

DRAFT FOR CONSULTATION

Land Transport (Road User) Amendment Rule 2020

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Associate Minister of Transport makes the following ordinary rule—

- (a) after having complied with the requirements of section 161(2) of that Act; and
- (b) after having had regard to the matters specified in section 164(2) of that Act.

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Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule 2020.

2 Commencement

This rule comes into force on 1 June 2020.

3 Principal rule

This rule amends the Land Transport (Road User) Rule 2004 (the **principal rule**).

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of any consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 1.5 amended (Application)

In clause 1.5(c), replace “wheeled recreational devices” with “transport devices”.

7 Clause 1.6 amended (Interpretation)

(1) In clause 1.6, insert in their appropriate alphabetical order:

bus stop—

- (a) means a place where passengers may board or alight from a bus indicated by a sign that includes the text “Bus Stop” as specified in Schedule 1 of the Land Transport Rule: Traffic Control Devices 2004; and
- (b) includes an area of the road in the vicinity of the place that is reserved for a bus to stop to allow passengers to board or alight from the bus

powered transport device means a wheeled vehicle (other than a cycle or a mobility device) powered by 1 or more propulsion motors, that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle

powered wheelchair—

- (a) means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface; but
- (b) does not include a mobility device operated by a tiller or handlebar

shared path means a path that is intended to be used as a path by some or all of the following persons at the same time:

- (a) pedestrians:

- (b) cyclists;
- (c) riders of mobility devices;
- (d) riders of transport devices

transport device means—

- (a) a powered transport device; or
- (b) an unpowered transport device

unpowered transport device means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity

- (2) In clause 1.6, definition of **bus lane**, paragraph (b), after “cycles,”, insert “transport devices”.
- (3) In clause 1.6, definition of **cycle**, paragraph (a), replace “vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider” with “wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank”.
- (4) In clause 1.6, replace the definition of **cycle lane** with:

cycle lane means a longitudinal strip within a roadway that is reserved for the use of—

 - (a) cycles; and
 - (b) transport devices (unless specifically excluded from using the lane by a marking or traffic sign)
- (5) In clause 1.6, definition of **cycle path**, paragraph (a), replace “but which may be used also by pedestrians” with “but which may also be used by pedestrians and riders of mobility devices and transport devices”.
- (6) In clause 1.6, definition of **driver**, replace “wheeled recreational device” with “transport device”.
- (7) In clause 1.6, definition of **headlamp**, paragraphs (a) and (b), replace “cycle” with “cycle or transport device”.
- (8) In clause 1.6, definition of **lane**, replace paragraph (a) with:

(a) means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separated from other parts of the roadway by—

 - (i) a longitudinal line or lines of paint or raised studs; or
 - (ii) another method of lane delineation specified in clause 7.12(1) or (1A) of Land Transport Rule: Traffic Control Devices 2004; and
- (9) In clause 1.6, replace the definition of **pedestrian** with:

pedestrian means—

 - (a) a person on foot on a road; or

- (b) a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or
 - (c) a person operating a powered wheelchair
- (10) In clause 1.6, definition of **rider**, replace “wheeled recreational device” with “transport device”.
- (11) In clause 1.6, definition of **special signal for pedestrians**,—
- (a) after “to pedestrians,” insert “cyclists,”; and
 - (b) replace “wheeled recreational devices” with “transport devices”.
- (12) In clause 1.6, definition of **transit lane**, after paragraph (a)(iii), insert:
- (iiia) transport devices:
- (13) In clause 1.6, revoke the definition of **wheeled recreational device**.

8 **Clause 2.3 amended (Use of lanes)**

Replace clause 2.3(1)(f)(ii) with:

- (ii) the vehicle is a mobility device or transport device that would usually be travelling on a footpath or shared path adjacent to the roadway, but it is impracticable for the vehicle to travel on the path or there is no path available and the special vehicle lane is—
 - (A) a cycle lane; and
 - (B) the lane closest to the left edge of the road; or
- (iii) the vehicle is an emergency vehicle being used in an emergency.

