

Proactive Release

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Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

Listed below are the most commonly used grounds from the OIA.

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by <ul style="list-style-type: none"> (i) the Government of any other country or any agency of such a Government; or (ii) any international organisation
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

11 February 2025

OC260011

Hon Chris Bishop

Action required by:

Minister of Transport

Monday, 16 February 2026

RULES REFORM: APPROVAL TO START PUBLIC CONSULTATION ON IMPROVEMENTS TO LANE USE

Purpose

This briefing seeks your approval to start public consultation on a set of preferred options to improve lane use.

Key points

- You are progressing a series of changes to improve the safe and efficient use of lanes as part of your land transport Rules Reform programme (OC250315 refers). We seek your agreement to publicly consult on the following proposals:
 - Increase the age up to which children are allowed to ride their bikes on footpaths to 12 years old
 - Establish a mandatory passing gap for when motorists pass other road users (cyclists, horse riders, etc), with a \$300 infringement fee to deter noncompliance
 - Require vehicles to give way to buses leaving bus stops when travelling below 60km/h, with a \$50 infringement fee to deter noncompliance
 - Clarify signage requirements for Road Controlling Authorities (RCAs) to dis/allow parking on berms
 - Allow people to ride e-scooters in cycle lanes (this proposal is exempt from regulatory impact analysis requirements).
- A discussion document (Annex one) and Regulatory Impact Statement (RIS) (Annex two) are attached to support public consultation. Subject to your agreement, NZTA will run a four-week public consultation from 18 February 2026 to 18 March 2026. We have provided material to support the announcement of public consultation to your office.
- We expect high public interest in these proposals given their relevance to New Zealanders' everyday lives. Similar proposals were consulted on in 2020, mostly receiving strong support. However, we expect to receive mixed views on proposals to enable children to ride bikes on footpaths and to clarify signage requirements for berm parking based on previous consultation. We have designed these proposals to mitigate concerns raised during prior consultation processes.
- Following consultation and analysis of submissions, we will seek your agreement to final rule changes in early April 2026.

IN CONFIDENCE

Recommendations

We recommend you:

- 1 agree to the NZ Transport Agency (NZTA) consulting from 18 February 2026 to 18 March 2026 on proposals to:
 - allow children up to the age of 12 to ride bikes on footpaths Yes / No
 - allow the use of e-scooters in cycle lanes Yes / No
 - introduce a minimum overtaking gap of 1 metre in zones where the speed limit is below 60kph and 1.5 metre in zones where the speed limit is above 60km/h Yes / No
 - require vehicles to give way to buses leaving bus stops when travelling below 60km/h Yes / No
 - clarify signage requirements for Road Controlling Authorities (RCAs) to disallow parking on berms. Yes / No

- 2 agree to publicly release this briefing and the documents provided as Annexes 1 and 2 (discussion document and regulatory impact statement) to support consultation, allowing for minor/editorial changes. Yes / No

Katrina Quickenden
Acting Director, Sector Strategy

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Hon Chris Bishop
Minister of Transport

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Minister's office to complete:

Approved

Declined

Seen by Minister

Not seen by Minister

Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Laura Bender, Manager, Regulatory Reform	s 9(2)(a)	✓
Declan Lynch, Advisor, Regulatory Reform	s 9(2)(a)	

RULES REFORM: APPROVAL TO START PUBLIC CONSULTATION ON IMPROVEMENTS TO LANE USE

We recommend consulting on a set of five proposals to improve lane use

- 1 As part of the Rules Reform Programme, you agreed to progress work to improve the safe and efficient use of lanes through a series of practical rule changes (OC250315 refers). You have authorisation from Cabinet to approve consultation materials for this workstream [ECO 25-MIN-0083 refers].
- 2 We have since undertaken further analysis and engagement, and recommend consulting on the following proposals:¹
 - 2.1 Increase the age up to which children are allowed to ride their bikes on footpaths to 12 years old. This would codify current practice while limiting risk to pedestrians by focusing on those cyclists most at risk on the road.
 - 2.2 Establish a mandatory passing gap for when motorists pass other road users (cyclists, horse riders, etc), and a \$300 infringement fee for noncompliance. This would improve the public's awareness of what constitutes safe passing, to help protect road users.
 - 2.3 Require vehicles to give way to buses leaving bus stops when travelling below 60km/h, with a \$50 infringement fee for noncompliance. This proposal aims to improve public transport reliability and create time cost savings for public transport.
 - 2.4 Clarify signage requirements for RCAs for dis/allowing parking on berms.² This would reduce uncertainty and support councils make appropriate decisions.
 - 2.5 Allow people to ride e-scooters in cycle lanes (this proposal is exempt from the regulatory impact analysis requirements). This would codify current behaviour and group similar speed vehicles for greater safety outcomes.
- 3 Our analysis was constrained by the lack of available data, as well as enforcement and engagement limitations. While these constraints mean we cannot confidently quantify the costs and benefits of the proposals, we expect these to be minor (particularly when the proposal is to codify current practice). We recommend the proposals on the basis of unquantifiable benefits including improved clarity, and the assumption that such clarity will lead to increased compliance, which could have modest safety and efficiency benefits. The RIS provides further detailed analysis.³
- 4 All proposals require amendments to the Land Transport (Road User) Rule 2004, and some require amendments to Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999.

