

# NTC Submission

## Barriers to the safe use of innovative vehicles and motorised mobility devices

12 DECEMBER 2019

Attn: Tim Davern  
National Transport Commission  
Level 3, 600 Bourke Street  
MELBOURNE VIC 3000

Dear Mr Davern,

Thank you for the opportunity to contribute to this discussion, it feels like the most important and exciting discussion concerning Australia's road rules this decade. We are impressed by the sensible options that have been put forward.

At Ben Buckler Boards, we have a love affair with our Australian environment. So when we discovered an opportunity to help reduce Sydney traffic congestion and reduce air pollution, we jumped on-board. The opportunity came in the form of selling Evolve electric skateboards six years ago. We now sell Personal Mobility Devices (PMDs) every day, mostly to regular people who want to commute to work and move around with more freedom.

Our PMD customers look like this:

Age group: 16 to 60

Male: 85% Female 15% and growing

Our customer locations: Mostly Sydney and NSW

Typical occupations: Teachers, Doctors, Dentists, Police Officers, Bankers, Traders, Advertising Executives, Consultants, Photographers, Programmers, Construction Workers, Builders.

The PMDs we sell are:

- Evolve Electric Skateboards
- Boosted Electric Skateboards
- Onewheel Electric Hoverboards.

And this is despite the fact that in NSW PMDs can legally only be used on private property.

Every day, people come to us to purchase an electric PMD because they want more freedom of movement. We explain to customers, every single day, that what they are about to purchase is not legal to ride anywhere in NSW except for on 'private property with no public access', yet they still purchase an electric PMD anyway, simply because they have a need to get somewhere more easily. Our customers want to improve their lives, they are aware of the current legal issues and choose to accept the risk.

However, our customers are taking on a hugely unfair amount of risk. Not only do they risk being harrassed by Highway Patrol Officers, but they risk the financial and health costs involved in any accidents, due to the lack of sympathetic laws, lack of insurance provisions and lack of care or awareness of car drivers.

When customers purchase PMDs from us, we take the time to train them in how to use the products safely. We explain the vital importance of caring for pedestrians and pets, by giving plenty of space and riding at walking pace in busy areas.

The PMDs we sell are very high quality and they are expensive, so customers are taking more care of their PMDs, they're personalising their PMDs, securing their PMDs and riding in social groups to share their passion. They're not leaving PMDs unattended in streets or throwing PMDs into rivers. Rental PMDs are different and are creating a bad name for PMD owners.

Our PMD customers would be receptive to the idea of registering their PMD's and obtaining a PMD license, similar to how the car licensing works. Because they want to be legitimised and would rather pay for the privilege to use the NSW road system than ride illegally.

We'd like to take this opportunity to also ask the Australian Government about improving road safety, by taking the European cycling laws one step further. Whereby in collisions between a cyclist and a car, the car driver is at fault, unless proven otherwise. The effect is that car drivers are more respectful of cyclists. We propose extending this theory all the way down the chain to pedestrians, the most vulnerable road users.

In other words:

- In a collision between a car and (a cyclist, a PMD user, or a pedestrian) then the car driver is at fault.
- In a collision between a cyclist and (a PMD user, or a pedestrian) then the cyclist is at fault
- In a collision between a PMD user and a pedestrian then the PMD user is at fault.

The net result would be that all road users would care more for the road users who are more vulnerable than themselves.

Ref:

<https://www.abc.net.au/news/2017-06-14/cycling-collisions-should-drivers-be-held-legally-liable/8613858>

At Ben Buckler Boards, we drive cars, vans, trucks, ride motorbikes, bicycles, skateboards, electric skateboards, hoverboards and we also walk, push prams, push kids bikes and help our 94 year old grandmother walk along the footpath, so we feel like we are in a good place to make recommendations for road users, because we have experienced using many different forms of road transport.

To that end, we encourage people from government positions and interested parties all over Australia to visit our showroom so we can demonstrate our PMDs. We understand that everyone has different views on this topic and that's ok, but please try to experience riding PMDs so you can appreciate all perspectives in this discussion.