9 **Clause 2.4 replaced (Route of driving at intersections marked or signed in lanes)**

Replace clause 2.4 with:

2.4 **Specific manoeuvres only from marked or signed lanes at intersections**

- (1) If, at the approach to an intersection, a marking or traffic sign designates a specific lane for specific manoeuvres, a driver must not use the lane for a manoeuvre other than a manoeuvre specified on the marking or sign.
- (2) However, a cyclist or rider of a transport device may proceed straight ahead at the intersection from a lane that is designated by a marking or traffic sign as a lane from which a driver must turn left, unless a marking or sign prohibits the cyclist or rider of a transport device from proceeding straight ahead.

10 **Clause 2.5A amended (Cyclists turning right at intersections)**

- (1) In the heading to clause 2.5A, after “Cyclists”, insert “**and riders of transport devices**”.
- (2) In clause 2.5A(1) and (2), after “cyclist”, insert “or rider of a transport device” in each place.

- (3) In clause 2.5A(2)(d), after “cycle”, insert “or transport device”.

11 Clause 2.8 amended (Passing on left)

Replace clause 2.8(2) with:

- (2) A driver may pass or attempt to pass on the left of another vehicle moving or facing in the same direction only if—
- (a) the 2 vehicles are in different lanes and the driver’s vehicle does not encroach on a lane that is unavailable to a driver; or
 - (b) the driver’s vehicle is a cycle or a transport device and the vehicle to be overtaken is not turning left or signalling an intention to turn left; or
 - (c) the vehicle to be overtaken is stationary or its driver is giving the prescribed signal of their intention to turn right; or
 - (d) the vehicle to be overtaken is a light rail vehicle and is not—
 - (i) signalling an intention to turn left or stop; or
 - (ii) stopped to allow passengers to alight from it or board it.

12 New clause 2.11A inserted (Passing cyclists, horse riders, and users of other devices on road)

After clause 2.11, insert:

2.11A Passing cyclists, horse riders, and users of other devices on road

- (1) This clause applies if—
- (a) a person is lawfully—
 - (i) a pedestrian on a road; or
 - (ii) riding a cycle, a horse, or a transport device on a road; or
 - (iii) driving a mobility device on a road; and
 - (b) the person is moving in the same direction as a driver of a motor vehicle; and
 - (c) if the road is marked in lanes, the person and the driver are in the same lane.
- (2) The driver must not,—
- (a) if the speed limit is 60 km/h or less, pass the person at a lateral distance from the person of less than 1 m; or
 - (b) if the speed limit is more than 60 km/h, pass the person at a lateral distance from the person of less than 1.5 m.
- (3) In this clause, **lateral distance**, from a person, means the distance between the following points:
- (a) the furthestmost point to the left on the driver’s vehicle or any projection from the vehicle (whether or not attached to the vehicle);

- (b) the furthestmost point to the right of the person's cycle, horse, transport device, mobility device, any cycle trailer being towed by the cycle, the person, or any passenger in or on the trailer.

13 Clause 3.2 amended (Traffic signals in form of disc)

- (1) In clause 3.2(1)(b)(ii), (4)(b), and (5)(b), replace “riders of mobility devices, and riders of wheeled recreational devices” with “cyclists, riders of mobility devices, and riders of transport devices”.
- (2) In clause 3.2(1)(b)(iii), replace “motor vehicles and cycles lawfully proceeding straight ahead” with “motor vehicles, cycles, and transport devices lawfully proceeding along the roadway”.
- (3) In clause 3.2(2), replace “and riders of wheeled recreational devices” with “cyclists, and riders of transport devices”.
- (4) In clause 3.2(5)(a), after “cyclist”, insert “or rider of a transport device that is proceeding along the roadway”.

14 Clause 3.3 amended (Traffic signals in form of arrow)

In clause 3.3(1)(b), (2)(b), and (3)(b), replace “wheeled recreational devices” with “transport devices”.

15 Clause 3.5 amended (Traffic signals in form of standing or walking human figure)

In clause 3.5(1) and (2), replace “wheeled recreational devices” with “transport devices”.

16 Clause 3.6 amended (Traffic signals in form of T or B)

In clause 3.6(5)(a), after “cycle,”, insert “transport device,”.

