

## Accessible Streets Regulatory Package

<b>Reason for this briefing</b>	On 1 May 2019, Cabinet authorised you to finalise the proposed Accessible Streets package amendment rules and associated materials for public consultation. This briefing accompanies drafts of these materials. It outlines key changes made during the course of drafting the rules and seeks confirmation from you on your preferred approach to public consultation.
<b>Action required</b>	<b>Provide</b> feedback on the attached draft Cabinet paper and associated materials by 26 September 2019.  <b>Indicate</b> your preference for when consultation should occur.
<b>Deadline</b>	Tuesday, 26 September 2019.
<b>Reason for deadline</b>	This deadline allows for Ministerial consultation, and lodgement of the papers for consideration by the Cabinet Economic Development Committee meeting on 6 November 2019.

### Contact for telephone discussion (if required)

withheld under s 9(2)(a)

Name	Position	Telephone	First contact
Brent Johnston	Manager, Mobility and Safety	[REDACTED]	✓
Karl Simpson	Director, Regulatory and Data	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	

### MINISTER'S COMMENTS:

<b>Date:</b>	19 September 2019	<b>Briefing number:</b>	OC190798
<b>Attention:</b>	Hon Julie Anne Genter (Associate Minister of Transport)  CC: Hon Phil Twyford (Minister of Transport)	<b>Security level:</b>	In-Confidence

### Minister of Transport's office actions

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> <i>Noted</i>        | <input type="checkbox"/> <i>Seen</i>                 | <input type="checkbox"/> <i>Approved</i>            |
| <input type="checkbox"/> <i>Needs change</i> | <input type="checkbox"/> <i>Referred to</i>          |   |
| <input type="checkbox"/> <i>Withdrawn</i>    | <input type="checkbox"/> <i>Not seen by Minister</i> | <input type="checkbox"/> <i>Overtaken by events</i> |

### Purpose of briefing

1. This briefing provides an overview of the Accessible Streets package (Accessible Streets), including changes made since the Cabinet Economic Development Committee (DEV) meeting on 1 May 2019.
2. A draft Cabinet paper and the following associated materials are attached for your review:
  - Appendix A - Overview to the Rules documents
  - Appendix B - Draft of the Land Transport Rules
  - Appendix C - Communications, Engagement and Stakeholder Plan
3. Your feedback on the draft Cabinet paper and Appendices A–C is requested by 26 September, so any changes can be incorporated prior to cross-party consultation commencing.

### Overview of Accessible Streets

4. Accessible Streets is comprised of common-sense adjustments to existing rules, recognising the needs and vulnerability of various users when they interact and establishing increased priority for active and low-emission modes of transport.

Out Of Scope

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withheld under s 9(2)(f)(iv)

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Out Of Scope

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**Progressing work you committed to in response to the Regulations Review Committee**

- 16. You will recall that earlier this year the Regulations Review Committee received complaints regarding the E-Scooters (Declaration Not to be Motor Vehicles) Notice 2018.
- 17. After hearing of the complaints, including evidence from the Ministry and NZTA, the Committee wrote to you seeking feedback on a suggested response to the complaints. In particular, the Committee asked that you consider proposing amendments to section 168A of the Land Transport Act to provide for the placing of conditions such as speed restrictions on the operation of e-scooters or to reduce their maximum power output.

18. In responding to the Committee on this point, you noted:

*"In my view the current approach of regulating these vehicles through the extensive rule making powers under the Land Transport Act are the best method of regulating their use, particularly on the footpath. It is really a matter of ensuring these rules are fit for purpose, which is the goal of Accessible Streets.*

*However, I am troubled by the current lack of statutory guidance in section 168A for the exercise this delegated legislative power, and the lack of an ability to impose conditions on vehicles below 300 watts. I have requested advice from the Ministry of Transport on improvements that could be made to section 168A, and the appropriate legislative vehicle for such a change. I undertake to share that advice with the Committee once I have received it.*

19. You have also undertaken that officials will present to the Committee on Accessible Streets after it is released for consultation.

20. While a legislative change is outside of the scope of Accessible Streets, consultation on the package provides an opportunity to test public views on whether the legislative change described above is desirable. We therefore plan to include a section in the Overview on the NZTAs declaration powers, and ask submitters whether the requirements in the Paths Rule governing the use of transport devices are sufficient means of regulating these devices, or whether further change to the Land Transport Act is required.

21. We will incorporate this material into the next iteration of the Overview and Cabinet paper.

Out Of Scope

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