



Lane use improvements

Consultation document

NZ Transport Agency Waka Kotahi

25 February 2026

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More information

NZ Transport Agency Waka Kotahi

February 2026

If you have further queries, email:

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[Consultation Hub](#)

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Purpose of consultation

We're seeking your feedback on a package of proposed changes to the Land Transport (Road User) Rule 2004 (the Road User Rule). These changes are about how road users use lanes and share the road. The proposals are based on technical analysis and a Regulatory Impact Statement (RIS). They address safety risks and remove unclear and confusing parts of the Road User Rule.

The changes being considered in this document would require changes the Land Transport (Road User) Rule 2004 (the Road User Rule)¹ and the Land Transport (Offences and Penalties) Regulations 1999.

There are 2 key documents you should consider for this consultation:

1. This Consultation Document
2. Regulatory Impact Analysis: Rules Reform Programme: Improvements to lane use

Please read this document carefully and consider how the proposed changes to the Road User Rule might affect you, your communities or your organisation. Your feedback will be used to advise the Minister of Transport on whether any changes should go ahead and how they should be finalised. Details on how to give your feedback are in the Making a Submission section.

Why we're proposing these changes

The Road User Rule aims to support road safety and keep traffic moving efficiently. However, some parts of the Road User Rule have not kept pace with changes in technology, transport modes, urban environments, and how people use the roads.

As a result, some parts of the Road User Rules are unclear, impractical to apply, or not well understood. This has led to confusion and non-compliance for road users, councils, and enforcement agencies.

The Government's Land Transport Rules Reform Programme seeks to address these issues by proposing a set of practical, targeted changes. These changes are designed to improve safety, clarify what is expected of road users, and better reflect how roads are used now and in the future. The proposals included in this consultation are the preferred options identified through the Regulatory Impact Statement.

The objectives of these proposals are to:

- improve road and lane user safety
- keep costs low for users and make the rules easy to follow
- ensure efficient use of roads and lanes
- minimise costs on government
- make sure different groups benefit fairly

The Regulatory Impact Statement assessed proposals against criteria that reflect these objectives: safety, efficiency, compliance costs, government costs, and fairness of outcomes.

Proposed changes

The Minister has agreed to consult on a package of 5 proposals. The proposals were identified through policy analysis, stakeholder feedback and operational experience and were assessed against other options in the Regulatory Impact Statement.

¹ [Land Transport \(Road User\) Rule 2004 \(SR 2004/427\) \(as at 25 October 2025\) – New Zealand Legislation](#)

Scope of this consultation

This consultation focuses on 5 targeted and practical proposed changes about how different users access and share road space, cycle lanes, berms, and bus stops. They address issues raised by councils, road users, and enforcement agencies about how current rules operate in practice.

The proposals are to:

1. Allow children aged 12 years and under to ride bikes on footpaths
2. Set a minimum passing gap for when drivers pass other road users
3. Allow people to ride e-scooters in cycle lanes
4. Require drivers to give way to buses leaving bus stops
5. Clarify signage requirements for enforcing berm parking restrictions.

These proposals build on earlier policy work to improve safety, accessibility, and clarity in lane use rules. Similar proposals were considered as part of the Accessible Streets package in 2020 but were not progressed at the time. We're not revisiting definitions or transport device categories proposed through Accessible Streets, although we have drawn on its evidence and analysis where relevant to address these issues in a more practical and targeted way.

This consultation is not seeking feedback on wider reforms to road use, mode priority, enforcement frameworks, or transport system design. This consultation also doesn't consider unrelated changes to vehicle standards, licensing, or enforcement regimes. While there is broader public interest in these areas, they sit outside the scope of this work and are being progressed elsewhere in the Land Transport Rules Reform Programme, or through other policy and reform programmes.

Proposal 1: allow children to cycle on footpaths

Proposal 1: allow children aged 12 years and under to ride their bikes on footpaths

Background

Currently, the Road User Rule allows pedestrians, mobility device users, and wheeled recreational device users (such as skateboards, e-scooters, push scooters) to use footpaths.² Bikes may only be ridden on footpaths in very limited circumstances, such as when delivering mail or if the cycle has wheels with a diameter of less than 355mm, which is considered safe for footpath use.³

Evidence shows that many children already ride bikes on footpaths, even though the Road User Rule makes it illegal.⁴ Feedback from advocacy groups and families shows that people want the Road User Rule to reflect common practice and support safe cycling for children.⁵

Cycling on busy roads can be a safety risk for younger or less experienced bike riders and is concerning for their caregivers. Cyclists aged 10-14 have recorded the highest number of recent ACC cycling injury claims.⁶ Generally, children are more vulnerable to traffic-related crashes than adults because of their physical development, awareness and judgement.

