MINISTRY OF TRANSPORT
TE MANATŪ WAKA

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

Section	Description of ground
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 (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)

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Final Regulatory Impact Statement: Land Transport Rules Reform programme: Improvements to lane use

Decision sought	Final policy decisions on proposed rule changes to improve lane use
Agency responsible	Ministry of Transport
Proposing Ministers	Minister of Transport
Date finalised	19/05/2026

Briefly describe the Minister's regulatory proposal

As part of the Government's Land Transport Rules Reform programme (Rules reform), the Minister of Transport is progressing a set of changes to improve lane use:

- Increase the age at which children are allowed to ride their cycles on footpaths to up to 12 years old, and allow an older cyclist to assist them to ride safely.
- Establish a mandatory minimum overtaking gap of 1.5 metres for when motorists pass other road users (cyclists, horse riders, etc.)
- Require vehicles travelling below 60 km/h to give way to buses leaving bus stops
- Allow people to ride e-scooters in cycle lanes[1]

The Minister consulted on a proposal to clarify signage requirements for Road Controlling Authorities (RCAs) for restricting or allowing parking on berms but is not progressing this proposal.

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Summary: Problem definition and options

What is the policy problem?

The Land Transport (Road User) Rule 2004 (Rule) is intended to keep road users safe and ensure efficient traffic flows. However, some Rules and guidance are not delivering optimal safety outcomes and system efficiency. This is due to rules that are currently not clear, practical, or well-understood, leading to non-compliance.[2]

What is the policy objective?

This work seeks to better enable the safe and efficient use of lanes for the variety of transport modes used by New Zealanders. In many cases, these proposals seek to reflect current social norms with the aim of setting clear social expectations and disincentivise other practices by

[1] The Ministry for Regulation has exempted this proposal from regulatory impact requirements. The proposal is therefore not discussed in this regulatory impact statement.

[2] Evidence of this is demonstrated through surveys of people's knowledge of existing Rules. 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.

providing additional enforcement tools. We have measured this by considering if changes produce:

- Improved road safety outcomes
- Greater understanding of and compliance with amended Rules
- Enhanced efficiency of the transport network.

What policy options have been considered, including any alternatives to regulation?
Cabinet has agreed to progress a set of practical proposals with direction to look at a regulatory resolution. This has limited the scope of our analysis. Broader regulatory changes, such as changes to definitions (i.e. of terms like berm and verge) or to classifications of specific transport devices are out of scope of the practical proposals as part of this workstream and therefore were not considered as part of policy development. Options to assess the relative value of and/or remove specific Rules were out of scope of this work.

The Minister of Transport has publicly consulted on a set of practical rule changes to improve lane use. Within the scope of these five proposals, a range of possible rule changes have been developed to address the problems above. Establishing new Rules also enables the creation of new offences and penalties to disincentivise other potentially less safe and efficient road practice.

For the minimum overtaking gap and giving way to buses leaving bus stops proposals, we also considered non-regulatory interventions such as additional education, guidance and signage. This was to acknowledge that public awareness and understanding of the Rules is required to enable effective compliance and generate the improved safety and efficiency outcomes that this work aims to deliver. We considered these non-regulatory actions both as a stand-alone option and as a supplement to regulatory intervention. We generally found that a rule change and the non-regulatory actions in combination will yield the most benefits.

What consultation has been undertaken?
The New Zealand Transport Agency (NZTA) carried out public consultation on five proposals for four weeks, from 25 February 2026 to 25 March 2026. 6,050 submissions were received from individuals, organisations, stakeholders, and local councils. Overall, submitters broadly supported the proposals; however, some stakeholder groups raised safety and implementation concerns. In response to these concerns, the kids on bikes, minimum overtaking gap, and berm parking preferred options in the final RIS differ from the interim RIS.

We have worked closely with the NZTA throughout policy development of these proposals. We also engaged with the Police, Ministry of Justice, Ministry for Regulation and Mana Mokopuna – Children's Commissioner to inform option selection and analysis.

Similar proposals to those included in this RIS underwent public consultation in 2020 as part of the 'Accessible Streets' programme of Rule changes. Relevant feedback from that consultation has been considered as part of the policy development.

Is the preferred option in the final policy briefing the same as preferred option in the RIS?
The final RIS will accompany a briefing seeking final policy decisions from the Minister of Transport, as authorised by Cabinet [CAB-26-MIN-0110].

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Summary: Minister's preferred option in the final policy briefing

Costs (Core information)

Due to data and enforcement limitations, costs have been difficult to predict across proposals. We did not model fiscal/monetary costs to road users, Police, government, RCAs or regulators as we consider any results would be unreliable due to lack of data and sensitivity to a number of highly uncertain assumptions (see Limitations section below). However, NZTA did advise an approximate cost associated with the provision of supporting education and guidance between $70,000 - $100,000.

We otherwise anticipate low additional costs for government beyond those required to develop, consult on, and implement the regulatory changes. We do not expect enforcement costs to increase substantially; see *Implementation* for the basis for this assumption.

We also expect minimal additional costs for road users. In part, this is because some proposed Rule changes will simply amend Rules to reflect current common practices. The exception is road users who do not comply with new Rules may face additional financial penalties for proposals to establish a minimum overtaking gap and to give way to buses. We consider these potential costs necessary to encourage compliance and enhance road and path user safety. We have used the Ministry's Effective Financial Penalties Framework and associated categorisation tool to identify proportional levels of fees.

Many of the costs and concerns mentioned through consultation were raised by those who did not agree with the proposals, such as safety risks to select groups and enforcement limitations of rules. These costs cannot be meaningfully modelled, for the reasons listed in the Limitations section below.

Benefits (Core information)

Some proposals have the potential to improve safety, i.e. a decrease in accidents, injuries or death. Other proposals are expected to increase system efficiency.

However:

- since some of the proposed changes are already common practice, benefits from behaviour change may be small.[3] For example, many children already ride their bike on the footpath despite it being illegal to do so.[4]
- existing data limitations as well as enforcement constraints mean that cost savings are ultimately difficult to predict.

There are benefits to progressing Rule changes to provide clarity and awareness and encourage common and safe practices. New offences and penalties provide additional enforcement mechanisms that can encourage compliance.

Balance of benefits and costs (Core information)

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[3] For example, research quantifying the economic and other benefits of enabling priority bus egress from bus stops predicts about 50% of people already give way to buses leaving bus stops: https://www.nzta.govt.nz/assets/resources/research/reports/609/609-quantifying-the-benefit-of-bus-egress.pdf.

[4] A survey from 2019 from the Mana Mokopuna – Children's Commissioner showed that 86% of children said they had ridden a bike on the footpath.https://www.manamokopuna.org.nz/documents/491/Children-Riding-Bikes-on-Footpaths-submission2.pdf.

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

Yes. The Ministry and NZTA share the view that the safety and efficiency benefits from the preferred options are likely to outweigh the costs. Implementation costs are expected to be low and primarily related to communications and education, and benefits are expected to outweigh costs on qualitative grounds, including through clarifying expected road user behaviour.

However, for the berm parking proposal, we recommended no rule change at this time. Consultation raised significant notice and fairness concerns, and the alternative options considered were not workable or within scope as this workstream involves discrete fixes to problems.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

Subject to Ministerial approval, s 9(2)(f)(iv) Supporting regulatory amendments to give effect to the Rule changes, such as to Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999, would be gazetted in alignment with the Rule changes.

The success of the proposals relies in part on road users understanding the amended Rules and complying with them. Police prioritise enforcement of higher risk behaviours (e.g. impaired driving, speeding, violent offending) over lower-risk infringements, and practical challenges (such as evidential measurement of an overtaking gap) will limit enforcement of some changes.

We do not anticipate any significant additional cost to Police but note that this will likely limit the efficacy of any Rule changes, and this is reflected in our analysis. Road users are more likely to comply where requirements are easy to follow and they know the rule.

To support public understanding and compliance, the Ministry and NZTA will develop and distribute communication materials and consider any necessary updates to the road code. These resources will help inform the public and support education and advocacy groups in explaining the new requirements.

NZTA does not currently anticipate the need for additional funding beyond business-as-usual (BAU). Implementation activity, including education and guidance, is expected to be funded from BAU (we have discussed potential additional signage for example for Proposal 5 on berm parking, but we understand this is unlikely unless decisions change).

We will continue to engage with Police to ensure both an understanding of and compliance with the new requirements to the extent possible.

Limitations and Constraints on Analysis

Data limitations make costs and benefits difficult to predict across proposals. There is limited data collected for micro-mobility, walking, giving way, passing distances and any related injuries. Data we were able to obtain lacks required detail to inform fulsome analysis. For example, Accident Compensation Corporation (ACC) data of cyclist injuries report the road and footpaths as the same area, preventing officials from comparing the harm risk of these areas. We have also relied on survey data about attitudes and experiences, and dated research that was carried out for 'Accessible Streets'. We did not model costs to road users, Police, government, or regulators as we consider any results would be unreliable and uncertain. The costs of obtaining more reliable information would likely outweigh the benefits of having that information.

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Additional enforcement mechanisms could improve compliance with the Rules; however, we recognise this will be limited by the extent that New Zealand Police (Police) and RCAs are able to enforce proposed new Rules recommended in these options.