17 Clause 3.7 amended (Traffic signals in form of cycle symbol)

- (1) In clause 3.7(1), (2), and (3), after “cyclists”, insert “and riders of transport devices”.
- (2) In clause 3.7(3), replace “area, but a cyclist” with “area but”.

18 Clause 3.10 amended (Drivers' signals)

- (1) In clause 3.10(2)(b), replace “or a cycle” with “a cycle, a mobility device, or a transport device”.
- (2) In clause 3.10(6A), after “cycle”, insert “or a transport device”.

19 New clause 4.2A inserted (Giving way where path crosses a roadway)

After clause 4.2, insert:

4.2A Giving way where path crosses a roadway

- (1) This clause applies to drivers travelling onto or out of a roadway that—

- (a) separates a cycle path, footpath, or shared path; and
 - (b) has a path priority marking.
- (2) The driver must give way to pedestrians, cyclists, and riders of mobility devices and transport devices who are—
- (a) travelling on the path and approaching the roadway; or
 - (b) crossing the roadway from the path, whether or not with the intention of continuing to travel on the path on the other side of the roadway.
- (3) In this clause, **path priority marking** has the meaning given by clause 8.9 of the Land Transport Rule: Traffic Control Devices Rule 2004.

20 Clause 4.3 amended (Giving way where intersection controlled by enforcement officer)

In clause 4.3, replace “and 4.2” with “, 4.2, and 4.2A”.

21 Clause 4.4 amended (Giving way when entering or exiting driveway)

In clause 4.4(1), delete “(as described by clause 11.1A(1))”.

22 New clause 4.4A inserted (Giving way to buses leaving bus stops)

After clause 4.4, insert:

4.4A Giving way to buses leaving bus stops

- (1) This clause applies to a driver of a motor vehicle or a person riding a cycle, mobility device, or transport device (the **relevant road user**) if—
- (a) the relevant road user is on a road that has a speed limit of 60km/h or less; and
 - (b) a bus in front of the relevant road user is—
 - (i) stopped at a bus stop; or
 - (ii) leaving a bus stop; and
 - (c) the right direction indicator lights of the bus are operating.
- (2) If the road is marked in lanes, the relevant road user must give way to the bus if—
- (a) the relevant road user is—
 - (i) in the first lane running parallel to the bus stop (the **closest lane**); or
 - (ii) if the closest lane is a cycle lane, in the cycle lane or the first lane running parallel to the right of the closest lane (the **first lane**); and
 - (b) the bus is about to proceed in or enter the lane in which the relevant road user is travelling.
- (3) If there is an obstruction in the closest lane or the first lane (for example, a parked car or roadworks) and the bus must proceed in or enter the next lane

running parallel to the right of the closest lane or the first lane (the **next lane**) to avoid the obstruction, a relevant road user in the next lane must also give way to the bus.

- (4) If the road is not marked in lanes, the relevant road user must give way to the bus if the bus is about to proceed in or enter the line of traffic in which the relevant road user is travelling.

23 Clause 4.5 amended (Approaching and entering intersections)

In clause 4.5(3), after “a cyclist”, insert “or rider of a transport device”.

24 Clause 5.4 amended (Speed limits for vehicles towing other vehicles)

In clause 5.4(5), after “motorcycle,”, insert “transport device,” in each place.

25 Clause 6.2 amended (Parking vehicles off roadway)

Replace clause 6.2(2) with:

- (2) Subclause (1) does not apply if the road controlling authority—
- (a) makes and registers a resolution under clause 6 of the Land Transport Rule: Paths and Road Margins 2020 that restricts motor vehicles parking on the berm; or
 - (b) otherwise provides signs or markings, or makes a bylaw, indicating that a rule different from the one in subclause (1) applies.

26 Clause 6.5 amended (Parking on or near pedestrian crossings)

In clause 6.5(3)(a), after “a cycle”, insert “or transport device”.

27 Clause 6.9 amended (Obstructing vehicle entrances and exits)

In clause 6.9(3), replace “an authorised” with “a”.

28 Clause 6.13 amended (Parking at angle)

- (1) In clause 6.13(1), after “cycle”, insert “or transport device”.
- (2) In clause 6.13(2), replace “or a cycle” with “a cycle, or a transport device”.

