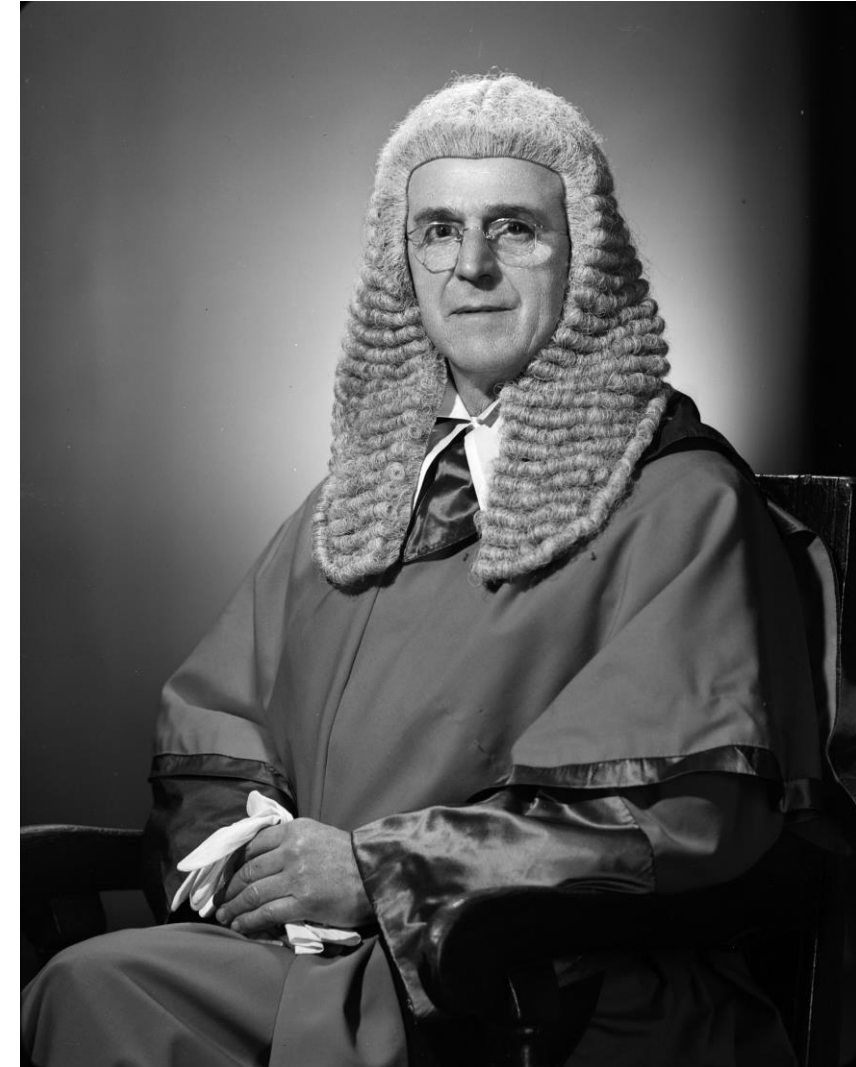


Meet Marjon



- About 80
- She can't see
 - and hit a child leaving her driveway
 - child was cycling on the footpath (legally)
- You shouldn't hit footpath users!
- She got hauled in front of a judge



It's the driveway that is blind



- There's nothing wrong with her eyes
- Her driveway is blind
- Fairly active
- Out and about every day
 - Walking is difficult

Stressful life



- Leaving her driveway is most stressful part of her day
- She's tooting her horn
 - but not when neighbour's toddler sleeps

Landlord doesn't care



- Can agree with neighbour to cut back a fence
 - But she is a tenant
 - Landlord not interested
- No influence over neighbour's hedge

