August 2023

To Waka Kotahi

Please find attached DPA’s submission on the renewal of the E–Scooters (Declaration Not to be Motor Vehicles) Notice 2018

For any further inquiries, please contact:

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# Introducing Disabled Persons Assembly NZ

**We work on systemic change for the equity of disabled people**

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People’s Organisation run by and for disabled people.

**We recognise:**

* Māori as Tangata Whenua and [Te Tiriti o Waitangi](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) as avenues to disabled people gaining greater choice and control over their lives and supports.

**We drive systemic change through:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

* **4.3 Actively engaging with disabled people and our representative organisations**
* **Article 9: Accessibility**
* Personal mobility

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

* **Outcome 5 – Accessibility**

# The Submission

DPA calls on Waka Kotahi not to renew the E–Scooters (Declaration Not to be Motor Vehicles) Notice 2018.

**DPA’s position is that footpaths should be preserved for the use of pedestrians, who include: disabled and older people, and small children. It is also because footpaths are not just transport corridors but provide important social spaces in our communities where people meet and children play. Using fast moving vehicles of any type on footpaths severely compromises the safety and comfort of pedestrians and degrades the non-transport functions of footpaths.**

In this submission we will outline the various means Waka Kotahi has to fix the issue of E-scooter classification and provide testimony from our members on the negative impact of E-scooters on their lives.

## The Issues

E-scooters on footpaths are a danger to all pedestrians. However, disabled people, older people and children are at particular risk of being hit by e-scooters on footpaths. This risk is real – since the introduction of e-scooters, disabled people have been injured and hospitalised.

Many disabled and older people say they feel unsafe and are afraid to walk in our city centres and their neighbourhoods because of the danger posed by e-scooters on footpaths. People who are blind, deafblind, low vision or vision impaired are at serious risk of injury from falling over e-scooters left lying on the footpath or walking in areas e-scooters are being ridden. Deaf and hard-of-hearing people have been shocked at something they can’t hear suddenly rushing past them.

The impact of e-scooters should not be minimised! They are vehicles with the potential to cause injury and should be treated as such. According to the Accident Compensation Corporation (ACC), the bill for e-scooter-related injuries for the four years to October 2022 was $30 million, with an average cost per claim of $2,931.

However, even if only a few percent of e-scooter injuries are to pedestrians, we also need to recognise the cost of lost opportunity and the risk of social isolation disabled and older pedestrians experience. Why? Because their fear of e-scooters on footpaths prevents them from being out and about getting to and from places and spaces.

The need to address safety issues around e-scooters and regulate their use is being recognised internationally. Earlier this year the European Transport Safety Council recommended that no e-scooters be ridden on pavements, saying that “Pedestrians, especially the elderly and those who are visually impaired, are at risk of harm from vehicles sharing the same space.”

## What Our Members say

DPA, Blind citizens NZ and Living Streets Aotearoa launched a Petition on the Our Action Station website and asked those who signed it to let us know their issues with E-scooters on footpaths.

Just a few of the emails we received are quoted below:

“…if as a pedestrian I suddenly change direction I don’t signal that intent. As a pedestrian I am solely dependent on the skill of E-scooter rider to read my mind, body language?” — Disabled person

“…I wear glasses, and hearing aides. When I am walking up queen street in Auckland I get a hell of a big fright when e-scooters zoom pass. In fact, so much so, that I freeze up and generally speaking the people that use e-scooters, don't care about anyone else on the footpath.

“They need to go on the road, because they just don't care about the rest of us and sooner or later, I am going to get hurt by the e-scooters. I why i hardly go into the city now, because of the lack of consideration for paedestrians on the footpaths by people who use thee-scooters.” — Disabled person

“I am definitely against sharing the footpath with these scooters. I am hard of hearing, so I have no chance of knowing that they are coming up behind me, nor passing me.

“I have gone to turn to my right and one has been coming up beside me and nearly bowled me over.” — Disabled person

“As a vision impaired person, e-scooters impact my quality of life every day, not just in the CBD but also in the suburb where I live.

“Just today, I almost walked into one parked in the middle of the footpath – it had no glowing light, and the footpath was poorly lit – I was walking my usual route to the bus stop to go to work before sunrise. I reported this to Beam, noting the lack of light on the scooter, presumably because it was out of juice, and noted that the ID number was unreadable in the dark. I usually take a photo of the number but my cellphone wasn’t up to flash photography. For the record, Beam did respond promptly, but having to regularly complain about poorly parked e-scooters is an unnecessary part of my day.

“Walking on Queen St this evening several escooters travelling at speed swerved around me, despite there being a separate lane available.” — Disabled person

“I have had many near misses as a walking pedestrian with scooter riders racing by me, diving between pedestrians, and a couple have clipped me as they pass. I have a mobility disability and am unstable on my feet, so having something pass me so quickly can cause me balance issues and if I fall, this can cause severe pain and weeks of recovery.” — Disabled person

“…those purple ones in Whangarei are left in the middle of the paths and mobility scooters can't get round them or have to go on grass which can be very unstable, you get stuck or tip off your mobility scooter.” — Disabled person

“I am a wheelchair user and have twice been hit by E-scooters on footpaths. One of these incidents landed me in hospital for two days: it injured me and broke my wheelchair. I no longer use public transport as getting to it is to dangerous because of E-scooters on the footpath.” — Disabled person

“I often fall or trip over E-scooters left lying on footpaths. They are often abandoned in dangerous places: I recently tripped over one left against a signalised crossing poll – the E-scooter was over the tactiles, which I use to know where to cross the road safely. Once I got up out of a seat outside a café and was narrowly missed by an E-scooter. I have stopped going into the city centre on my own because of the danger of E-scooters on the footpath.” — Disabled person

## What Waka Kotahi can do

DPA contests that Waka Kotahi has several means of fixing the issues of E-scooter classification which would remove them from our footpaths:

1. getting the Government to amend s168A (4) of the Land Transport Act 1998 so that Waka Kotahi can impose conditions on any e-scooter that it declares not to be a motor vehicle not just those with power outputs greater than 300W as is currently the case. This would mean Waka Kotahi could impose a condition that e-scooters not be used on footpaths or any other condition; or
2. using the s168D exemption provision instead of the s168A declaration provision to exempt e-scooters from the need to be registered, and licensed and to meet motor vehicle safety requirements while still classifying them as motor vehicles so prohibiting them from using footpaths; or
3. classifying e-scooters as power-assisted cycles, which aren't allowed to be ridden on footpaths; or
4. classifying them as e-scooters, declare them not to be motor vehicles and add appropriate requirements and restrictions to Road User Rule 2004 to specify where e-scooters can be ridden and parked and at what speed and in what manner.

## Conclusion

E-scooters are motorised vehicles and do not belong on footpaths. DPA calls on Waka Kotahi not to renew the 2018 Declaration that they are non-motorised vehicles.

Disabled people report being injured, scared and fearful of going out because of
e-scooters being ridden and abandoned on footpaths.

1. United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities.* Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> [↑](#footnote-ref-2)
2. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: https://www.odi.govt.nz/nz-disability-strategy/ [↑](#footnote-ref-3)