Note that we're not asking for more infrastructure, just acceptance, awareness and kindness from car drivers. This means slightly altering the Australian car driver's mindset so they understand that cars aren't the only road user, so that we can create a safer road system for everyone. It means training car drivers to be more observant and courteous.

We'd like to point out the differences between hire scooters and privately owned PMDs. Unfortunately Australia's foray into PMDs is with hire scooters, and has been marred by injuries and bad experiences, because of these reasons:

- Inexperienced riders get on rental scooters with incorrect perceptions. In our opinion, scooters are generally more dangerous than skateboards, contrary to popular perception, because there is only one small wheel at the front. Inexperienced people think scooters are easier because they have something to hold onto, however if the front wheel hits something like a hole or gutter, the handle follows the wheel over the top and down to the ground. The riding position of the scooter presents the face front-on to the ground first, whereas the riding position of a skateboard has the rider side on, so rolling out of an accident is more natural and safer in our experience.
- Cheap quality rental scooters, can contribute to falls. Privately owned scooters will generally be higher quality, with larger front wheels, suspension and extra safety features.
- Little training is provided for hire scooters. Private PMD owners receive more training from Ben Buckler Boards when purchasing new PMDs, so they are equipped with sufficient knowledge to ride safely from the outset.

- Some people have no respect for hired property, leading to rental scooters being left on footpaths and thrown into waterways.

Over the recent years, we've seen huge leaps in product safety of PMD's. High end manufacturers are responding to rider feedback and continually making safety improvements, so we expect PMDs will naturally continue to evolve and become even safer going forward.

Option 3, Speed Approach 1, will be a massive help to PMD riders, but we'd also like you to reconsider Option 4 and remove the 25km/h speed limit, as PMD riders would like the same freedom as cyclists, so they can ride to the conditions of the road. Please consider all our answers below. Thank you again.

**Question 1: Are the requirements in the proposed regulatory framework appropriate? Are there any requirements that should be removed, included or modified? Please provide a rationale to support your position.**

We agree with the proposed regulatory framework for PMDs, with exception to this statement:

“when propelled only by the motor, cannot reach a speed greater than 25km/h on level ground”

We don't believe that a PMD should be defined by a maximum speed. Please see our answer to question 7 for our recommendations on the maximum speed.

The main PMD related risk to the public is from 'rental PMD' riders who:

- are not adequately trained
- are not familiar with the road rules
- have little care for the PMD they are renting.

We propose that you mandate that all 'rental PMDs' be limited to 25km/h to reduce injury to 'rental PMD' riders. Please see further rationale in our answer to question 4.

Limiting the speed of privately owned PMDs should not be mandated.

**Question 2: Is 60kg a suitable maximum weight for a PMD? If not, what is a more suitable weight and what other factors should be considered? Please provide a rationale to support your position.**

Yes, 60kg will be an appropriate maximum weight, if you have to pick a number. Typically most PMD's will be carried by the rider at times, e.g. for walking in shopping malls or getting on other modes of transport, so anything over 30kg would not be a suitable form of personal transport.

Consider that this doesn't seem 'future-proof', because we can't conceptualise what products are coming. But agree that it does serve as a way of categorising vehicles.

**Question 3: Should children under the age of 16 years old continue to be permitted to use a motorised scooter incapable of travelling more than 10km/h on level ground on roads and paths? Or should they be able to use any device that complies with the proposed PMD framework? (see Appendix A). Please provide a rationale to support your position.**

Why can under 16 year-olds ride a motorised scooter, but not a motorised skateboard? It is our view that motorised scooters are more dangerous than motorised skateboards.

Please consider opening this restriction to include all PMD's up to 10km/h.

PMD's are the mass transport option for the future, so let's educate and train our children how to use and respect a wide variety of products. Give them experience and skills to grow, ride and we might even have some children growing up to create innovative Australian companies that produce PMD's for world markets, just like Evolve Skateboards are.

**Question 4: Do you agree with the criteria selected to assess the options? Are there any key impacts not covered by these criteria?**

Yes, we agree with the criteria selected and would like to suggest adding the following criteria:

'PMD Ownership' - From our experience, PMD riders who privately own their PMD:

- will likely have more training and riding experience, and
- will usually treat their PMD and other road users with more respect.