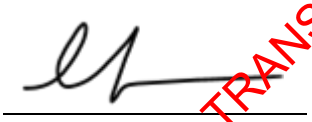
This is both because of practical limitations such as the need for new, specialised equipment to measure passing distance to an evidential standard, and because of resource and capacity considerations. Police prioritise resources to enforce high risk activities. We have factored these limitations into our analysis of preferred options. Options to remove Rules (as to recognise existing enforcement limitations and therefore the relative value of the Rule) were out of scope for this work.

The effectiveness that any rule will have in deterring non-compliance is unclear. Even with easily enforceable rules, fines may still have limited effect to encourage compliance. The effectiveness of the change is likely to be realised over time through education of new drivers learning this as a road rule.

Implementation costs and timeframes for NZTA and Police will depend on final policy decisions.

I have read the Regulatory Impact Statement, and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits, and impact of the preferred option.

Responsible Manager(s) signature:



Laura Bender
Manager, Regulatory Reform

Quality Assurance Statement

Reviewing Agency: Ministry of Transport	**QA rating:** partially meets

Panel Comment: The Ministry of Transport RIS Quality Assurance panel has reviewed this Regulatory Impact Statement and considers that it partially meets the QA criteria. The RIS clearly identifies several problems in the Land Transport (Road User) Rule 2004 (Rule) and makes a persuasive case for amending or creating Rules to improve safety and system efficiency outcomes. However, the proposal to clarify berm signage requirements is less clear and convincing. There are some limitations in the availability and currency of data and research to evaluate the problems identified, but nevertheless the evidence presented supports the recommendations. The implementation plan is clear, but delivery is constrained by the level of enforcement expected from Police, and the monitoring and evaluation approach has yet to be developed.

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Section 1: Diagnosing the policy problem

What objectives are sought in relation to the policy problem?

Context

1. In June 2025, the Minister of Transport, Hon. Chris Bishop, announced a work programme to increase productivity, safety and efficiency through comprehensively reforming land transport rules. One part of this programme is to deliver a set of practical Rule changes to better enable the safe and efficient use of lanes for the variety of transport modes used by New Zealanders on our roads and paths.
2. Road rules (as set out in the Land Transport (Road User) Rule 2004 (Rule)) are intended to keep road users safe and to ensure efficient traffic flows. However, some Rules are not delivering optimal safety outcomes and system efficiency. This is a result of Rules that could better align with safety outcomes, a lack of clarity and understanding of the rules, no existing rule where a requirement could provide clarity, outdated rules and gaps in regulation and growing safety concerns arising from factors such as urbanisation and new technology.
3. Consequently, some Rules are now unclear, impractical, or poorly understood, leading to non-compliance.[5] Each proposal describes how it relates back to the overarching policy problem in their relevant sections. Even where Rules are not actively enforced, they serve an important purpose in creating a clear system that road users can rely on. Without clear rules, road users cannot make predictable and safe decisions. This is illustrated by giving way rules — drivers give way not just because they may be fined, but because it is the understood and expected behaviour that everyone has learned. Without clear rules, this framework breaks down regardless of whether enforcement is present.[6]
4. Public consultation was undertaken on the following set of proposals to improve lane use:
    a. Increase the age at which children are allowed to ride their bikes on footpaths to 12 years old (**refer 1.1 and 2.1** for further information)
    b. Establish a mandatory minimum overtaking gap for when motorists pass other road users (cyclists, horse riders, etc.) (**refer 1.2 and 2.2** for further information)
    c. Require vehicles to stop to give way to buses leaving bus stops when travelling below 60km/h (**refer 1.3 and 2.3** for further information)
    d. Clarify signage requirements for Road Controlling Authorities (RCAs) for dis/allowing parking on berms (**refer 1.4 and 2.4** for further information)
5. Allow people to ride e-scooters in cycle lanes (this proposal is exempt from the regulatory impact analysis requirements as it has no or minor economic, social or environmental impacts).

Objectives

6. In addressing the problems above, these proposals aim to:
    a. improve road safety outcomes,
7. improve public understanding of and compliance with amended Rules, and

[5] Evidence of this is demonstrated through surveys of people's knowledge of existing Rules. See Footnote 2.
[6] Land Transport (Road User) Rule 2004 Schedule 1 Objective of the rule

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a. enhance the efficiency of the transport network.

What consultation has been undertaken?

8. We worked closely with NZTA in developing the proposals. We also engaged with Police, the Ministry of Justice, the Ministry for Regulation, and Mana Mokopuna - Children's Commissioner to inform option selection and analysis. We informed Whaikaha, Ministry for Disabled Peoples, Oranga Tamariki, Department of Internal Affairs, Ministry of Health, Treasury, and Ministry for Primary Industries (Rural Communities) of the work.
9. NZTA carried out public consultation on the five proposals for four weeks, from 25 February 2026 to 25 March 2026. 6,050 submissions were received in relation to these proposals. There was generally broad support for all the proposals. The notable exceptions to this were:
    a. Submitters raised possible safety risks for specific groups i.e., people with disabilities and older people using footpaths would be more at-risk from children being allowed to ride bikes on footpaths.
    b. The proposal to clarify berm parking signage requirements was not supported by submitters.
10. The feedback on each of the proposals and how we have considered this in the final recommendation is outlined in the respective sections.
11. Consultation included a proposal to allow e-scooters in cycle lanes. This proposal is exempt from regulatory impact requirements, so it is not assessed further in this RIS. 81% of those who submitted agreed with the proposal, while 10% disagreed and 9% were not sure. Stakeholders also recommended that there be clear rules on the priority of e-scooters to give way to cyclists in cycle lanes.
12. Similar proposals to those included in this RIS underwent public consultation for 11 weeks in 2020 as part of the 'Accessible Streets' programme of Rule changes. 1,801 submissions were received and relevant feedback was considered as part of the policy development.

Section 2: Assessing options to address the policy problem.

What criteria will be used to compare options to the status quo?

13. In determining the criteria, we have reflected the Ministry for Regulation's guidance on good regulatory stewardship and practice. We have also selected criteria that will support the Minister of Transport's consideration of factors listed in section 164(2) of the Land Transport Act 1998 (LTA) when deciding whether or not to make a rule change:
    - **Improve road and lane user safety:** limiting the risk of injuries and deaths while travelling is an important responsibility of an effective regulatory system.

      Efficient use of roads and lanes: efficient use of lanes reduces travel time and costs for users. This can also result in positive externalities including emissions reductions.
    - **Limit cost and burdens for users and practical to comply with:** regulation which is overburdensome and impractical for individuals is cumbersome and generates time and cost pressures, reducing system efficiency.
    - **Minimises costs on government:** costly or complicated regulatory systems tend to reflect ineffective regulatory practice. This is undesirable as there may be more cost-effective or less complicated ways to achieve the same outcome.

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- **Enables fair distribution of outcomes:** consider how different outcomes are distributed to different groups, and whether this is proportionate.

14. All the criteria have been weighted equally.

1.1 Enabling children to ride bikes on footpaths

What is the context behind the policy problem and how is the status quo expected to develop?

15. Currently, only pedestrians, mobility device users and wheeled recreational device users (e.g. skateboards, e-scooters, and push scooters) are allowed on the footpath. Unless delivering mail, or where the diameter of a wheel is 335mm or less (suitable for children six years and under)[7], bikes cannot legally be ridden on footpaths.

16. Riding bikes on the road can be dangerous, particularly in urban areas where there is greater traffic on roads, presenting more opportunity for risks to riders. In 2024, there were nine fatal crashes, 149 serious injury crashes, and 459 minor injury crashes where cyclists were involved. Children aged 10 to 14 have been the highest injury group on bikes in the past six months that resulted in 3166 ACC claims related to bikes.[8]

17. There have been public calls to enable children to ride bikes on footpaths, including petitions from Joanne Clendon (2014) and Shane Riddle (2024). The Petitions Committee has recently reported back on the petition of Shane Riddle,[9] recommending that the Government consider enabling children up to the age of 14 to ride bikes on footpaths.

18. The previous Government consulted on a proposal to enable all people to ride their bikes on the footpaths if they follow requirements such as a speed limit and a requirement to be mindful of other road users.[10] However, 45% of submitters opposed all bike users being allowed to ride on footpaths, generally considering this to be a place for pedestrians and citing risks, particularly to people with disabilities.

What is the policy problem or opportunity?

19. Generally, children are more vulnerable to traffic related crashes than adults because of their physical development, awareness and judgement. In 2019, children between the ages of 0 to 14 accounted for 8.2% of traffic injury hospitalisations relating to cycling.[11] Where cycle lane and shared paths are not available, children must ride their bikes on the road according to the rules.

20. There is non-compliance with existing Rules and therefore an opportunity to align the Rules with current practice. Research shows that less experienced riders like children will spend

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[7] Rules 11.1 and 11.11 of the Land Transport Road User Rule 2004.

[8] We do not have the data available to indicate the proportion of where these injuries have taken place (i.e., road or footpath) but there is a risk of more significant injury on the road. This is due to the greater safety risks posed by moving vehicles and because children's minds are also not fully developed so struggle to have the cognitive processing needed to ride safely on the road.

[9] Petitions Committee final report on the petition of Shane Riddle https://selectcommittees.parliament.nz/v/SelectCommitteeReport/caf2ee9a-ffd7-4c6f-0e18-08de61f69b89?lang=en.