Proposed change

We propose to change the Road User Rule to allow children aged 12 years and under to ride bikes on footpaths because younger cyclists face higher risks when riding on the road and many children already ride on footpaths despite it being illegal to do so.

We consider the 12-year age limit is the most appropriate maximum age to balance the safety of young cyclists and other users on footpaths. Children develop the ability to accurately judge traffic speed and movement gradually, and this skill is usually not fully developed until they are much older. It may also be harder for drivers to see younger children on bikes.

The proposal doesn't extend to adults or caregivers riding alongside children. This reflects concerns about the potential impacts of larger riders on other footpath users, particularly people with disabilities, older people, and those with visual impairments.

Existing provisions in the Road User Rule would still apply - anyone using a path must do so in a careful and considerate manner and not create a hazard to others. The Road User Rule also prohibits using devices at a hazardous speed. We therefore don't propose a maximum speed limit for children riding on footpaths, and we don't propose to create new behavioural requirements.

Implementation of Proposal 1, if it proceeds, would involve providing clarity through the Road User Rule change itself, supported by guidance and education where appropriate. This may include information for

² Land Transport (Road User) Rule 2004, clause 11.1 (use of footpaths). Definitions of "mobility device" and "wheeled recreational device" are in clause 1.6, and behavioural requirements are set out in clause 11.2.

³ Clause 1.6 of the Land Transport (Road User) Rule 2004 defines a wheeled recreational device as having a wheel diameter not exceeding 355 mm and explicitly excludes cycles. Most children's bikes have wheel diameters larger than 355 mm and don't qualify as wheeled recreational devices. As a result, most bikes aren't currently permitted to be ridden on footpaths.

⁴ Evidence of this is demonstrated through surveys of people's knowledge of the Road User Rule. For example, a survey produced by Mana Mokopuna – Children's Commissioner shows 86% of children having ridden on a footpath and unaware it is currently illegal to do so: <https://www.manamokopuna.org.nz/documents/491/Children-Riding-Bikes-on-Footpaths-submission2.pdf>

⁵ Accessible Streets consultation, Waka Kotahi NZ Transport Agency, 2020. Available at: [Accessible Streets consultation | NZ Transport Agency Waka Kotahi](#)

⁶ Children from the ages 10 to 14 recorded 3166 injuries in incident related to bikes, and the second highest was children aged 5 to 9, with 1933 injuries between January and July 2025, based on ACC injury claims data for cycling-related injuries (publicly available via Stats NZ and data.govt.nz). Location-specific injury rates cannot be derived as ACC datasets do not record the specific location of incidents (road, footpath, driveway).

families, schools, and councils to promote safe and considerate riding behaviour and to support understanding of how children and pedestrians can share footpath space safely.

Possible impacts

Many children already cycle on footpaths in practice, so the proposed change isn't expected to have significant effects. However, it may encourage greater uptake of cycling from children who currently feel unsafe cycling on the road.

Crashes involving faster moving vehicles are more likely to cause serious injuries to cyclists, so giving less experienced riders the option to use slower, safer spaces like footpaths may reduce the severity of cycling injuries experienced by children.

If there is increased uptake in children cycling on footpaths, this may pose additional risks to other footpath users. There may be some increased interaction between children on bikes and pedestrians, particularly in narrow or high-use footpaths or near schools. Children are still developing the skills and judgement needed to ride responsibly, and some may travel at higher speeds or behave unpredictably, including those using e-bikes. These interactions may make some people feel less comfortable or safe, including people with disabilities or with low or no vision. The rule change will be supported by guidance to promote safe and considerate riding on footpaths.

Overall, the proposal seeks to balance improving safety for young cyclists with maintaining comfort and accessibility for other footpath users. The extent of impacts is likely to vary depending on local conditions, footpath design and levels of use.

What we're seeking feedback on

The following questions relate to Proposal 1. A full list of consultation questions for all the proposals is provided in **Appendix 1**.

Questions	
P1.1	Do you agree with allowing children aged 12 years and under to ride bikes on footpaths? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P1.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>

Proposal 2: set a minimum passing gap for vehicles

Proposal 2: set a minimum overtaking gap when drivers pass other road users (cyclists, horse riders etc) of at least

- **1 metre** when passing at speed limits of **60 km/h or less**, and
- **1.5 metres** when passing at speed limits **above 60 km/h**.