PMD owners usually get training in person at stores when they purchase them. Because PMD owners have invested their own money into the PMD, they will likely ride more safely and take care of their PMD. Privately owned PMD's will not be left strewn across the footpath nor thrown into rivers.

'Training' - With an understanding of training and education required for each option, we can be better prepared for planning public education. E.g.

- "What level of training is required for PMD riders?"
- "What level of training is required for car drivers?"

**Question 5: When considering the safety risk assessment, access and amenity impacts, broader economic impacts, as well as compliance and enforcement impacts; has the impact analysis sufficiently considered all relevant variables and available evidence? What other factors could be included in the analysis? Please provide any additional evidence. (See Appendix E - Impact Analysis).**

We support Speed Approach 1, but would like to see the top speed of 25km/h extended to the road speed limit so that PMD riders can respond appropriately to the road conditions in the same way that cars and bicycles do.

"A variable speed limit is also likely to raise challenges with compliance and enforcement" - We disagree with this statement as we find that most Police are already doing a great job at identifying PMD riders that are a public nuisance.

We recommend considering PMD build quality in the assessment in that the maximum speed of PMD's should be self regulated by the PMD rider. Some cheap PMD's feel uncomfortable at 20km/h, while better quality PMD's can handle 40+km/h. Occasionally PMD riders will need to reach 30km/h to 40km/h to fit in with traffic flow to make their journey safer.

The safety analysis should also consider rider safety gear. A casual ride down the footpath at 10km/h only warrants a helmet, but if you're pushing 30km/h to 40km/h, the rider would likely be wearing elbow pads, knee pads, full face helmet, shoes and jeans.

## Broader economic impact observations:

In general, people who are using PMD's are likely to experience reduced travel time, and therefore likely to make more journeys, which will make Australia's workforce more efficient and more social on a day to day basis.

Australia current imports roughly 90% of our petrol, and last year the Australian government ordered a review of fuel security after experts warned the country only has weeks of petrol remaining. Encouraging electric PMD use will reduce our country's need for fuel imports.

Adopting a framework that gives PMD riders more freedom, such as Speed Approach 1, without a 25km/h top speed restriction on roads, will show the world that Australia is innovative and adaptive to change. We believe it will create businesses and jobs in the growing PMD industry. We hope that the Australian government will encourage more local manufacturing of PMD products so that we can have more companies similar to Evolve Skateboards that export to the world.

## **Question 6: What do you believe is the most appropriate road infrastructure for PMDs to access: footpaths, separated paths, bicycle paths and/or roads? Please provide a rationale to support your position.**

From our experience riding solo, riding with groups and from our customer feedback, it is clear to us that all forms of infrastructure are the most appropriate for PMD's to access.

The incredible value made available to us in the form of PMDs is the freedom they provide. The ability to cross through a big park, or pick it up to walk over a pedestrian bridge, or ride down a bike path means that people can travel through Sydney almost 'as straight as the crow flies'. Which is dramatically cutting down travel time and actively reducing petrol use.

### Footpaths:

In Australia, our roadways have been designed for cars as the primary user. In Sydney for example, a single journey will see a wide variety of roads, some with no shoulders for cyclists or PMDs, so PMD riders will take refuge on the footpath in order to stay safe.

PMDs have the ability to travel very slowly, at walking pace or less, without balance being affected, unlike bicycles. Which means that PMDs have the ability to control their journey in a

very similar way to a pedestrian. To make this point clear; PMD riders can travel beside a walking person and maintain a normal conversation. Therefore, given the control the PMD rider has over the PMD, we see no reason why a PMD can't be ridden on the footpath, so long as the PMD rider is respectful of pedestrians.

### Cycleways:

Cycleways such as the Cook's River ride in Sydney provide kilometers of safe travel for PMD users. PMD riders want to get from point A to point B in safety with freedom, so if a cycleway exists and provides improved safety, then the PMD rider will likely benefit from using it.

### Roads:

Some roads in Sydney have crowded footpaths and cycleways can end abruptly, so in those cases the PMD rider will use the road in order to keep moving. Some busy roads provide direct access to their destination, such as George Street in the city, so using larger roads can reduce travel time. Allowing PMD access is a necessary part of maintaining their freedom of use, just as cyclists enjoy.