29 Clause 6.14 amended (Parking on footpaths or cycle paths)

- (1) In the heading to clause 6.14, replace “**footpaths or cycle paths**” with “**footpaths, cycle paths, and shared paths**”.
- (2) In clause 6.14(1), replace “footpath or on a cycle path” with “footpath, cycle path, or shared path”.
- (3) In clause 6.14(2), replace “footpath or cycle path” with “footpath, cycle path, or shared path”.
- (4) In clause 6.14(3), replace “wheeled recreational device” with “transport device”.

30 Clause 10.1 amended (Pedestrian crossings)

In clause 10.1(1)(a), replace “wheeled recreational devices” with “transport devices”.

31 Cross-heading above clause 11.1 replaced

Replace the cross-heading above clause 11.1 with:

Pedestrians, cyclists, and riders of mobility devices and transport devices

32 Clauses 11.1 and 11.1A replaced

Replace clauses 11.1 and 11.1A with:

11.1 Travelling along a roadway

- (1) A pedestrian or a driver of a mobility device must not travel along a roadway, unless—
 - (a) a footpath or shared path is not available; or
 - (b) if there is a footpath or shared path adjacent to the roadway, it is impracticable for the pedestrian or driver to travel on the footpath or shared path.
- (2) A pedestrian or driver of a mobility device travelling along a roadway—
 - (a) must not remain on the roadway longer than is reasonably necessary; and
 - (b) must keep as near as practicable to the edge of the roadway.

33 Clause 11.3 replaced (Using crossings, underpasses, or footbridges)

Replace clause 11.3 with:

11.3 Pedestrians and riders of cycles and devices crossing roadway

- (1) A pedestrian or rider of a cycle, mobility device or transport device, must not cross a roadway other than at a designated crossing point if—
 - (a) there is a designated crossing point reasonably available to the pedestrian or rider for the purpose of crossing the roadway; and
 - (b) the pedestrian or rider is 20 m or less from the designated crossing point.
- (2) A pedestrian or rider crossing a roadway other than at a pedestrian crossing or school crossing point must, whenever possible, cross the roadway at a right angle to the kerb or side of the roadway.
- (3) However, subclause (2) does not apply at an intersection where traffic signals control pedestrian traffic if the pedestrian or rider is complying with a notice, sign, or marking maintained by a road controlling authority that indicates a person may or must cross the roadway other than at a right angle.

- (4) A pedestrian or rider crossing a roadway, including at a pedestrian crossing or school crossing point, must not remain on the roadway longer than necessary for the purpose of crossing the roadway within a reasonable time.
- (5) In this clause, **designated crossing point** means—
 - (a) a pedestrian crossing; or
 - (b) a school crossing point; or
 - (c) an underpass; or
 - (d) a footbridge; or
 - (e) a place where traffic signals control pedestrian traffic.
- (6) This clause does not apply to a pedestrian or rider of a cycle, mobility device, or transport device who is proceeding along the roadway.

34 Clause 11.4 revoked (Crossing roadway)

Revoke clause 11.4.

35 Clause 11.5 amended (Entering crossings)

- (1) In clause 11.5, replace “mobility device or wheeled recreational device” with “cycle, mobility device, or transport device”.
- (2) In clause 11.5, delete “or the driver”.

36 Clause 11.6 revoked (Loitering on crossings or roadways)

Revoke clause 11.6.

37 Clause 11.6A amended (Washing of vehicles)

In clause 11.6A, replace “A pedestrian” with “A person”.

38 Clause 11.7 amended (Carrying restrictions)

In clause 11.7, after “cycle”, insert “, transport device,”.

39 Clause 11.9 amended (Towing restrictions)

- (1) In clause 11.9(1), replace “cycle or moped” with “cycle, moped, or transport device”.
- (2) In clause 11.9(2), replace “wheeled recreational device” with “transport device”.

40 Clause 11.10 amended (Riding abreast)

- (1) In clause 11.10(1), replace “cycle or moped” with “cycle, transport device, or moped” in each place.
- (2) In clause 11.10(1)(a), replace “cycles or mopeds” with “cycles, transport devices, or mopeds”.

