

# Summary of Changes Requested

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- The NZTA states that rule changes may be requested through the Minister when rules are unclear.
  - The Land Transport Act 1998 directs that the Minister in making or recommending a rule, must have regard to, and give such weight as the Minister considers appropriate to whether the proposed rule ...
    - assists economic development,
    - improves access and mobility,
    - protects and promotes public health and/or
    - ensures environmental sustainability.

Each of the items listed above are applicable to the current detrimental effects of this rule on the horse riding public.

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Please change current Road Legislation (include these changes in [Accessible Streets 2020](#) which I believe has not yet been passed and is updating all this legislation) for horse riders by:

1. Define a bridleway! There is no provision for either a horse priority path, or a multi-use path currently. Horses are the ONLY vulnerable user group without a safe legal path.
2. Including a multi-use path in the current legislation. Currently shared paths bans horses, and if a shared path is created on a roadside this forces horses out into the roadway. Allow local communities to design for their own needs.
3. Explicitly allow horse riders on verges in rural areas (current legislation is so unclear few understand the wording or intent).
  - a. Explicitly state that anyone on a path or berm may use it in either direction (unless the path has been specifically made for one direction travel). There is a belief in some areas that a horse rider must ride in the same direction as road traffic when on a berm.
4. Set specific road speed ( we suggest 20kph, same as passing school buses) in road rules for passing horses (not a vague 'slow down'), but at least include the requirement to follow hand signals given by a rider.
5. Specific offences for injuring a ridden or lead horse. Hitting a horse implies that the driver would have hit the person. When a horse takes the brunt of an impact this is not currently recognised, it is included in stats as if the horse were wandering on the road.

## 1. Define a Bridleway

This will require changing **Local Government Act 1974, Section 319(f) General powers of councils in respect of roads**

The council shall have power in respect of roads to do the following things:

(f) To determine what part of a road shall be a carriageway, and **what part a footpath or cycle track only**

This change should be made as part of "Accessible Streets" *Land Transport Rule Paths and Road Margins 2020* to allow a bridleway to be created, and future-proof the legislation for any path use that we may need. Replace this one clause with one that simply states "path"

The council shall have power in respect of roads to do the following things:

(f) To determine *what part of a road shall be a carriageway, and what part a path* (as described in *Land Transport Rule Paths and Road Margins 2020*)

This would mean in future, all definitions of any sort of path could be placed in the one regulation.

## 2. Including a multi-use path in the current legislation

LGA 1974 - Amend Section 11.1A , Use of shared path

- Define bridleways as a type of shared path for horses. There are no shared paths that permit horses, let alone allow for a legal bridleway.
- Allow horses on shared paths in rural areas, and set the priority (give way) rules as per Australia i.e. horses always give way to pedestrians on footpaths. This has been included in Accessible Streets, why not include the full spectrum of road users.
- NOTE There is no such thing as a shared path, really. It is a cycletrack, that pedestrians are permitted on. LGA specifically only permits creating a roadway, footpath or cycletrack - so let's fix the contortions that are being performed once and for all by fixing the LGA 1974.
- NOTE2 Having contorted to a shared path, horses are specifically removed and denied access.

### 11.1A Use of shared path

(1) This clause applies to a path that—

(a) may be a cycle path, a footpath, **or some other kind of path;** and

(b) may be used by some or all of the following persons at the same time:

(i) pedestrians:

(ii) cyclists:

(iii) riders of mobility devices:

(iv) riders of wheeled recreational devices.

(2) A person using the path—

(a) must use it in a careful and considerate manner; and

(b) must not use it in a manner that constitutes a hazard to other persons using it.

(3) A rider of a cycle, mobility device, or wheeled recreational device on the path must not operate the cycle or device at a speed that constitutes a hazard to other persons using the path.

(4) If a sign or marking on the path gives priority to pedestrians or cyclists, the following rules apply on the path:

- (a) pedestrians, riders of mobility devices, and riders of wheeled recreational devices must give priority to cyclists if the sign or marking gives priority to cyclists:
- (b) cyclists must give priority to pedestrians, riders of mobility devices, and riders of wheeled recreational devices if the sign or marking gives priority to pedestrians:
- (c) no user may unduly impede the passage of any other user, whatever priority the sign or marking gives.