¹ We have worked closely with NZTA in developing the proposals. We have also engaged with NZ Police, Ministry of Justice, Ministry for Regulation, and Mana Mokopuna – Children's Commissioner which has informed options and analysis.

² Agreed in Transport Weekly Report for the week commencing 20 January 2026.

³ RIS Summary: limitations section.

We recommend three weeks of public consultation from 18 February to 18 March

- 5 We propose NZTA conduct public consultation over three weeks from 18 February 2026 to 18 March 2026. To support consultation, we are seeking your approval to release the attached draft discussion document and RIS, subject to any feedback.
- 6 We consider a shorter consultation period acceptable as these proposals have been consulted on before and to meet ambitious timeframes of this work.

Proposals consider previous public feedback

- 7 We expect public feedback to be broadly positive. Similar proposals were consulted on in 2020 as a part of the *Accessible Streets Package*.⁴ There was high public interest, with 1,801 submissions. While most proposals were supported by the public, some proposals received mixed feedback (outlined in Annex three).
- 8 To address this, we are now progressing a more limited and practical set of changes. Annex three outlines how we have addressed previous public feedback in our new proposals.

Next steps

9 Subject to your agreement, public consultation will start on 18 February 2026.

10 s 9(2)(f)(iv) [Redacted]

11 NZTA will run this simultaneously with public consultation on changes to heavy vehicles subject to your agreement on [OC260008].

Table one: Timeline for Lane use work stream

Action	Date
Public consultation period for improvements to lane use	18 February to 18 March
s 9(2)(f)(iv) [Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
Provide you with draft LEG Cabinet paper seeking agreement for rule change via order-in-council, for ministerial consultation	Early June
s 9(2)(f)(iv) [Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

⁴ These reached Cabinet under the previous Government but final decisions were not made.

Annex 1: Discussion Document

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Annex 2: Regulatory Impact Statement

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Annex 3: Current recommended proposals compared to previous proposed changes and public feedback received

Previous proposed changes (Accessible Streets 2020)	Public feedback	New proposals and rationale (Rules Reform Programme)
Allow everyone to ride their bike on the footpath.	<p>Bike riders supported the proposal allowing all bikes on footpaths because of practicality.</p> <p>Concerns were raised about safety from elderly and disabled people because of a higher risk of crashes between pedestrians on the footpath and bike riders.</p>	<p>We narrowed this proposal so that only children aged 12 and under can ride bikes on footpaths.</p> <p>Children already use the footpath when riding on bikes and are at the most risk of serious injury while on the road.</p>
Clarify that signage is not required for banning parking on berms. Councils have the power to decide whether parking on berms is allowed so this ability would not change.	Local councils and individuals shared differing views beyond the scope of the proposal which was intended to only fix an error.	<p>No major change from original proposal as this only clarifies an inconsistency in the rules.</p> <p>Our consultation and communication material makes clear that wider policy changes are out of scope.</p>
Enable low-powered vehicles in cycle lanes. (e-scooter, monowheels, e-skate boards etc)	Wide support from the public, although it was a significant piece of work that changed definitions for micro-mobility vehicles and devices.	<p>Narrowed proposal to enable e-scooters in cycle lanes.</p> <p>This allows a more discrete change to the rules that could be progressed within ambitious timeframes and kept within the regulatory impact analysis exemption.</p>
Require a minimum passing gap of 1 metre in areas below 60km/h and 1.5 metres in areas above 60km/h when passing at-risk road users such as bikes, scooters and horse riders.	Widely positive support, although some groups have suggested a greater passing gap of two metres.	No major change from original proposal as significant public support remains. The distance which we have proposed balances safety and efficiency on the road.
Require drivers to give way to buses leaving bus stops, with an associated penalty.	Widely positive support, most people supported this change in principle.	No major change from original proposal as public support remains.