PMD riders are much like cyclists and motorcyclists, in that they observe more around them while riding because they naturally need to be more aware of potential dangers on the roads. In our experience, we've found that car drivers pay less attention to the road because they have the perceived safety of the car protecting them, which is not a fair use of the public space. Cyclists and PMD riders make better car drivers because they are more patient and respectful of other road users. We would ideally like to see more car driver education to improve road safety.

**Question 7: What is an appropriate and safe maximum speed that PMDs should be permitted to travel across the various infrastructure: (a) pedestrian areas, (b) bicycle areas, and (c) roads? Please provide a rationale to support your position.**

### Pedestrian areas:

We agree with your 10km/h proposal in Speed Approach 1. We are occasionally pedestrians ourselves, we have young children and we have elderly grandparents with limited vision and hearing, so we want the footpaths to remain a safe haven too.

All our PMD customers agree that PMD riders need to give pedestrians plenty of room and anticipate directional changes in walking. We believe that all PMD riders need to be responsible for pedestrians, the more vulnerable road users. If there is a collision between a PMD rider and a pedestrian, then it should be considered the fault of the PMD rider until proven otherwise.

## Bicycle areas and bicycle lanes

We agree with your 25km/h proposal in Speed Approach 1.

## Shared paths (bicycles and pedestrians)

We suggest 10km/h around pedestrians and 25km/h top speed when no pedestrians in sight.

## Roads

We feel that PMD's should be afforded the same freedom as cyclists, in that their max speed is not restricted on roads, apart from the road speed limit. Occasionally PMD riders will need to reach 30km/h to 40km/h to fit in with traffic flow to make their journey safer.

We have years of experience riding bikes with traffic in Sydney and we can say without hesitation that riding with no speed restriction is far safer for the rider. At 40km/h the rider is able to mix with inner city traffic. At 25km/h, car drivers will see PMD riders as an obstacle to drive around quickly, which creates dangerous situations.

Consider for a moment that:

- PMD riders would follow the same road rules that cyclists follow, and
- PMD riders typically wear more protective clothing than cyclists, and
- PMD riders can wear lights and reflective gear, and
- PMD riders can achieve the same amount of acceleration and braking as cyclists.

So why can't PMD riders travel at the same speed as cyclists?

Consider allowing PMD riders the ability to travel up to the road speed limit. PMD's will become safer, stronger and more reliable over time if we let them, which will mean even more efficient and safer journeys going forward.

**Question 8: Do you agree with the overall assessment that Option 3, Speed Approach 1 is the option that best balances mobility and safety? If not, which option and speed approach do you prefer? Please provide a rationale to support your position.**

We agree with Option 4, Speed Approach 1, it is a sensible balance, but as written in our answer to question 7, we would like to see PMD riders allowed more freedom on roads. It will be more important for them to be observing and responding to the road conditions rather than keeping an eye on the speedometer. In addition, we recommend that rental PMDs be physically limited to 25km/h so that in-experienced riders do not impact road safety.

We agree with 'Boufous et al' and 'Dowling et al' references in that PMD riders self regulate their speed to accommodate pedestrians and therefore (PMD riders) should be given the opportunity to self regulate their speed on the road to accommodate cars.

As mentioned earlier, we love discussing PMDs, we encourage everyone to learn more by visiting us at Ben Buckler Boards, even if you have a different view. We honestly want to make Australia a better place by reducing car congestion, reducing pollution and helping to keep Australia a free and innovative country.

To stay up to date with our journey and learn more about what is happening in Sydney, please visit our Youtube channel: Ben Buckler Boards

<https://www.youtube.com/channel/UC-gjwJwcl5q7UFtwGWTAqQ>

We will be regularly adding more video information and insights to help with this discussion.

Prepared by Ben Sterrey, on behalf of Ben Buckler Boards in consultation with customers and staff.

Ben Buckler Boards  
57, 76B Edinburgh Rd  
Marrickville, NSW, 2204  
Australia

[benbucklerboards.com.au](http://benbucklerboards.com.au)