

Your Ref:
Our Ref: A2711154

13 December 2019

Tim Davern
National Transport Commission
Public submission – Barriers to the safe use of personal mobility devices
Level 3, 600 Bourke Street
Melbourne VIC 3000

Dear Mr Davern,

Thank you for the opportunity to respond to the NTC's Personal Mobility Devices Regulation Impact Statement Consultation. The following comments outline Council's views on the proposed regulatory framework.

**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**

The Road Safety Review included in Appendix D of the Regulation Impact Statement Consultation (October 2019) examines the risks around road safety for Personal Mobility Devices (PMDs), cyclists and pedestrians. It is worth noting that numerous research papers have found an average cycling speed of 18-30km/h on footpaths and shared paths, with cyclists self-regulating their speed around pedestrians.

With this research in mind, it is unclear as to why PMDs are to be restricted to 10km/h on shared paths considering they have a similar or lower risk than a bicycle. Council is also concerned about how users will know what speed they are travelling at and how speed will be enforced.

The regulatory framework needs to also consider and state the minimum wheel size for PMDs (diameter and width). Smaller wheel sizes are not supported due to reactive soils causing minor differential levels along paths (e.g. lifting or sinking of paths).

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

It is unclear why the proposed regulatory framework defines a PMD as a device that is no more than 60kg when the vehicle is not carrying a person or other load. The NTC discussion paper 'Barriers to the safe use of motorised mobility devices' (October 2019) outlines the safety implications of motorised mobility devices (MMDs). Page 14 of the report details that mass and speed are the properties of kinetic energy that can be transferred during a crash, and that "it is well established that during a crash the kinetic energy greatly increases due to speed rather than weight".

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.

Council agrees with the statement on page 17 on the need to develop, '*consistent, easy-to-understand and performance-based regulations to facilitate compliance*'. The regulations need to be developed first in order to ensure consistency across bicycles, Pedalecs (E Bikes), MMDs and PMDs, rather than creating new road rules that are inconsistent between the differing modes being used.

These regulations need to resolve the Safe Systems principles around the separation of vulnerable users from traffic, and the broader issue of what younger people understand or have been educated on the road rules, risk taking, etc. It is also important to understand how to educate all users (not just under 16's) as to what they are legally allowed or not allowed to do under the road rules, for each of the different modes of transport being used.

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.

The question does not include shared paths, and it is suggested that it should be worded, '*What do you believe is the most appropriate road infrastructure for PMDs to access: footpaths, shared paths, separated bicycle paths, bicycle lanes and/or local roads?*'

Wyndham appreciates the concerns raised by other submitters on the conflicts between pedestrians and these other modes. The development of consistent, easy-to-understand, performance-based regulations must be undertaken first before amending the Australian Road Rules (ARR). These regulations must ensure a consistent approach for bicycles, Pedalecs (E Bikes), MMDs and PMDs on all types of paths, lanes and roads. For example, it is inconsistent to restrict one or more modes when bicycles can travel on shared paths without a speed limit and Pedalecs (E-bikes) can travel on shared paths at speeds up to 25 km/h.

Wyndham is also concerned about how visible PMD users will be for other road users on local roads in urban areas. There are existing issues between vehicles and cyclists at

intersections, with vehicles exiting driveways between parked vehicles, and vehicle dooring incidents. Vehicle drivers can claim that they did not see the cyclist. Given the small size of many of these devices (using the examples in Appendix F) and the proposal to use Speed Approach 1, the risk of collisions is greater than that for cyclists.

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.

We note that the NTC is considering amending the ARR to restrict users of PMDs from travelling over 10km/h on a path and 25km/h on a road. The Road Safety Review included in Appendix D of the Regulation Impact Statement Consultation (October 2019) examines the risks around road safety for PMDs, cyclists and pedestrians. It is worth noting that numerous research papers have found an average cycling speed of 18-30km/h on footpaths and shared paths, with cyclists self-regulating their speed around pedestrians. Wyndham is concerned at the inequity of the proposed ARR amendment for PMDs when bicycles can travel on shared paths without a speed limit and Pedalecs (E-bikes) can travel on shared paths at speeds up to 25 km/h.

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.

Council disagrees with the overall assessment that Option 3, Speed Approach 1 is the best option.

Wyndham is also concerned about how visible PMD users will be for other road users on local roads in urban areas. There are existing issues between vehicles and cyclists at intersections, vehicles exiting driveways between parked vehicles, and vehicle dooring incidents. Given the small size of many of these devices (using the example photos in Appendix F) and the proposal to use Speed Approach 1, the risk of collisions is greater than for cyclists. We are also concerned about whether Option 3, Speed Approach 1 satisfies the Safe Systems principles.

Appendix B raises the requirement for front and rear lights, and reflectors to be displayed to use PMDs at night. Given the examples of PMDs shown in Appendix F, we question how practical it is for these to be fitted to PMDs?

Added to the concerns raised above on the visibility of PMDs for other road users, we are also concerned with the possible increased safety risks associated with using PMDs at night or in hazardous weather conditions, even with lights.

In Wyndham, connector roads can have centre medians or dividing lines and there are also access streets with dividing lines along the length of the road or only just on bends. The proposed ban on using a PMD on a road with a dividing line or median strip restricts the uses of these devices on many connector roads and local streets. This does not appear to have been considered under the Impact Assessment Criteria (Table 3), as it impacts the Access and Amenity criteria. This will also create confusion for users as to whether they can use PMDs on local roads.

Council recommends a study of a sample selection of local road networks within a grid of arterial roads, to better understand what a practical network for PMDs would be. In Wyndham a review of a number of 'square mile' grids in Hoppers Crossing indicates that the use of PMDs under these proposed rules would severely restrict their use on local roads.

Council would once again like to thank you for your invitation to provide comments, and we would welcome the opportunity to discuss our views with you in more detail in person.

If you would like to discuss this submission further, please contact Dean Ellis on 03 9742 0790 or email dean.ellis@wyndham.vic.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Melissa', with a stylized flourish at the end.

MELISSA FALKENBERG
MANAGER CITY TRANSPORT

Please note: this submission contains Officer views and has not been subject to broader internal consultation or formally endorsed by Council.