[10] Accessible Streets 2020 Summary of Submissions: https://www.nzta.govt.nz/about-us/public-consultation-hub/archived-consultations/accessible-streets

[11] Environmental Health Intelligence New Zealand report https://www.ehinz.ac.nz/assets/Surveillance-reports/Released_2021/Road-Traffic-Injuries-in-Children.pdf

more time on the footpath while still learning to ride.[12] A 2019 survey from Mana Mokopuna – Children's Commissioner showed that 86% of children said they had ridden a bike on the footpath.[13]

21. At the same time, Police data shows that only one person under the age of 16 has been fined in the past two years for riding on a footpath. Police have noted that it would be unlikely to change enforcement practice and will have challenges (both practically and statutorily) with verifying the child's age at the time.

22. For example, children often do not have or carry identifying information like a passport and Police would need a statutory power to require children to identify themselves.

What consultation has been undertaken?

23. The public largely supported this proposal, with 78% of submitters agreeing. A further 14% disagreed and 8% were unsure. Submitters commonly supported allowing children to ride on footpaths because they viewed this as safer than riding on the road, despite recognising the potential risks to pedestrians. Cycling advocacy groups generally supported the change and recommended a higher age threshold. Pedestrian advocacy groups generally favoured a lower age threshold or retaining the current rule.

24. Submitters also raised practical questions about how the proposal would operate in specific situations, including at pedestrian crossings and where vehicles exit driveways, as well as questions about helmet requirements. Existing rules already apply in these situations, and will continue to apply to children riding bikes on footpaths.

25. Disability advocates and other submitters raised concerns about the potential safety effects of this proposal for older people and disabled people using footpaths. They highlighted that less mobile and more vulnerable footpath users could face an increased risk of injury. To address these concerns, we propose to update guidance, emphasising courteous riding behaviour on footpaths. We also recommend developing an education campaign alongside any rule change.

2.1 Enabling children to ride bikes on footpaths

What scope will options be considered within?

26. The Minister of Transport has agreed to a set of practical changes to improve lane use including to enable children to ride bikes on footpaths. Within scope of these options was the consideration of appropriate maximum age of the child, whether parents/caregivers could ride alongside a child on the footpath, and additional measures such as a maximum speed or other guidance or behavioural requirements to support safe riding behaviour.

27. Allowing everyone to ride bikes on the footpath or any other targeted group is not in scope of this review. Establishing new offences and penalties or increasing fines was also not in scope. However, proposed changes will require amendments to the Land Transport (Offences and Penalties) Regulations 1999.[14]

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[12] NZTA research "Footpath Cycling Rule Options Research": https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Footpath-Cycling-Research-FINAL.pdf
[13] See footnote 2.
[14] The associated infringement fee and court fine for rule 11.11(1) will now be exempt for children aged 12 and under.

28. Non-regulatory options such as greater education were considered. However, allowing children on footpaths can only be enabled by a Rule change. Official education material could not recommend for children to ride on the footpath if it is still contrary to the Rules.

29. This work did not consider investment into more roading infrastructure or possible improvements to roads, footpaths or cycle lanes, as this was out of scope.

Maximum age of children

30. The large number of variables (above) means there is a significant number of possible combinations of options that is not practical to include in the RIS. Rather than including options with multiple maximum ages for riding bikes on footpaths, we took the approach of determining the most appropriate age for inclusion in all relevant options. Twelve was considered the most appropriate maximum age which best balanced the safety of young cyclists and other at-risk users on footpaths.

31. Children develop the ability to accurately judge traffic speed and movement gradually, and this skill is not fully developed until they are around 12 years of age. They also may be harder to be seen by drivers of motor vehicles. This means that there is greater risk of injury and death to children below this age when riding on the road.

32. We acknowledge that the 2024 petition of Shane Riddle calls for a maximum age of 14 years old being allowed to ride bikes on footpaths. The Petitions Committee reported back and recommended that the Government consider this.

33. There are concerns about larger riders and the additional risk of injury posed to other footpath users (such as blind persons and wheelchair users).[15] To ensure safety is balanced between groups, we consider the age of 12 years to be a more suitable maximum age on balance. This is also consistent with recommendations by Mackie Research & Abley Transport Consulting.[16]

Maximum speed and behavioural requirements

34. Options to set a maximum speed or set behavioural requirements for how to ride on the footpath are not included in the set of options below. Rather, we consider that alongside any rule change guidance should be issued highlighting existing requirements, as listed below:

35. **Speed limit:** there is an existing requirement that vehicles be used at a speed that is not dangerous to other people on the footpath which would continue to apply.[17] Establishing a set speed limit is not recommended as it would be difficult for young cyclists to monitor as well as for Police officers to measure. Maintaining the current requirement enables Police officers to have more flexibility and to continue using existing enforcement practices when assessing what a safe speed is.

36. **Behavioural requirements:** there is an existing requirement to ride in a responsible manner and to give way to others on the footpath.[18] We consider this requirement sufficient, and

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[15] From 1 January 2015 to 30 September 2024. In that period, 555 crashes were recorded involving cyclists on the footpath. Of those crashes, 29 involved a pedestrian. As a result, one cyclist died and 10 pedestrians were seriously injured

[16] See footnote 12.

[17] Land Transport (Road User) Rule 2004 rule 11.1(4).

[18] Land Transport (Road User) Rule 2004 rule 11.1(5).

that additional education around this behaviour requirement will support awareness, compliance, and the safety of those using footpaths.

37. Options analysis assumes the application of the above requirements and further education and guidance as part of our assessment against the criteria. There will be implementation considerations for any providers delivering bike education i.e. in schools.

Limitations on analysis

38. Data availability constrained our options analysis, particularly in assessing current and future accident and injury rates. ACC data did not distinguish between roads and footpaths. While Crash Analysis System (CAS) data contains every crash that Police report to NZTA, this is likely to be lower than overall incidents, which include minor injuries or near misses which may not be reported to Police. Additionally, for CAS any crash before 1 March 2025, cyclists aged 12 and under were recorded as pedestrians.

39. Our analysis relied on surveys indicating that children riding bikes on footpaths is already commonplace behaviour and considers enforcement limitations.[19]

What options are being considered?

Option One – Status Quo

40. Currently, pedestrians, mobility device users and wheeled recreational device users (e.g. skateboards, e-scooters, and push scooters) are allowed on the footpath. Unless delivering mail, or if the diameter of a wheel is less than 355mm (suitable for children 6 years and under), bikes cannot legally be ridden on footpaths or on lawns, berms and verges.

41. The penalty for riding a bike on the footpath is an infringement fee of $55 and a court-ordered fine of up to $1,000.

Option Two – Enable children aged 12 years and under to ride bikes on footpaths

42. This option would enable children aged 12 years and under to ride a bike on footpaths, lawns, verges and berms.[20] The change will also enable children to use bikes on pedestrian crossings to safely cross the street if travelling on the footpath.

Option Three – Enable children aged 12 years and under *and a supervising older rider* to ride bikes on footpaths

43. This option would enable children aged 12 years and under *and an older rider* to help teach and supervise a younger cyclist to ride a bike on a footpath, lawn, verges and berms.[21] The change will also enable children and the older rider accompanying them to use bikes on pedestrian crossings to safely cross the street if travelling on the footpath.[22]

How do the options compare to the status quo/counterfactual?

44. See **Appendix 1.**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

[19] See footnote 2.
[20] As to pass or give way to a pedestrian, unless there are cultivated gardens on the berm.
[21] An older cyclist could include anyone above the age threshold who is there for the purpose of supervising the young rider.
[22] See footnote 20.

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45. We recommend enabling children aged 12 years and under to ride bikes on footpaths with an older rider to help supervise the younger rider to learn courteous practice (Option Three). This option will best enhance young cyclists' safety, while limiting the additional safety risks posed to footpath users.

46. Option Three was not initially preferred because Police raised concerns that allowing older riders could create ambiguity that would be difficult to enforce. Some submitters also raised concerns about the additional risk to other footpath users, noting that older riders are larger and could cause more serious injury in the event of a crash.

47. Some submitters and NZTA recommended allowing older riders to supervise younger riders on the footpath. Closer supervision by older riders may help some children avoid crashes, including crashes with other footpath users. This can be applicable to situations where children are still learning to be courteous on the road and can be guided by an older rider. Under the alternative proposal, older riders would need to ride on the road while children ride on the footpath. This would make it difficult for adults to safely supervise and guide children learning to ride. Although this may lead to greater ambiguity of who can use the footpath, we recommend this option as it is practical and does not significantly alter current practice.

48. For these reasons, we expect implementation will not significantly change current practices. However, we acknowledge that there may be additional risks to people with disabilities and other footpath users should there be an increased uptake of children on bikes on footpaths. Education on safe riding behaviour and slower speeds would help to reduce this risk.

49. During the most recent consultation, submitters also raised issues about the suitability of infrastructure to support children on bikes on footpaths. Ideally, cycle lanes would separate bikes from footpaths so that only pedestrians and people using mobility devices can use footpaths. However, streets are often not laid out this way[23], and we need to accommodate children who are riding on the road, as it would be more dangerous than riding on the footpath. Applying existing guidance and requirements to be courteous of others will help keep footpaths safe for all users.

50. We acknowledge that people with disabilities or other at-risk footpath users may feel a heightened sense of insecurity and face additional risks of accidents. However, young cyclists face more risk of severe injury or death when cycling on the road. We consider the preferred option strikes an appropriate balance between the safety concerns of the various groups.

51. Due to evidence of non-compliance with the current rules and limited enforcement,[24] we expect that there will be no additional costs to comply with the new rule.

Is the Minister's preferred option in the final policy briefing the same as the agency's preferred option in the RIS?

52. Yes, the Minister's preferred option in the final policy briefing is also the Ministry of Transport's preferred option.

