to be supported at a national level, with an increased focus on safe riding on footpaths.
- Road Controlling Authorities be supported to develop footpaths on key commuting routes into wider, shared pathways to accommodate a broader range of footpath users, and that Road Controlling Authorities be able to limit where footpath riding is able to occur, for instance on footpaths with exceptional levels of foot traffic, or areas where other footpath users are likely to be particularly vulnerable (e.g. near retirement homes or kindergartens).
- NZTA use the insights gained in the Covid-19 lockdown period to consider ways to make streets more accessible permanently to a wide range of groups, including children and their families, elderly people, and people with disabilities, by lowering car speeds and traffic counts and encouraging councils to make footpath and cycleway extensions permanent.
- NZTA encourage Councils to prioritise pedestrians and vulnerable road user groups in traffic projects.