Background

Under the current Road User Rule,⁷ drivers must pass other vehicles safely, but no minimum distance is specified when passing 'other road users such as cyclists, horse riders, or micro-mobility users. There are increased safety risks when there are limited awareness and inconsistent understanding of what is considered a safe passing distance.

Existing guidance, including guidance issued by NZTA, encourages drivers to allow additional space when passing cyclists and other road users (often cited as around 1.5 metres). However, this guidance isn't the law. Overseas jurisdictions commonly have minimum passing distance requirements set in law to clarify expectations and encourage safer passing behaviour.

Proposed changes

Proposal 2 would amend the Road User Rule to introduce a minimum passing distance when drivers of motor vehicles overtake other road users, including cyclists and horse riders. Drivers of motor vehicles would be required to allow at least 1 metre passing distance when travelling at speed limits of 60 km/h or less, and at least 1.5 metres passing distance when travelling above 60 km/h.

Failing to meet the minimum passing distance would attract a \$300 infringement fee (fine), with a maximum court-ordered fine of \$1,500. Existing offences, such as careless or dangerous driving, would still apply. The level of fines proposed strikes an appropriate balance between deterring unsafe passing behaviour and ensuring penalties are proportionate to the seriousness of the offence, consistent with the Ministry of Transport's Effective Financial Penalties Framework.

The proposal aims to clearly signal expected behaviour, improve understanding of safe passing practices, and deter unsafe overtaking behaviour.

Possible effects

Setting a minimum overtaking distance in law is expected to improve safety and perceived safety for other road users by clarifying what acceptable passing behaviour is. Clear thresholds may also reduce uncertainty for drivers.

There may be challenges in tight spaces, like narrow roads or busy streets, where drivers may have to slow down or wait longer before overtaking. However, these are also situations where people walking or cycling are most at risk, which is why this safety rule is being proposed.

There may be a reduction of accidents, injuries or deaths, which will have strong safety and societal benefits. There may be additional costs for drivers who fail to comply with the new rule and are issued with an infringement notice. These additional costs are considered necessary to encourage safe driving and prevent injury and death.

⁷ Clause 2.6 of the Road User Rule

What we're seeking feedback on

The following questions relate to Proposal 2. A full list of consultation questions for all the proposals is provided in Appendix 1.

Questions	
P2.1	Do you agree with introducing a minimum passing distance when drivers overtake other road users (such as cyclists, horse riders, and micro-mobility users)? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P2.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence</i>

Proposal 3: allow e-scooters to use cycle lanes

Proposal 3: allow people to ride e-scooters in cycle lanes

Background

Cycle lanes are meant to give safer, more predictable space for people using small, low-speed vehicles that are exposed in traffic. As e-scooters and other micro-mobility devices have become more common, demand for clear rules about where they can operate has grown.

While e-scooters are often used in cycle lanes, the Road User Rule doesn't specify whether this is allowed. This lack of clarity can confuse users, councils, and enforcement agencies, and may contribute to inconsistent behaviour or misunderstandings between different road users.

Because e-scooters and bikes travel at similar speeds and face similar risks, many users see cycle lanes as the most appropriate place for e-scooters, where they are available.

Proposed change

Proposal 3 would amend the Road User Rule to make it clear that e-scooter riders (where their use is otherwise lawful) may use cycle lanes.

This change is intended to:

- align the Road User Rule with how people use cycle lanes and user expectations
- promote safer use of designated road space for micro-mobility users
- reduce uncertainty and make enforcement more consistent.

No new offences or penalties are proposed, and the change isn't expected to materially change behaviour or add extra costs.

Possible effects

The proposal is expected to make the rules clearer for e-scooter users and other road users by confirming that cycle lanes are an appropriate place for e-scooters. This may also help e-scooter riders position themselves safely away from general traffic and footpaths.

In some locations, having more cyclists and e-scooter riders using the same space could raise concerns about different speeds, overtaking behaviour, or congestion. However, these interactions are already happening, and the purpose of this proposal is to clarify the legal position, not to promote new or increased use of e-scooters.

Because e-scooters are already commonly used in cycle lanes and the purpose of this change is to provide certainty, the overall impacts are expected to be minor.

What we're seeking feedback on

The following questions relate to Proposal 3. A full list of consultation questions for all the proposals is provided in Appendix 1.

