

27 February 2019

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Productivity and Safety Team
National Transport Commission
Level 3/600 Bourke Street
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Victoria, 3000

Dear Anthony,

NTC Issues Paper – Barriers to the safe use of innovative vehicles and motorised mobility devices

The Municipal Association of Victoria (MAV) welcomes the opportunity to comment on the NTC issues paper relating to barriers to the safe use of innovative vehicles and motorised mobility devices. In response to some of the questions listed within the issues paper, the MAV would highlight the following observations and key issues.

Regarding characteristics that need to be considered when defining what an innovative vehicle is, it is difficult to define innovative vehicles as they are evolving so fast. They could be described as an alternative personal transport mode to conventional modes, and capable of travelling at least three to five km an hour. Other key considerations include the power, speed, weight and stability of the vehicle, and how it is controlled and driven.

An innovative vehicle does not necessarily have to be motorised, as there are a range of new personal transport modes that councils are seeing on their shared paths, for example kick bikes.

Innovative vehicles may be used in a variety of ways, including personal use as a first and last mile solution, or commercial use for deliveries. As an example, e-scooters are more likely to be used as an alternative to sustainable transport e.g. walking, rather than replacing vehicle journeys.

Parking is a key issue for councils regarding the use of innovative vehicles. Councils seek a framework that eases congestion, but also provides consistency and fairness in parking arrangements, and can address non-compliance. Technologies such as on-board GPS for dockless bikes, and geo-fencing to lock-in recommended parking areas help to avoid bunching of bikes. These are typical problems councils have faced that have been caused by some dockless bike share operators.

Councils seek to protect the safety of residents, workers, visitors and local amenity. Key factors the MAV would highlight that should be considered when determining safe rules of operation (including speed) for innovative vehicles on roads, and road related areas include:

- roads: minimum and maximum speed, weight, size (width - how much road space is needed); road related area: maximum speed, weight (the heavier a vehicle is, the more damage it could do to other users) and size;
- the power capacity and speed at which innovative vehicles, e.g. electric scooters, intend to operate on footpaths and the safety risk to residents;
- risk of conflict between different road users due to potential increased use of innovative vehicles. Where shared paths exist rather than separate on-road bike lanes, pedestrians could share a path with motorised mobility devices, cyclists and innovative vehicles. The current width of shared paths are unlikely to be able to safely accommodate an increase in users of different types of innovative vehicles due to space restrictions;
- the precinct structure plan design guidelines currently used by councils have been created primarily for pedestrians and bicycles. Without additional funding provision to councils to upgrade and change local path infrastructure, it would be difficult to safely cater for a more diverse range of users;
- given the potential of a new and emerging category of road user that will move faster than pedestrians, but not as fast as traffic, consideration of the future design of public space is crucial;
- consideration of the ability for built up areas, particularly metropolitan areas, to accommodate increases in shared mobility devices without impacting public amenity, safety, and DDA requirements;
- some users of innovative vehicles will be underage and without a motor vehicle licence. Alternative licensing options may therefore need to be considered, and how users can be educated to help ensure safe and responsible use;
- ability/capacity of innovative vehicle operators to maintain an appropriate level of service to local communities, and effectively manage the fleet and impacts on public amenity e.g. public enquiry line, complaints resolution process;
- other jurisdictions have trialled and evaluated innovative devices. Portland in the USA has been trialling e-scooters and has completed an evaluation of their trial, including road safety outcomes. The NTC could consider this report to inform future work.

Some practical and measurable outcomes required from a nationally consistent policy and regulatory framework for innovative vehicles could address issues such as:

- clear delineation of roles between federal/state/councils and operators regarding shared mobility, parking, injury insurance, age limits to use devices and enforcement issues;

- provide clear guidance on how to manage a multi-operator and multi-modal shared mobility environment to ensure operators are compliant and accountable. Delivery of a more consistent level of service between operators, fleet management practices and public contact;
- clearly defined enforcement strategy to support a new regulatory framework e.g. council powers regarding removal of abandoned bikes from roads and pavements and recovery of costs involved for councils in clearing up misuse e.g. dumped bikes/scooters;
- Lime has been granted an exemption from Brisbane City Council to trial e-scooters at 25km/h – data and community feedback from this trial could be used to inform future regulatory decisions.

Barriers and health or safety risks associated with the use of a motorised mobility device that does not meet the needs of a user because of the current restrictions, could be supported if a consistent standard and adequate safety training was mandatory for new users of motorised units. This should not be left to the discretion of the salesperson.

Standard advice on suitability of models for access in the public domain would also support the health and safety of users. Motorised wheelchairs should be usable in buildings and the built environment, but larger mobility scooters and bigger wheelchairs (e.g. with luggage attachments) are less likely to fit into buildings. Smaller passenger lifts often don't accommodate scooters.

An example regarding the road safety risks associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated, is that mobility scooters can often be purchased independently without the need for an assessment by a health professional or consistent level of safety training. In Victoria, the re-sale of motorised mobility devices is not controlled or regulated, and devices are able to be sold on the internet. Feedback received by councils indicates that some devices are being sold which have not been well maintained, and without any professional involvement and guidance.

Consideration should be given to the regulation of private sales of motorised mobility devices to ensure potential buyers are purchasing safe devices.

Should you have any queries about this matter, please contact me.

Yours sincerely

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