City council doesn't care



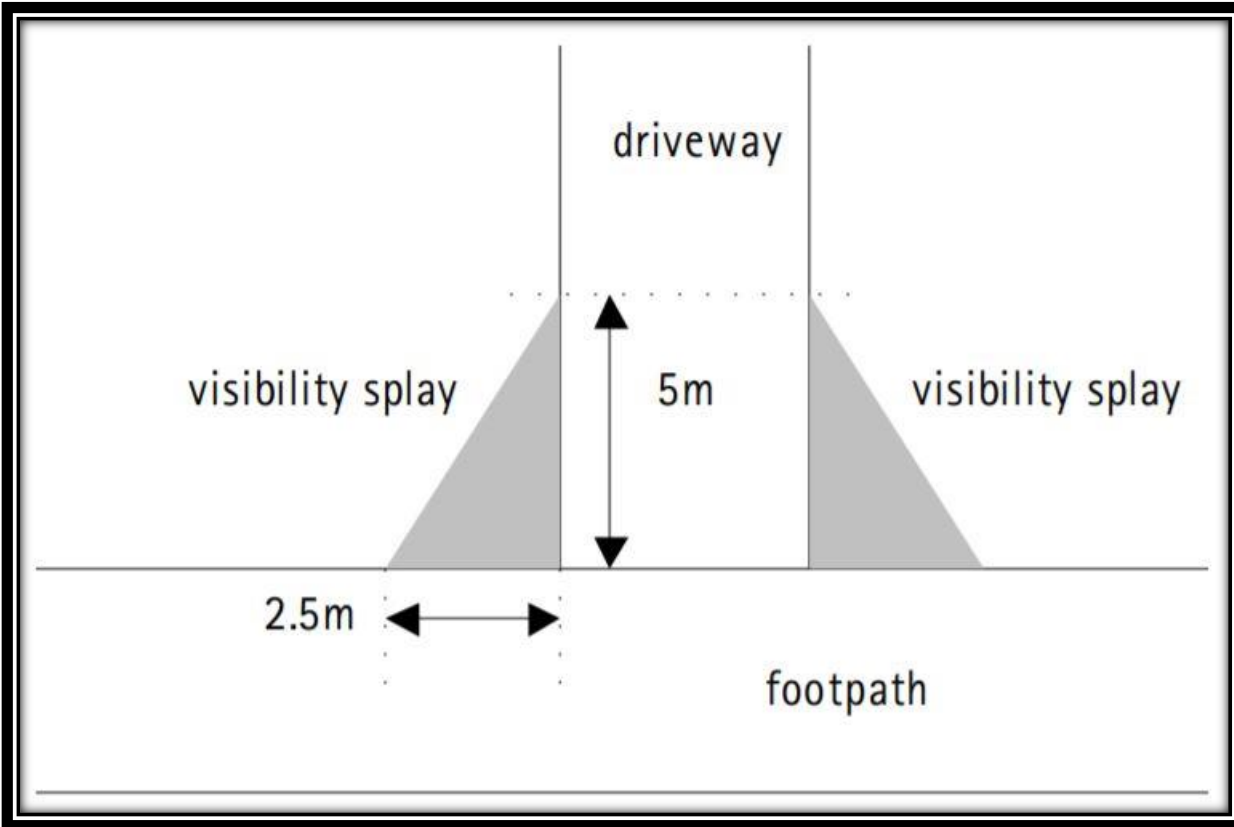
- “Can I pay for a safety mirror?”
- City council does not want to set a precedent

Sloping footpath



- Road slopes towards a river
- Downhill cyclists at higher risk (higher speed)
- Driveway on uphill side
- Pre-EQ property had driveway on downhill side

District plan



- Nothing in district plan prevents blind driveways
 - Or where to place a driveway in relation to slopes
- Driveway volumes a magnitude higher than here trigger need for sight triangle

RTS 6

Guidelines for visibility at
driveways

RTS 6

May 1993

Reprinted June 1998, July 2001

Land Transport Safety Authority

- Source of district plans is RTS 6
 - LTSA, 1993
- Purpose of RTS 6 is for content to be adopted by district plans
- Visibility splays triggered by 200 daily vehicle movements

RTS 6

Guidelines for visibility at
driveways

RTS 6

May 1993

Reprinted June 1998, July 2001

Land Transport Safety Authority

- First principles approach would see driveways placed on downhill side of section
 - Where property owner can control visibility
 - No negotiation with neighbours necessary
- Not covered in RTS 6



Land Transport (Road User) Rule 2004

(SR 2004/427)

- Road User Rule makes it clear that drivers must give way to pathway users
 - Traffic Regulations 1976 were silent on that issue

4.4 Giving way when entering or exiting driveway



- (1) A driver entering or exiting a driveway must give way to a road user on a footpath, cycle path, or shared path (as described by [clause 11.1A\(1\)](#)).


Legal users of footpaths



- Youngsters on children's bikes are legally pedestrians
- Other legal footpath cyclists (when they deliver to letter box):
 - Posties
 - Pamphlet delivery
 - Newspaper delivery

Accessible Streets Regulatory Package 2020






Easy Read

Accessible Streets – Part 1

Tell us what you think of the changes we want to make to the road rules about how we use:

- footpaths
- shared pathways
- bicycle pathways.



New Zealand Government

- Consultation on:
 - Allowing bikes (and e-bikes) on footpaths by default
 - Default speed limit 15 km/h
- 15 Apr 2000 consultation close
- No decision yet

Thought 1



- Drivers must have mental and cognitive capacity to make complex decisions
- Cannot expect the same from (all) footpath users
- Appropriate to impose the onus on drivers to be cautious

Thought 2



- Permissible for residential driveways to be fundamentally unsafe
- Not good enough!

Thought 3



- Risk is a function of user speed
- The higher the slope, the greater the risk

Thought 4



- Major concerns on footpath cycling by default
- What will happen at all the blind driveways?

Recommendation 1: Marjon



- Safety mirror is appropriate mitigation
- She should be allowed to have one installed
 - council arborist supervision
- Might need the guiding word of a judge to unlock action

Recommendation 2: RTS 6



- RTS 6 (1993) is past its use-by date
- Inconsistent with safe system principles
- Footpath user safety should not be decided by lottery
 - Drivers must be able to see if they have to give way

Recommendation 3: district plan updates



- New district plan guidance should be issued
 - Update district plans
 - Will no doubt take many years
- Stop building more unsafe driveways

Recommendation 4: Footpath cycling



- Scrap the footpath cycling proposal
- At least until updated guidance is part of most district plans