

QUESTIONS & ANSWERS FOR THE ACCESSIBLE STREETS REGULATORY PACKAGE

Out Of Scope

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RELEASED UNDER THE OFFICIAL INFORMATION ACT

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What devices has the NZ Transport Agency currently declared not to be motor vehicles?

In 2014, yike bikes were declared not to be motor vehicles with conditions imposed on use. This required riders to wear an approved cycle helmet.

In 2018, e-scooters (with a maximum power output of 300 watts) were declared not to be motor vehicles.

Has there been any complaints about these declarations?

Yes. On 26th March 2019, a complaint regarding the decision to declare e-scooters not to be motor vehicles was brought to the Regulations Review Committee. The complaint called the decision a significant shift in policy and footpath use and criticised the Transport Agency for not properly considering the people it would affect. In particular, the complaint criticised the decision not to consult with the disability sector, or the public, and the short span of time it took the NZ Transport Agency to make the declaration. The Regulatory Review Committee received two further complaints which expressed similar views.

Who responded to this complaint?

The Transport Agency, the Ministry of Transport and the Associate Minister of Transport responded to the complaints, noting that the decision was taken in light of the existing land transport rules that applied to these devices and the extensive rule-making powers in the Land Transport Act 1998. The proposed rule changes in Accessible Streets are designed to manage the risks associated with new and emerging technologies that are, or might in future, operate on a footpath.

However, the Associate Minister of Transport also acknowledged there is a lack of statutory guidance in section 168A for exercising this delegated legislative power, and a lack of ability to impose conditions on vehicles with a power output below 300 watts. These are issues we would like your feedback on.

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Out Of Scope

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