What are the marginal costs and benefits of the preferred option in the final policy briefing?

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[23] Noting that we are not considering investment options into roading infrastructure.
[24] See footnote 3.

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Other footpath users	Other footpath users, particularly those more at-risk, such as people with disabilities, may feel unsafe around bikes and may stop walking on footpaths, resulting in reduced use of the footpath. However, we anticipate additional risk to be limited due to evidence of non-compliance with the current Rules.	Low	Low
NZTA	Supporting education campaigns and guidance to support the rule change may cost between $70,000 - $100,000.[25]	Low	High
Total monetised costs	Due to limited data, costs are difficult to predict. However, we anticipate minimal additional costs beyond those required to make the regulatory change.	0	0
Non-monetised costs		Low	Medium
Additional benefits of the preferred option compared to taking no action			
Children cyclists	Children are the highest injury group on bikes. By not riding on the road, there could be a potential decrease in the number of children being injured while riding bikes, and reduction of the severity of injury.[26]	Medium	Low-Medium
General public	Provides certainty on what the rules are regarding children being allowed to cycle on footpaths.	Medium	Medium
Total monetised benefits		0	0
Non-monetised benefits		Medium	Medium

1.2 Establishing a minimum overtaking gap (MOG)

What is the context behind the policy problem and how is the status quo expected to develop?

53. There are additional safety risks for road users such as cyclists and horse riders compared to motor vehicles, as they can be harder to see, less protected, and are easy to frighten.[27]

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[25] Costs are difficult to estimate at this stage, but by way of indication, targeted public awareness or education activities for low-risk initiatives typically cost in the order of $70,000-$100,000. There may be opportunities to reduce education costs overall by aligning campaigns with other initiatives.
[26] ACC injury data for micromobility devices between January and July 2025
[27] NZTA guidance on passing: https://nzta.govt.nz/roadcode/general-road-code/about-driving/key-driving-skills/passing

There is an existing requirement in the Rules (Rule 2.6) to pass vehicles safely, with an associated infringement fine of $150 and a court-ordered fine of $1,000.[28]

54. When someone is passed unsafely or injured while passing, there are existing offences for careless, reckless or dangerous driving under sections 7 and 8 of the LTA that may apply to unsafe passing, particularly when this results in an injury or death.

55. NZTA also has existing guidance available on how to pass some at-risk road users:

    a. Passing cyclists and e-scooters: outlines that at least 1.5 metres should be maintained between a motorist and a person riding a bicycle when passing. If motorists cannot pass safely, one should slow down and wait behind the cyclist until it is safe to do so.

    b. Passing horse riders: motorists should slow down and pass carefully, giving the horse and rider plenty of room.

56. Cyclists, horse riders and other road users frequently report experiences of drivers passing so closely that they are almost hit. This has led to groups advocating for change, like the petition of the New Zealand Equestrian Advocacy Network (NZEAN) 2022, seeking a series of legislative amendments intended to improve safety including establishing a minimum overtaking gap. NZEAN also advocated for a 2-metre distance minimum overtaking gap.

What is the policy problem or opportunity?

57. Injuries and death from unsafe passing continue despite existing guidance, offences, and penalties,. This risks the safety of road users and increases the risk of severe injury or death. Between 2008 and 2017, vehicles overtaking cyclists contributed to 9% of all cyclist crashes and 20% of fatal cyclist crashes. This suggests a need for an intervention that is stronger than guidance to encourage safe passing of other road users.

58. There is an opportunity to align the Rules with guidance on safe passing that apply to the passing to other road users. By setting a clear and consistent expectation of acceptable passing behaviour, this will further deter dangerous passing behaviour and improve safety outcomes. Many states across Australia have introduced minimum overtaking gap laws.

What consultation has been undertaken?

59. 68% of submitters agreed with requiring a minimum passing gap for when vehicles pass other road users, whereas 23% disagreed, and 9% were unsure. Many submitters said that unsafe passing creates a real problem for cyclists and horse riders, and that stronger tools are needed to address this behaviour. Submitters noted that drivers continue to pass cyclists unsafely despite existing rules, indicating that current measures are not sufficiently influencing behaviour.

60. Submitters also questioned the distance and speed thresholds proposed for the minimum overtaking gap. The consultation and Interim RIS proposed a graduated approach, requiring a 1-metre gap in speed zones below 60 km/h and a 1.5-metre gap in speed zones above 60 km/h. Many submitters recommended aligning the rule with existing guidance by requiring a 1.5-metre minimum overtaking gap at all speeds, noting that this approach would be simpler and easier for road users to understand and remember. Following further analysis, we have updated the proposal to require a minimum overtaking gap of 1.5 metres at any speed.

[28] This offence would capture unsafe passing of cyclists as bikes are considered 'vehicles', though not other road users such as horse riders.

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61. Some submitters also raised concerns that drivers would find it difficult to accurately judge the minimum overtaking gap, as it relies on individual judgement. Accurately judging this gap presents challenges for all road users. However, setting a clear requirement in the Rules has value in defining what safe passing looks like and supporting education and awareness. There will remain a need for motorists to exercise judgement and drive courteously.

2.2 Establishing a minimum overtaking gap

What scope will options be considered within?

62. The Minister of Transport has agreed to a set of practical changes to improve lane use including to establish a minimum overtaking gap for passing other road users. In scope of this is the consideration of who the minimum overtaking gap would apply to (passing road users like cyclists, horse riders, transport device users, mobility device users and pedestrians on the roadside).

63. This option also considers a new offence and financial penalty for breaching a new requirement. We consider infringement fee-based penalties most appropriate for these options, as we do not consider the offences severe enough that offenders should incur a substantive penalty (i.e. more than $1000 fee). Consideration of other penalties such as vehicle impoundment, demerit points, licence suspension or revocation was out of scope. Potential financial penalties for a new offence were considered in scope. New offences and penalties will require changes to the Land Transport (Offences and Penalties) Regulations 1999.

64. Overtaking of motor vehicles is out of scope, including amendments to the existing unsafe passing offence and penalty (rule 2.6).

65. We have considered both non-regulatory and regulatory options to increase awareness of safe passing. Current guidance and education will likely already fulfil the role

Other road users

66. The options presented below would apply to passing the following road users: cyclists, horse riders, transport device users, and mobility device users on the roadside. We selected a broad category of other road users for any rule change to apply to as we considered them all to have a greater risk of injury or death due to unsafe passing. The same distance would apply for each group to reduce regulatory complexity and enhance awareness and understanding of safe passing practices.

Minimum overtaking gap

67. The large number of variables (above) means that there is a significant number of possible combinations of options that we could consider. Rather than including options with multiple distances for overtaking, we took the approach of determining the most appropriate distance for inclusion in all relevant options. The original proposal consulted on was a graduated minimum overtaking distance of 1 metre in areas with a speed limit of 60 km/h or below, and 1.5 metres in areas with a speed limit above 60 kmh.

68. A 1.5 metre minimum overtaking gap at any speed limit was considered the most appropriate final option because one distance is more practical and easier to understand, and this was highlighted by many during public consultation. 1.5 metre also aligned with existing guidance and signage on safe passing distances with cyclists. Given we have updated the distance required from the interim RIS, we still maintain the following analysis. This is also informed by survey data collected in previous research around rider comfort and safe

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distance from lateral pull force of air from a vehicle passing in a 50 km/h is predicted to be one metre.[29]

69. During consultation, equestrian advocates highlighted that this distance is not sufficient for horse riders. Horse-riding advocates strongly recommended a 2-metre passing gap and a 20 km/h speed limit when drivers pass horses on the road. While greater minimum overtaking gaps were considered, we considered that these options were not practical and could have a negative effect on the efficient use of roads.

70. The distances outlined above are consistent with NZTA's existing guidance on safe passing. This will help to support a consistent public understanding of any rule change, and therefore implementation and enforcement. The selected minimum passing distances are also consistent with comparable Australian requirements.

71. In exploring implementation implications with NZTA, we identified a concern that advisory signs currently instruct drivers to pass at 1.5 metres in areas with speed limits below 60 km/h. Under the previous option, which proposed a 1-metre passing gap in these areas, NZTA would need to remove or replace the 1.5 metre passing signs. NZTA advised that removing the existing signage would likely have significant cost implications. The 1.5 metre passing distance will mean that signage changes will not be required apart from the regular course of maintenance of signs.

72. On balance, the universal 1.5 metre proposal better aligns compared to other proposed distances with existing guidance, it avoids the implementation issues associated with the previous option and is more practical to comply with. We consider that a minimum overtaking gap of 1.5 metres at all speeds would remain effective in achieving the intended outcomes.

Limitations on analysis

73. There was a substantial piece of research carried out by Opus Research in 2016 showing that a graduated minimum overtaking gap would be effective at reducing injuries of cyclists.[30] This piece of research was relied on to inform analysis of the rule change, despite it being produced 10 years ago.

74. Police enforcement would be prioritised for higher-risk behaviours (e.g. impaired driving, speeding, violent offending). Police also lack the specialised equipment needed to accurately determine a passing distance to an evidential standard, which we are not proposing to be procured.[31] This limits the effectiveness of change and has been factored into our options analysis. However, there is still value in having rules and other measures such as education and guidance that can be used to encourage compliance especially where practical and where road users want to comply.

What options are being considered?