### 3. Explicitly allow horse riders on verges in rural areas

We need a reword of this regulation as it is completely unclear

Land Transport (Road User) Rule 2004 (SR 2004/427) (as at 01 May 2011)

Amend Section 11.14, Use of road

- Amend the Interpretation section to clearly define, *in plain English*, what a 'road margin' is. The current wording is not clear, relying on the definition of 'uncultivated'. Use the common parlance of verge or berm!
- "Berm" is defined legally for the very first time in the proposed Accessible Streets 2020 legislative changes.

Land Transport (Road User) Rule 2004 (SR 2004/427) (as at 01 May 2011)

Interpretations - *road margin* includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any)

Road users with animals

11.14 Use of road

(1) A rider of an animal on a road **must, when a reasonably adequate road margin is available, keep the animal on the road margin as far as practicable**

(4) A rider of an animal must not ride along a footpath, **or on any lawn, garden, or other cultivation adjacent to or forming part of a road.**

#### Unclear wording

1. Para 4 seems to immediately contradict para 1.
2. What is cultivated road margin vs uncultivated?
3. Who defines a lawn? If a landowner mows the berm does that make it a lawn and immediately remove the horse owners instruction\right to use the "road margin"?
4. This is a conflict that commonly arises, and is often further created by the opinions of Council or Community Board members.
5. Territorial Authorities do not even refer to road margins or lawns at all, but instead call these areas berms, or verges.

**We need clear laws that help to protect lives and encourage active transport and recreation options, and the NZTA is directed to make changes where laws or regulations are unclear.**

### 3a Explicitly allow for travel in either direction on a berm or path

- Ensure that anyone using a berm \ road margin may do so in either direction when they need to do so for their safety.
- This needs to be explicit, it is currently inferred and recognised in law but is often challenged because it is not explicitly stated. Example - Legal case of Karen Rutherford injury, defence tried to challenge the legality of the riders using the verge because they were heading toward the driver (despite the driver leaving the road and crashing into the horse on the berm).

#### Additionally

- Include horse riders in "Safer Journeys",/ Road to Zero and recognise the importance of roadsides for all vulnerable road users (not just as crash areas). Recognise that while deaths are clearly a priority, displacement is also an issue.
- Road design standards must include criteria for safe verges or paths for walkers, and horse riders in rural areas, including peri-urban areas with high equestrian populations. Even though a standard road is 20m wide, it is common for a roadway to be formed randomly within that space without any consideration of paths, berms, road margins for safety of non-motorised road users.
- Specifically recognise the difference between 'livestock' on the road or being driven, and ridden\lead horses, and horse drawn vehicles (with a rider or driver), in legislation (for example section 228ab of LTA 1998) statistical records, and in offences.i.e. If a horse is killed in a road accident but the rider is injured, that MUST be counted as a death because the person WOULD HAVE BEEN KILLED if the horse had not taken the force of the impact but this is not recognised. Similarly, a horse injured in a vehicle accident should be taken as seriously as a pedestrian - if a vehicle hits a ridden horse the rider may not appear in ACC or other stats, but the vehicle has hit the horse and WOULD HAVE hit the person if the bulk of the horse had not protected them. *\*refer Aust Road Rules "crash"*

# Draft Legislation Accessible Streets

<https://www.nzta.govt.nz/about-us/consultations/archive/accessible-streets/>

Title	Download Word (DOCX) or PDF format	
Overview ( <a href="#">see details of correction made</a> )	<a href="#">[DOCX, 7.8 MB]</a>	<a href="#">[PDF, 2.4 MB]</a>
Overview summary	<a href="#">[DOCX, 4.8 MB]</a>	<a href="#">[PDF, 765 KB]</a>
Draft Land Transport Rule: Paths and Road Margins 2020	<a href="#">[DOCX, 223 KB]</a>	<a href="#">[PDF, 287 KB]</a>
Draft Land Transport Rule: Road User Rule Amendment 2020	<a href="#">[DOCX, 441 KB]</a>	<a href="#">[PDF, 228 KB]</a>
Draft Land Transport Rule: Traffic Control Devices Amendment 2020	<a href="#">[DOCX, 249 KB]</a>	<a href="#">[PDF, 192 KB]</a>
Draft Land Transport Rule: Setting of Speed Limits Amendment 2020	<a href="#">[DOCX, 206 KB]</a>	<a href="#">[PDF, 47 KB]</a>
Accessible Streets Package Preliminary Regulatory Impact Statement (RIS)	<a href="#">[DOCX, 5.4 MB]</a>	<a href="#">[PDF, 1.7 MB]</a>