Questions	
P3.1	Do you agree with allowing e-scooters to be used in cycle lanes? ☐ Yes

	☐ No ☐ Not sure Please explain your answer or provide any relevant examples or evidence.
P3.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure Please explain your answer or provide any relevant examples or evidence.

Proposal 4: giving buses priority when leaving bus stops

Proposal 4: require drivers travelling below 60km/hr to give way to buses leaving bus stops

Background

Efficient use of traffic lanes is essential for keeping public transport services running reliably. When buses are delayed getting back into traffic after stopping, services can become less reliable, travel times take longer and public transport becomes less attractive.

Currently, drivers aren't legally required to give way to buses leaving bus stops, although this is often encouraged as a courtesy. In practice, driver behaviour is inconsistent and varies by location and traffic conditions. Where drivers don't give way, buses may experience delays while waiting for gaps in traffic to merge back into the traffic flow. These issues are likely to worsen by growing congestion in urban areas.

Proposed change

Two approaches were considered to improve driver behaviour when buses are leaving bus stops on roads with speed limits below 60 km/h:

- introducing a regulatory requirement for drivers to give way to buses leaving bus stops; or
- relying on education, signage, and road markings to encourage this behaviour.

The preferred option is to introduce a legal requirement for drivers to give way to buses leaving bus stops on roads with speed limits of 60 km/h or less, supported by non-regulatory measures such as education and signage.

Under this proposal:

- Drivers would be required to give way to a bus that is signalling to leave a bus stop.
- Bus drivers would remain subject to existing requirements in rule 3.10 of the Road User Rule, including indicating for at least 3 seconds and ensuring it's safe to pull out.
- Failure to give way to a bus would be an offence, subject to an infringement fee of \$50 and a court-ordered fine of up to \$250.

This infringement fee is considered most appropriate for this offence to incentivise courteous driving behaviour, while recognising this is a low-risk traffic offence that doesn't warrant a substantive penalty. This change would set a clear legal expectation for how drivers should behave. While enforcement isn't expected to be a priority for Police, consistent with other low-risk traffic offences, having a rule is expected to support compliance, particularly when combined with education and signage.

Possible effects

Requiring drivers to give way to buses leaving bus stops is expected to improve the efficiency and reliability of public transport services, particularly in congested urban environments. Research indicates that reducing delays for buses re-entering traffic can save travel time and make the service more reliable for public transport users.

Safety impacts are expected to be neutral. The proposal is not anticipated to significantly increase or decrease crash risk, as buses would continue to be required to pull out safely and drivers would be required to give way only in low-speed environments.

There may be minor delays for drivers, particularly on busy routes.⁸ These are expected to be modest because the requirement applies only on roads with speed limits of 60 km/h or less and reflects behaviour that is already common practice.

Costs are expected to include:

- One-off costs associated with implementing the rule change.
- Costs for signage and communications where supporting measures are introduced.

Overall, the proposal seeks to balance improved public transport efficiency and clarity of expectations with proportional enforcement and manageable implementation costs.

What we're seeking feedback on

Questions	
P4.1	Do you support introducing a legal requirement for drivers to give way to buses leaving bus stops on roads with speed limits of 60 km/h or less? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P4.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>

⁸ The Regulatory Impact Statement estimates the aggregate cost of these delays to motorists at approximately \$380,000 per annum, which is outweighed by public transport efficiency gains.

Proposal 5: clarifying signage requirements for parking on berms

Proposal 5: clarify that signage isn't required for road controlling authorities to prohibit parking on berms.

Background

Road controlling authorities manage parking on berms⁹ through bylaws and local parking controls as per Clause 6.2 of the Road User Rule. This clause allows road controlling authorities to make bylaws that override the national parking rules, including restriction on berm parking. Parking on berms can create safety, accessibility, and amenity issues, especially where it blocks footpaths, and sightlines, or restricts access for pedestrians, wheelchair users, and people with prams.

Road controlling authorities take different approaches to managing berm parking by using signage, markings, education, and enforcement. However, there is uncertainty about when signage is required for berm parking restrictions to be enforceable. The Traffic Control Devices Rule 2004 and manual, which require that parking restrictions be made clear to road users, is interpreted in different ways. Some road controlling authorities, like Auckland Transport, interpret this as requiring signs every 100 metres, while others, like Christchurch City Council, consider signage unnecessary.

As a result, enforcement varies across regions. Some road controlling authorities install signage even where it isn't required, while others don't enforce illegal parking. This inconsistency increases costs, creates confusion for road users, and reduces the effectiveness of berm parking management.