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[29] Feasibility of trialling a minimum overtaking gap 2016 https://nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Minimum-Overtaking-Gap-Feasibility-Study-FINAL.pdf.
[30] Feasibility of trialling a minimum overtaking gap 2016 https://nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/Minimum-Overtaking-Gap-Feasibility-Study-FINAL.pdf.
[31] Due to costs with procurement and training and because the scope of this work is intended to be practical and discrete.

Option One – Status Quo

75. There is no current minimum distance requirement for motor vehicle drivers to pass other road users. However, there are other existing requirements to support safe passing.

Option Two – Establish a minimum overtaking gap of other road users

76. This option would make it a requirement for motorists to pass at-risk road users by the following minimum distances: A 1.5 metre minimum overtaking gap at any speed limit.

77. It would be considered an offence to pass at-risk road users at a distance less than the minimum overtaking gap, with an infringement penalty consequence. We have identified two possible fees using the Ministry's *Effective Financial Penalties Policy Framework*[32] and Categorisation Tool:[33]

    a. **Option Two (A):** $300 infringement fee and $1,500 court-ordered fine (as suggested by the Categorisation Tool)

    b. **Option Two (B):** $150 infringement fee and $1,000 court-ordered fine (aligned with comparable infringement offences).

78. Option Two (A) is the penalty suggested by the categorisation tool, balancing deterrence and proportionality. It recognises that transport offences and penalties are overdue to be updated, with many remaining unchanged since 1999 and so proposes a higher fee than Option Two (B).[34] The level of fee in Option Two (B) is consistent with existing penalties relating to unsafe passing (refer r 2.6(1), r2.6(2), r2.10, and r2.9).

79. Other offences and penalties would continue to apply. For example, if a driver passed below the minimum passing distance, they could be charged with offences for careless, reckless or dangerous driving. This means that if a rule breach results in injury or death, greater consequences than the above infringement offence would apply.

80. This option could be combined with the non-regulatory interventions outlined in Option Three, to further support road users' understanding of and compliance with the requirements.

Option Three – Non-regulatory intervention: education and guidance

81. This option adds education and guidance to support public awareness and understanding of what is considered a safe distance to pass at-risk road users. Otherwise, the status quo would continue to apply. This option could be implemented alone, or in combination with regulatory changes.

How do the options compare to the status quo/counterfactual?

82. See **Appendix 2.**

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[32] Effective Transport Financial Penalties Police Framework: https://www.transport.govt.nz/assets/Uploads/Effective-Transport-Financial-Penalties-Policy-Framework-Final-PDF-1.pdf.

[33] Effective Transport Financial Penalties Categorisation Tool: https://www.transport.govt.nz/assets/Uploads/Effective-Transport-Financial-Penalties-Categorisation-Tool-Final-PDF-1.pdf. [34] The level of fee presented in Option Two (A) is also more consistent with the level of fee for this offence in across Australian states.

[34] The level of fee presented in Option Two (A) is also more consistent with the level of fee for this offence in across Australian states.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

83. We recommend establishing a minimum overtaking gap of at-risk road users with an associated infringement penalty of $300 and court ordered fine of $1,500 (Option 2 (A)). We recognise that there would be enforcement limitations that are beyond the scope of the Rules Reform programme. Even so, this option would clearly set out what is considered a safe passing distance in both guidance and the Rules for road users to enhance road users' awareness and understanding. Additionally, wider education will deliver greater benefit in combination with a rule.

84. Creating an offence with an associated financial penalty would further deter unsafe passing behaviour. This best supports the safety of at-risk road users on our roads.

85. Any reduction of accidents, injuries or deaths will have associated cost savings. The current statistical value of a life is measured at $14,930,955 and the average social cost of a fatal, serious or minor injury is $859,300.[35] Previous research suggested that there was, on average, 219 cycle crashes involving overtaking with bikes per year between 2006 and 2015.[36] If there is even a minor reduction in crashes, this would indicate that there would be strong safety and societal benefits for this change.

86. There may be greater congestion in areas where there is not enough lane / road space for motorists to pass at the required distance. We consider efficiency impacts to be negligible and balanced by safety gains. Alternatively, to manage efficiency issues, motorists may be encouraged to cross the centre line into oncoming traffic. We consider existing requirements, offences and penalties to incentivise safe driving practices to mitigate this risk.

87. There would be an additional cost for road users who failed to comply with the new rule and are issued with an infringement notice. We consider this cost necessary as an incentive for safe practice and prevent accidents, injuries, and death.

Is the Minister's preferred option in the final policy briefing the same as the agency's preferred option in the RIS?

88. Yes, the Minister's preferred option in the final policy briefing is the same as the Ministry of Transport's preferred option.

What are the marginal costs and benefits of the preferred option in the final policy briefing?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Motorists	Potential increase in delays on roads where it is not possible to meet the overtaking requirements (e.g. the road is too	Low	Medium

[35] Social cost of road crashes and injuries 2024 https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.transport.govt.nz%2Fassets%2FUploads%2Fsocial_cost_of_road_crashes_and_injuries_2024_update_2021-2023_data.xlsx&wdOrigin=BROWSELINK

[36] See footnote 32.

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	narrow). This could result in increased travel times and congestion. Potential decrease in safety as motorists may overtake in a dangerous manner when they are unable to safely meet the minimum overtaking gap. However, we do not anticipate any significant safety risks as there are existing offences which cover careless, reckless and dangerous driving.		
Police	Potential increase in Police enforcement given the introduction of a new offence and penalty. Police are likely to prefer to use existing offences. We intend that this new rule would not be enforced with new tools, so any new equipment has not been costed as part of the analysis.	Low	Medium
The judiciary	Potential increase in cases brought by motorists disputing the infringement penalty. However, it is unlikely that motorists would willingly incur additional legal and court costs of up to $148 to dispute an infringement penalty of $300.	Low	Medium
NZTA	Supporting education campaigns and guidance to support the rule change may cost between $70,000 - $100,000.[37]	Low	High
Total monetised costs	Due to limited data, costs are difficult to predict. However, we anticipate minimal additional costs for road users as this option amends the Rules to reflect existing guidance.	0	0
Non-monetised costs		Low	Medium
Additional benefits of the preferred option compared to taking no action			
Motorists	Provides legal certainty on what the penalties are for non-compliance. Also clarifies the obligations on motorists regarding minimum overtaking gaps.	Medium	High
Other road users	Potential increase in safety as the new requirements may reduce the number of crashes resulting from overtaking. There would be cost savings associated with any reduction of accident, injury or death.[38]	Medium	Medium
Total monetised benefits		0	0

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[37] Costs are difficult to estimate at this stage, but by way of indication, targeted public awareness or education activities for low-risk initiatives typically cost in the order of $70,000-$100,000. There may be opportunities to reduce education costs overall by aligning campaigns with other initiatives.

[38] For example, an overtaking crash in an urban area on average costs $929,700, however, this figure includes motor vehicle on motor vehicle crashes. ACC data over the last six-month period indicates an average cost of $1,164 per injury.

Non-monetised benefits		Medium	Medium-High

1.3 Giving buses priority when leaving bus stops

What is the context behind the policy problem and how is the status quo expected to develop?

89. While it is generally considered courteous to give way to buses pulling out of a bus stop, there is no legal requirement to do so. When people do not give way, buses may be delayed as they wait for a break in traffic to merge back into the traffic flow. This can create delays for public transport users, with potential to disincentivise this mode of travel.

90. These issues may be enhanced by growing congestion in urban areas.[39] There is a greater need to be more efficient with how transport networks work. Public transport can be more efficient at moving people than private motor vehicles.

What is the policy problem or opportunity?

91. There is no guidance or requirement for whether road users must give way to buses as they leave a bus stop. Available information suggests that between 15% and 50% of drivers may not give way to buses, with estimates varying significantly depending on the source.[40] This creates delays in the public transport network limiting the overall effectiveness and reliability of buses.

92. A policy intervention to further encourage giving way to buses when leaving bus stops may support the ongoing efficient use of lanes and the timeliness of bus commutes. An effective intervention to encourage this would create greater reliability, time savings, network efficiency in the public transport system. A requirement would signal a clear expectation of driver behaviour and enable an offence and penalty to be established which could further incentivise courteous driving behaviour.

What consultation has been undertaken?

93. 61% of submitters agreed with requiring drivers to give way to buses leaving bus stops, 31% disagreed, and 8% were unsure.

94. Submitters who supported this proposal highlighted its potential to improve public transport efficiency by making services more reliable and increasing patronage. Many submitters also noted that the proposal would align New Zealand with comparable jurisdictions such as Australia and the Netherlands.

95. The main concern raised was potential confusion about when drivers would be required to give way to buses, particularly when a bus pulls into a stop in front of a vehicle. For example, submitters questioned whether a driver would need to stop and wait until the bus pulled out again. To clarify, the intent of any rule would be to require drivers to give way only once a

[39] The Ministry of Transport has recently progressed legislative changes to the Land Transport Management (Time of Use Charging) Amendment Act 2025.
[40] See footnote 5, different sources of information lead to different conclusions for example stakeholders reported around 50% while a survey of one bus route showed 15%.

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bus begins indicating to leave a bus stop. We propose that the requirement would apply only when a bus has indicated for at least three seconds before pulling out.

2.3 Giving buses priority when leaving bus stops

What scope will options be considered within?

96. The Minister of Transport has agreed to a set of practical changes to improve lane use including options to further encourage or require giving way to buses leaving bus stops to increase the efficiency and reliability of the public transport network. Applying this requirement beyond when buses leave bus stops is out of scope of this work. Requirements in rule 3.10 of the Land Transport (Road User) Rule 2004 to signal for three seconds to draw out from the bus stop will continue to apply.