41 Clause 11.11 revoked (Riding cycles on footpaths, etc)

Revoke clause 11.11.

42 Clause 11.12 amended (Lighting and reflector requirements for cyclists)

- (1) In clause 11.12(1), after “cycle”, insert “or powered transport device”.
- (2) Replace clause 11.12(2) with:
 - (2) A person must not ride a cycle or powered transport device on a road, during a time referred to in subclause (1)(a) or (b), unless—
 - (a) in the case of a cycle, it has pedal reflectors; or
 - (b) in the case of a powered transport device, it is fitted with reflectors; or
 - (c) the person is wearing reflective material.

Schedule 1

Objective of rule

cl 4

This Land Transport (Road User) Amendment Rule 2020 (the **amendment rule**) amends the Land Transport (Road User) Rule 2004 (the **principal rule**). The principal rule establishes the rules under which traffic operates on roads.

The objective of the amendment rule is to—

- relocate provisions of the principal rule relating exclusively to footpaths, shared paths, and cycle paths, to the extent that it is practicable, to the Land Transport Rule: Paths and Road Margins 2020:
- amend references to wheeled recreational devices to instead refer to transport devices:
- insert new definitions of transport devices, powered transport devices, unpowered transport devices, and powered wheelchairs to identify devices currently being used on roads to clarify the rules that apply to each device:
- insert a new definition of bus stop, for the purpose of a new requirement that a driver of a motor vehicle, mobility device, transport device, or a cyclist on a road must give way to a bus leaving a bus stop:
- amend the definitions of cycle lane, cycle path, and pedestrian to align with equivalent definitions in the Land Transport Rule: Paths and Road Margins 2020:
- create a stand-alone definition of shared path to align with the revocation of clause 11.1A from the principal rule and proposed changes to the Land Transport Rule: Traffic Control Devices 2004:
- provide that mobility devices may use cycle lanes when a footpath or shared path is not available or when there is a footpath or shared path adjacent to the roadway, but it is impractical for the mobility device to use the path:

- provide that a cyclist riding in a lane that is designated by road markings or traffic signs as a lane from which a driver must turn left may proceed straight ahead at the intersection, unless a marking or sign prohibits the cyclist from proceeding straight ahead:
- provide that if a road is marked in lanes and a cyclist is travelling in the same lane as a vehicle, the cyclist may pass the vehicle to the left of the vehicle:
- provide that a driver of a motor vehicle must pass a cyclist, transport device or mobility device on a road at a distance of at least 1 m (if the speed limit is 60 km/h or less) or at least 1.5 m (if the speed limit is more than 60 km/h):
- provide that where a cycle path, footpath, or shared path is separated by a roadway and the roadway has a path priority marking, as defined in the Land Transport Rule: Traffic Control Devices 2004, a driver must give way to a person travelling on the path and approaching the roadway or crossing the roadway from the path:
- clarify that a pedestrian or driver of a mobility device must not travel along a roadway unless a footpath or shared path is not available or, if there is a footpath or shared path adjacent to the roadway, it is impracticable for the pedestrian or driver to use the path:
- clarify that if a pedestrian or driver of a mobility device is travelling lawfully on a roadway, the pedestrian or driver must not remain on the roadway longer than is necessary:
- clarify that a pedestrian or a driver of a mobility device or transport device travelling along a roadway must keep as far to the edge of the roadway as is practicable:
- clarify that a pedestrian, cyclist, or rider of a mobility device or transport device crossing a roadway must not remain on the roadway longer than necessary for the purpose of crossing the roadway within a reasonable time:
- provide that a person, instead of a pedestrian, must not wash or offer to wash a vehicle on a road unless the vehicle is legally parked.

Schedule 2

Consultation carried out under section 161(2) of Land Transport Act 1998

cl 5

For the purposes of consultation, amendments proposed to the Land Transport (Road User) Rule 2004 (the **principal rule**) ...

Note

Detail to be provided after consultation has been completed.

Dated at Wellington this day of 2020.

Associate Minister of Transport.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule, which comes into force on 1 June 2020, amends the Land Transport (Road User) Rule 2004 (the **principal rule**) to implement the objective described in *Schedule 1*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

This rule is administered by the Ministry of Transport.