Proposed change

Proposal 5 would amend the Road User Rule to clarify that road controlling authorities can use signage to support berm parking rules, but they are not required to install signs for their bylaws to be enforceable.¹⁰

This would reduce uncertainty, avoid unnecessary signage costs, and support road controlling authorities to manage berm parking.

Implementation costs are expected to be low and limited to local education or signage where practices change. No new offences or penalties are proposed.

Road controlling authorities would still be able to install signage, including using standardised signage where helpful.

Possible impacts

Clarifying signage requirements is expected to improve certainty and consistency for road controlling authorities, enabling them to effectively manage berm parking in response to local safety and accessibility issues. Reducing signage may lower costs and visual clutter, while still allowing it to be used where it supports compliance.

For road users, the change may result in greater variation in how berm parking is managed across locations. This may require clearer communication or education in some areas to support understanding and compliance.

⁹ While not defined in transport legislation, a berm is commonly defined by road controlling authorities as the grassed area between the roadway and either the footpath or the property boundary (see, for example, Auckland Transport 'Berm Maintenance Guidelines'; Porirua City Council 'Road Reserve Information'; Kāpiti Coast District Council 'Parking on Berms').

¹⁰ [Land Transport \(Road User\) Rule 2004 \(SR 2004/427\) \(as at 25 October 2025\) – New Zealand Legislation](#) Part 6, Clause 6.2 of the Land Transport (Road User) Rule 2004 sets out where a driver must *not* stop, stand, or park a vehicle

The proposal is intended to support appropriate local management of berm parking, with low implementation costs.

What we're seeking feedback on

The following questions apply to Proposal 5. A full list of consultation questions for all the proposals is provided in Appendix 1.

P5.1	Do you agree with the proposal to clarify that signage is not required for berm parking rules to be enforceable? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P5.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure

Making a submission

When you send your feedback, make sure to include:

- Title of the discussion document you're commenting on (if providing feedback by email)
- Your name (and job title, if relevant)
- Your organisation's name (if relevant)
- Your email address (preferred) or postal address

You can send us your feedback in 2 ways:

1. Complete the online form here: www.nzta.govt.nz/laneuse
or
2. by email: rules@nzta.govt.nz

Consultation closes on 25 March 2026.

All feedback will be considered before a decision is made by the Minister of Transport. Any Rule changes are likely to be announced in mid-2026.

Your submission is public information

Please note your submission might be made public. We may publish your submission and may include your name as the person who submitted it or provide it to a third party.

If any part of your submission is commercially sensitive or you have a reason why it shouldn't be disclosed, or why you shouldn't be named, please make that clear in your submission.

Any requests to keep information private will be considered under the *Official Information Act 1982*.

Note on use of AI in analysing feedback

To help us analyse the feedback we receive through this consultation, we may use artificial intelligence (AI) tools. These tools can assist us in identifying common themes and summarising responses more efficiently. Any use of AI will follow our privacy and data protection standards, and your feedback will always be reviewed by our team to ensure fair and accurate reporting.

Process for making Rule changes

Rules are made by the Minister(s) of Transport under the Land Transport Act 1998 (the Act). They contain detailed legal requirements, such as standards and processes. More information on the process for making rule changes, and the criteria, can be found on the NZTA website:

[Process for making Rule changes](#)

Appendix: survey questions

The questions below are the same as those in our online form, reproduced here for completeness. We recommend using the online form when submitting.

The following questions seek your feedback on each proposal. For each proposal, we ask whether you agree with the proposed change, and whether there are any other impacts that should be considered (such as safety, accessibility, or compliance) if the proposal is implemented.

Proposal 1	
P1.1	Do you agree with allowing children aged 12 years and under to ride bikes on footpaths? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P1.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
Proposal 2	
P2.1	Do you agree with introducing a minimum passing distance when drivers overtake other road users (such as cyclists, horse riders, and micro-mobility users)? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P2.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
Proposal 3	
P3.1	Do you agree with allowing e-scooters to be used in cycle lanes? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>

P3.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
Proposal 4	
P4.1	Do you support requiring drivers to give way to buses leaving bus stops on roads with speed limits of 60 km/h or less? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P4.2	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
Proposal 5	
P5.1	Do you agree with the proposal to clarify that signage is not required for berm-parking rules to be enforceable? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>
P5.3	Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented? ☐ Yes ☐ No ☐ Not sure <i>Please explain your answer or provide any relevant examples or evidence.</i>