97. We have considered both non-regulatory and regulatory options to increase the number of vehicles giving way to buses leaving bus stops.

98. The regulatory option we assessed is to introduce a new requirement, and a new offence and financial penalty for breaching the requirement. We consider infringement fee-based penalties most appropriate, as we do not consider the offences severe enough that offenders should incur a substantive penalty (i.e., more than $1000 fee). Consideration of other penalties such as vehicle impoundment, demerit points, licence suspension or revocation was out of scope. New offences and penalties would require changes to the Land Transport (Offences and Penalties) Regulations 1999.

Limitations on analysis

99. There was a substantial piece of research carried out by Abley Transportation Limited in 2017 which shows that there would be efficiency gains in the public transport network with shorter commute times.[41] Although some time has passed since this study, we consider its findings continue to hold value. As there is no specific analysis of the effect of giving way to buses on network efficiency, we have relied on the 2017 analysis and made assumptions that a change in driver behaviour to yield to buses would lead to shorter commute times, and therefore efficiency gains.

100. Police will continue to prioritise enforcement of rules targeting higher-risk behaviours (e.g. impaired driving, speeding, violent offending), so there are limitations to the degree to which a new requirement would be enforced. These enforcement limitations may constrain the effectiveness of regulatory changes in deterring non-compliance. This has been factored into our options analysis. Even without extensive enforcement, regulatory requirements may still encourage compliance by setting clear expectations for road user behaviour, especially where compliance is practical where road users want to comply. Research for this work indicated that education and signage were also important for the success of any changes.

What options are being considered?

Option One – Status Quo

101. Currently, there is no requirement for motorists to give way to buses leaving bus stops as it is up to the discretion of the driver whether to give way. It is generally considered courteous to give way to buses leaving bus stops.

[41] See footnote 5.

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Option Two – Require motorists to give way to buses leaving bus stops

102. This option would give all buses priority when exiting bus stops in areas with speed limits posted as 60 km/h or less. Bus drivers would still be required to indicate for three seconds and otherwise behave in a safe manner before pulling out.

103. It would be considered an offence to not give way to a bus when the above criteria are met, with an infringement penalty consequence. We have identified two possible fees using the Ministry's Effective Financial Penalties Policy Framework and Categorisation Tool:

    a. **Option Two (A):** $50 infringement fee and $250 court-ordered fine (as suggested by the Categorisation Tool)

    b. **Option Two (B):** $150 infringement fee and $750 court-ordered fine (aligned with comparable offences and penalties)

104. Option Two (A) is the penalty suggested by the categorisation tool, balancing deterrence and proportionality. It recognises that there is a low level of harm associated with non-compliance and therefore suggests a lesser penalty. Option Two (B) mirrors the level of fee with comparable offences for 'giving way'. However, the relative harm of non-compliance is lower for this proposed rule.

105. The effectiveness of a rule change would depend on public awareness of the changes, so it is likely to be implemented alongside non-regulatory measures (such as those in Option Three) to raise awareness and provide clarity.

Option Three – Non-regulatory option (education, signage and road markings)

106. This option would rely on non-regulatory actions, such as education, signage, and road markings, to encourage motorists to give way to buses exiting bus stops. There would be no consequence for motorists who fail to give way to buses.

How do the options compare to the status quo/counterfactual?

107. See **Appendix 3.**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

108. We recommend Option Two to create a rule requiring motorists to give way to buses leaving bus stops with associated $50 infringement fee and $250 court-ordered fine.

109. We consider that this would likely benefit public transport efficiency with time savings and greater reliability for public transport users. For the rule to be effective, it would need to be implemented alongside non-regulatory measures, such as education, existing signage and road markings[42]. Enhanced awareness and understanding will deliver greater benefit in combination with a rule.

110. This option would mean there would be greater efficiency of the public transport system traded off against minor delays for motorists. We expect the benefits of these efficiencies to outweigh the costs would lead to an overall increase in system efficiency. We expect this change is unlikely to have any lesser or greater safety benefits.

111. There are limitations in enforcement and data across all the proposals. We recognise this would not be an enforcement priority, limiting the benefit of establishing a new

[42] Signage and marking help road users know when they are required to give way to buses when they begin to indicate to pull out of a bus stop.

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requirement. However, enforcement is not the only measure to encourage compliance and there is value in a range of coercive and non-coercive measures.

Is the Minister's preferred option in the final policy briefing the same as the agency's preferred option in the RIS?

112. Yes, the Minister's preferred option in the final policy briefing is the same as the Ministry of Transport's preferred option.

What are the marginal costs and benefits of the preferred option in the final policy briefing?

Affected groups	Comment	Impact	Evidence Certainty
Additional costs of the preferred option compared to taking no action			
Central government	Costs of creating a new rule and implementation. The research around this work estimated that creation and implementation could cost around $1,000,000 but noted this could be highly variable.[43]	Medium	Low
RCA and public transport providers	If RCAs or public transport providers decide to install additional signage costs will be incurred through the installation of signs. Previous research indicated that installation of the most expensive option LED signs on the back of buses would cost $3,000,000 but considering inflation and our larger bus fleet it would likely cost $5,200,000. However, these would be optional measures and lower costs options such as stickers on the back of buses would also be possible.[44]	High	Low
NZTA	Supporting education campaigns and guidance to support the rule change may cost between $70,000 - $100,000.[45]	Low	High
Police	Police are unlikely to prioritise enforcement of a new offence.	Low	High
Motorists	Some delay to drivers and slowing of the speed of general traffic. It is estimated that this will cost $380,000 per annum.	Medium	Low
Total monetised costs	Due to limited data, accurate costs are difficult to predict and are reliant on previous research.[46] There will be some additional costs for installing new signs and education material.	$6,300,000 one off and $380,00	Low

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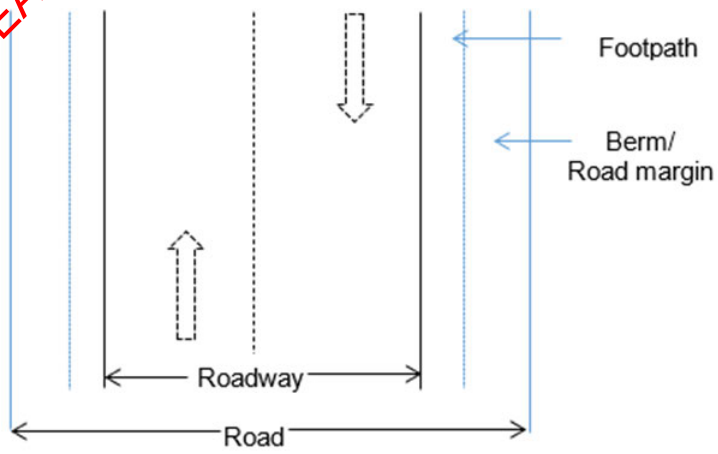
[43] See footnote 5.
[44] In Australian states where this is requirement, stickers are placed on the back of buses to indicate this requirement.
[45] Costs are difficult to estimate at this stage, but by way of indication, targeted public awareness or education activities for low-risk initiatives typically cost in the order of $70,000-$100,000. There may be opportunities to reduce education costs overall by aligning campaigns with other initiatives.
[46] See footnote 5.

		0 per annum	
Non-monetised costs		Low-Medium	High
Additional benefits of the preferred option compared to taking no action			
Public transport users	Improved efficiency of public transport – the research estimated there would be $1,958,000 in benefits per annum from better travel times for buses and greater reliability of public transport.[47]	Medium	Low
Public transport providers	Greater patronage from more efficient buses	Low	Low
Total monetised benefits		$1,958,000 per annum	Low
Non-monetised benefits		Low-Medium	High

1.4 Clarifying signage requirements for parking on berms

What is the context behind the policy problem and how is the status quo expected to develop?

113. While it is not defined in transport legislation, a berm is commonly defined by RCAs as a grassed area between the road and either the footpath or property boundary.[1] (see image below)



114. Parking on berms can be beneficial for some transport system users, particularly in areas where on-street parking is limited or unavailable. However, it can also create problems for

[47] See footnote 5.

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others, including blocking or narrowing paths for pedestrians or other mode users, and reducing visibility for vehicles when exiting driveways. Berm parking can also negatively impact other stakeholders such as damaging underground infrastructure, creating costs for RCAs.

115. RCAs have the ability to permit or restrict parking of vehicles on berms.[2] RCAs differ in their approaches - some prohibit berm parking across their entire local network,[3] whereas some prohibit berm parking in urban areas but do not restrict it in rural environments[4]. The rationale relied on by RCAs to restrict or prohibit berm parking is centred on managing the disadvantages described above.

116. The regulation of berm parking involves a number of different legislative instruments. The restriction will be created by the RCA making a bylaw under the LTA. The Traffic Control Devices Rule 2004 specifies the road signs and markings that must be used to notify road users of the restriction. Compliance with the restriction is required by the Land Transport (Road User) Rule 2004 and breaches are enforced through the Land Transport (Offences and Penalties) Regulations 1999.

What is the policy problem or opportunity?

117. There are different interpretations across different RCAs about these legislative instruments, specifically whether traffic signs are required to enforce local bylaws which restrict berm parking. Different interpretations of whether and what type of signage is required has differing cost implications.

118. There is an opportunity to clarify the existing requirements so that RCAs can confidently adhere to the law and improve administrative efficiency.

119. The objectives of transport system efficiency and safety are not as applicable to this proposal, so we have omitted these as criteria in our analysis. This proposal's objective would be to deliver administrative gains for the government; this is weighed against costs to road users.

What consultation has been undertaken?

120. 32% of submitters agreed with clarifying signage requirements for enforcement of berm parking restrictions, 40% disagreed, and 28% were unsure.

121. Many councils told us they want to restrict berm parking, particularly where vehicles damage berms that councils must maintain. Some rural councils also raised concerns about differences between berms in local roads and verges along state highways.

122. Some individuals value berm parking because it provides a practical alternative when street parking is unavailable. Others object to cars on berms because they can impede visibility and, in some cases, access to the footpath.

123. A key issue raised was that it would unfairly fine people to park on berms and with no notice they may be fined for parking somewhere they always have. However, installing signage would be substantially costly for councils and would create visual clutter. Submitters raised concerns that the proposal as consulted on would mean councils would not be required to publicly consult and notice of these changes could be done by resolution, which could mean retrieving council meeting minutes was the only way for people to know where they could park, which would be impractical for most individuals.

2.4 Clarifying signage requirements for parking on berms

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What scope will options be considered within?

124. In scope of the options is the consideration of alternative approaches to clarify the signage requirements in enforcing berm-parking restrictions and whether requirements are effective, efficient, and fit for purpose. Clarifying berm requirements more generally is out of scope, as is establishing or amending definitions of, for example, berm, verge and road margin.

Limitations on analysis

125. The analysis is constrained by the absence of nationally consistent data on the prevalence of berm-parking infringements, the enforcement approaches applied across road controlling authorities, and the frequency of formal challenges to enforcement decisions. As a result, the assessment of impacts is primarily qualitative and draws on operational experience from RCAs, alongside stakeholder feedback from the previous consultation. Given these limitations, costs and benefits have not been monetised.

What options are being considered?

Option One – Status Quo

126. RCAs continue to have the ability to permit or restrict parking of vehicles on berms where they choose.[2] Legal ambiguity means that inconsistent approaches to signage requirements remain, until a decision is challenged and the courts provide certainty.

Option Two – Require signage where berm parking is disallowed through RCA bylaw

127. This option includes legally clarifying that when an RCA prohibits berm parking through a bylaw, signage is required for the restriction to be enforceable.

128. RCAs would continue to have the ability to permit or restrict parking of vehicles on berms where they choose.[2]

Option Three – Do not require signage where berm parking is disallowed through an RCA bylaw

129. This option would legally clarify that signage is not a requirement for RCAs to prohibit berm parking. The option would not prevent RCAs from using signage where they choose to utilise it.

130. RCAs would continue to have the ability to permit or restrict parking of vehicles on berms where they choose.[2]

Option four – Change presumption: require signage where berm parking is allowed

131. This option would reverse the current presumption by prohibiting berm parking by default, unless signage explicitly indicates that berm parking is permitted (i.e., RCAs would be required to install signage where berm parking is permitted).

How do the options compare to the status quo/counterfactual?

132. See **Appendix 4.**

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

133. We recommend Option One because all the alternatives risk making the situation worse instead of better, for various reasons.

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134. We previously recommended Option Three because it would resolve inconsistencies of approach and remove a signage requirement that some RCAs see as burdensome[48], but we consider this to be impractical because this would create notice and fairness issues, and drivers could be fined without reasonable visibility of the restriction.

135. Options two to four are not workable in their current form. Options 2 and 4 would be too costly for councils because they would require extensive additional signage to either restrict or allow berm parking. Councils are unlikely to install this signage, so will not restrict berm parking.

136. Option three would create notice and fairness issues, because drivers could be fined without reasonable visibility of the restriction. As none of the options identified presents a clear and practical solution, we recommend no regulatory change and maintaining the status quo at this time. Further analysis would be required to identify an option that addresses the notice issue while remaining practical and proportionate.

137. The lack of clear and practical solutions to this problem raises broader questions of how RCA bylaws and central government rules interact. These issues in the regulatory framework would be better addressed through wider vehicle system overhaul work.

Is the Minister's preferred option in the final policy briefing the same as the agency's preferred option in the RIS?

138. Yes, the Minister's preferred option in the final policy briefing is the same as the Ministry of Transport's preferred option.

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[48] The current fine for parking on the berm for where it is restricted is $70 under the Land Transport (Offences and Penalties) Regulations 1999.

Section 3: Delivering an option.

How will the proposal be implemented?

139. s 9(2)(f)(iv) [redacted]

140. To support public understanding and compliance, the Ministry and NZTA will develop and distribute communication materials. These resources will help inform the public and support education and advocacy groups in explaining the new requirements. We note that during consultation many submitters highlighted the need for a wider education campaign to remind the public of current and new requirements.

141. Discussions with NZTA are ongoing regarding the extent of information campaigns and other implementation support that may be required. As many of the changes reflect current practices, so a portion of the public may already be informally compliant.

142. NZTA does not currently anticipate the need for additional funding beyond business-as-usual. Implementation activity, including education and guidance, is expected to be funded from baseline.

143. s 9(2)(f)(iv) [redacted] NZTA will advise if any aspects would benefit from a phased or staged commencement once the final policy settings are known.

144. We will continue to engage with Police to ensure both an understanding of and compliance with the new requirements to the extent possible. As discussed above, there is a risk that enforcement limitations that are beyond the scope of the Rules reform programme will limit the efficacy of the Rule changes. However, this has been factored into our analysis, and our preferred options remain despite limitations. We consider that there remains value in making rule changes even where enforcement may be limited as the rules can signal what good practice is to be public.

How will proposals be monitored, evaluated, and reviewed?

145. The Ministry regularly reviews its legislation as part of its regulatory stewardship responsibilities. ACC injury data will continue to provide valuable insights for some proposals, including the success of the rule changes, for example, noticeable shifts in injuries following rule changes may indicate a growing or decreasing risk.

146. We are investigating what additional data the Ministry may require to support the ongoing effective monitoring and evaluation of any rule changes.

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APPENDIX 1: Multi-criteria analysis of options to allow children on bikes on footpaths

	Option 1 - Status Quo	Option 2 - Allow Children under the age of 12 on bikes on footpaths under	Option 3 - Allow Children under the age of 12 on bikes on footpaths with an older rider
Improve road and lane user safety	**0**	**+** Safety outcomes are likely to slightly increase as more children will feel comfortable or be willing to ride on the footpath. However, there are still safety risks for children riding bikes on the footpath such as cars pulling out of driveways. At the same time, there may be an increased risk of injury to other footpath users. However, safety gains or losses are limited as it is already common practice for children to ride on the footpath despite it being illegal to do so. Safety outcomes are likely to be marginally better than status quo but less than option three.	**+** Safety outcomes are likely to slightly increase as more children will feel comfortable or be willing to ride on the footpath. However, there are still safety risks for children riding bikes on the footpath such as cars pulling out of driveways. At the same time, there is likely to be an increased risk of injury to other footpath users, due to the greater number of cyclists that would be legally allowed to ride on the footpath. However, safety gains or losses are limited as it is already common practice for children to ride on the footpath despite it being illegal to do so. Allowing older riders to join younger children to help teach and guide them may assist with safety.
Increase efficient use of roads and lanes	**0**	**0** There will be marginal efficiency gains as a rule change will enable children greater choice to choose whether the road or footpath is more appropriate for them. However, it is already common practice for children to ride bikes on the footpath.	**0** There will be marginal efficiency gains as a rule change will enable children greater choice to choose whether the road or footpath is more appropriate for them. However, it is already common practice for children to ride bikes on the footpath.
Limit cost and burdens for users and practical to comply with	**0**	**+** Legalises some conduct that is common practice so children aged 12 years and under will not receive financial penalties. Data shows, however, that Police rarely issue fines to children.	**++** Legalises common practice of children riding bikes on footpaths with older riders, which will reduce the risk of children and older riders with them receiving penalties. Data shows, however, that Police rarely issue fines to children. This option better reflects current practice so is more practical than option two.
Minimises costs on government including to maintain and implement rules	**0**	**0** Police has noted they would be unlikely to change enforcement practice and will have challenges in verifying the age of the child at the time. For example, in the past 2 years, only 5 people of the age of 20 years and under have been fined for riding on the footpath.	**0** Police has noted that they would be unlikely to change enforcement practice and will have challenges in verifying the age of the child at the time. For example, in the past 2 years, only 5 people of the age of 20 years and under have been fined for riding on the footpath. Police may now have some difficulty in proving whether an older rider is teaching children safe riding practices on the footpath with a child.
Enable fair distribution of outcomes amongst different groups	**0**	**+** Children begin to reach the age of maturity to ride on the road around the age of 12. So, any younger than this age would be particularly unfair and put them at greater risk of being injured on the road. However, perception of safety will decrease amongst at risk footpath users because they feel unsafe around children on bikes. We consider that this option better trade-offs the safety for children than the status quo.	**+** Perception of safety will likely decrease amongst at risk footpath users because they may feel unsafe around children and their guardians on bikes. This is although children only begin to reach the age of maturity to ride on the road around the age of 12. So, any younger than this would be particularly unfair and put them at greater risk of being injured on the road. Guardians being larger likely pose a greater risk to at risk footpath users if they have a crash with one. We consider that this option better trade-offs the safety for children and older riders than option two and the status quo.
Totals	**0**	**2**	**2**

Key	--	-	0	+	++
description	Highly negative	negative	Status Quo	positive	Highly positive

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APPENDIX 2: Multi-criteria analysis of a minimum overtaking gap (MOG).

	Option 1 - Status Quo	Option 2 (A) – 1.5 metre MOG and $300 infringement fee	Option 2 (B) - 1.5 metre MOG and $150 infringement fee	Option 3 – a non-regulatory option
Improve road and lane user safety	0	**++** Would increase safety for at-risk road users as the rule should support awareness of what is considered 'safe' passing and behaviour change. A higher penalty reflects the risk that the new rule is trying to address and provides a greater deterrent. We consider that the higher penalty will lead to greater compliance compared to option 2 (B).	**+** Would increase safety for at-risk road users as the rule should support awareness of what is considered 'safe' passing and behaviour change, but less effectively than Option 2. A lower penalty may not provide an effective deterrence.	**0** Guidance about safe passing already exists and despite these near misses and injuries to at-risk road users still happen. Additional guidance and education may help marginally to address this, but it does not set up a stronger expectation of behaviour.
Increase efficient use of roads and lanes	**0**	**0** While safe passing distance is generally understood and adhered to, there continue to be occurrences of unsafe passing.	**0** While safe passing distance is generally understood and adhered to, there continues to be unsafe passing on the road.	**0** Unlikely to significantly change road user passing practice as many already safely pass on the road.
Limit cost and burdens for users and practical to comply with	**0**	- Greater certainty to road users of what safe passing looks like. However, passing into an oncoming lane requires additional caution from drivers. A blanket rule may make it more difficult for motorists to adhere to in urban areas where the roadway is narrower. Cost on people who incur the fee is highest with this option, but this is proportionate to the risk.	- Greater certainty to road users of what safe passing looks like. However, passing into an oncoming lane requires additional caution from drivers. A blanket rule may make it more difficult for motorists to adhere to in urban areas where the roadway is narrower.	**0** Road users who choose to change their behaviour do so voluntarily. There is no additional cost to road users if they are not required to change their behaviour. At-risk road users continue to face the risks of being injured while being overtaken.
Minimises costs on government including to maintain and implement rules	**0**	- There will be a rule change process and the cost of additional guidance and education. Analysis assumes that there are no additional procurement costs for Police for new equipment.	- There will be a rule change process and the cost of additional guidance and education. Analysis assumes no additional procurement costs for Police for new equipment.	**0** No rule change process required, although there would still be additional costs for any education and guidance on top of current guidance.
Enable fair distribution of outcomes amongst different groups	**0**	**++** Would increase safety of road users who are at a higher risk of injuries if they are involved in motor vehicle crashes such as cyclists and e-scooter users. This being traded off against a minor cost to motorists.	**+** Would increase safety of road users who are at a higher risk of injuries if they are involved in motor vehicle crashes such as cyclists and e-scooter users, but less effectively than Option 2. This being traded off against a minor cost to motorists.	**0** Does not create any greater deterrence or guidance that does not already exist. Road users are still vulnerable to near misses and injuries.
Total	**0**	**2**	**0**	**0**

Key	--	-	0	+	++
description	Highly negative	negative	Status Quo	positive	Highly positive

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APPENDIX 3: Multi-criteria analysis of rule to give way to buses leaving bus stops.

	Option 1 - Status Quo	Option 2 (A) - Make all vehicles give way to a bus exiting a bus stop and a $50 infringement fee	Option 2 (B) - Make all vehicles give way to a bus exiting a bus stop and a $150 infringement fee	Option 3 - Non-regulatory option
Improve road and lane user safety	**0**	**0** Not expected to significantly increase or decrease road safety.	**0** Not expected to significantly increase or decrease road safety.	**0** Not expected to significantly increase or decrease road safety.
Increase efficient use of roads and lanes	**0** Congestion is expected to increase over time as population and cities grow, while holding everything else equal. However, changes enabling time of use charging is expected to better manage congestion.	**+** Transit for a greater number of people may be faster and more reliable. This is at the trade-off of slightly longer commutes for motorists taking private vehicles. If there is greater reliance on public transport, there may be minor emissions reduction. There would be trade-off for greater delays for private motorists.	**++** Transit for a greater number of people may be faster and more reliable. This is at the trade-off of slightly longer commutes for motorists taking private vehicles. If there is greater reliance on public transport, there may be minor emissions reduction. May be more effective than smaller fine. There would be trade-off for greater delays for private motorists.	**+** Enhanced compliance is expected, but lesser than for a new rule. Transit for a greater number of people may be faster and more reliable as a result. If there is greater reliance on public transport, there may be minor emissions reduction. There would be trade-off for greater delays for private motorists.
Limit cost and burdens for users and practical to comply with	**0** no education, guidance or rule to give way to buses leaving bus stops	**0** Provides clarity to road users as they must give way to buses leaving bus stops. Given many road users already give way to buses, we do not expect burdens to increase significantly.	**-** Provides clarity to road users as they will be required to give way to buses leaving bus stops. Given that many road users already give way to buses, we do not expect burdens to increase significantly. However, having a penalty comparable to other 'give way' infringements would be disproportionately costly on road users as penalties for most 'give way' infringements reflect the relative harm that the penalty is trying to reduce.	**0** There will be education and guidance to give way to buses leaving bus stops. There would be signs indicating that motorists should give way and there would be no more burden on motorists than there currently is.
Minimises costs on government including to maintain and implement rules	**0** Currently, there is no cost as there is no regulation or signage.	**-** There are costs to introduce a rule and supporting signage, education and guidance. Police would need to prioritise enforcement against higher-risk behaviours (e.g. impaired driving, speeding, violent offending). As a result, there are limitations in how effective we can say that these rules are, if there is no meaningful enforcement. However, compliance is likely to be improved by other measures such as signage and education.	**-** There are costs to introduce a rule and supporting signage, education and guidance. Police would need to prioritise enforcement against higher-risk behaviours (e.g. impaired driving, speeding, violent offending). As a result, subject to Police's agreement, there are limitations in how effective we can say that these rules are, if there is no meaningful enforcement. However, compliance is likely to be improved by other measures such as signage and education.	**-** Costs to implement signage including RCAs to install and maintain.
Enable fair distribution of outcomes amongst different groups	**0**	**++** If the policy is effective, a greater number of people in a smaller area will get faster transit at the cost of a smaller group of private motorists facing slightly more delays. Fine is most proportionate to what is being deterred.	**+** If the policy is effective, a greater number of people in a smaller area will get faster transit at the cost of a smaller group of private motorists facing slightly more delays. However, fine is disproportionate to what is being deterred.	**+** If the policy is effective, a greater number of people in a smaller area will get faster transit at the cost of a smaller group of private motorists facing slightly more delays – but least likely to be effective.
Totals	**0**	**2**	**1**	**0**

Key	--	-	0	+	++
description	Highly negative	negative	Status Quo	positive	Highly positive

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APPENDIX 4: Multi-criteria analysis of Berm Parking

Criteria	Option 1 - Status Quo	Option 2 - Require signage where berm parking is disallowed through an RCA bylaw	Option 3 - Do not require signage where berm parking is disallowed through an RCA bylaw	Option 4 - Change presumption: require signage where berm parking is allowed
Improve road and lane user safety	**0**	**0** See limitations section at paragraph 119.	**0** See limitations section at paragraph 119.	**0** See limitations section at paragraph 119.
Increase efficient use of roads and lanes	**0**	**0** See limitations section at paragraph 119.	**0** See limitations section at paragraph 119.	**0** See limitations section at paragraph 119.
Limit cost and burdens for users and practical to comply with	**0**	**++** Clearly indicates to road users where berm parking is 'not allowed', making it easier to comply and avoid costs (e.g. parking tickets).	**-** Clarifies that road users across the country cannot rely on signage as a means of restricting and enforcing berm parking. This option relies on supporting initiatives from RCAs to inform road users of where restrictions are in place which we cannot be certain of the effectiveness of.	**++** Clearly indicates to road users where berm parking is 'allowed', making it easier to comply and avoid costs (e.g. parking tickets).
Minimises costs on government including to maintain and implement rules	**0**	**–** High implementation and maintenance costs for RCAs due to the need for more signage across their networks (noting that this option is the current practice of some RCAs but appears to only be in place for small parts of their roading network).	**++** Lowest cost option for government. Avoids widespread signage (noting that RCAs are still allowed to use signs if they wish) and enables RCAs to manage berm parking based on presenting risks/issues within their local context/circumstances.	**– –** Highest cost option. This would require significant implementation and maintenance costs for RCAs due to the need for signage across their networks. Using signage in this way is not current practice for any RCAs.
Enable fair distribution of outcomes amongst different groups	**0**	**–** Likely limits the benefits to stakeholders in areas where RCAs can afford signage, disadvantaging those in areas with less resources or extensive networks.	**- -** With costs and implications of signage decoupled from RCA decisions about where berm parking should not be allowed, benefits are shared broadly given berm parking restrictions are more likely to be imposed, based on presenting risks/issues within their local context/circumstances. However, there will be uncertainty for when people park their car on the berm, and they are unaware of the parking requirements so may face fines.	**– –** Likely limits benefits to stakeholders in areas where RCAs can afford signage, disadvantaging those in areas with fewer resources or extensive networks. Disproportionately impacts rural and lower-density communities where berm parking is likely to be less risky or not problematic.
Totals	**0**	**0**	**-1**	**-2**

Key	--	-	0	0+	+	++
description	Highly negative	negative	Status Quo	Marginally better than status quo	positive	Highly positive

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