**Vision Australia Submission to**

**National Transport Commission**

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**Introduction**

Vision Australia would like to thank the National Transport Commission (NTC) for the opportunity to provide a submission to the Consultation Regulation Impact Statement regarding barriers to the safe use of personal mobility devices. The NTC is seeking feedback on options to safely integrate Personal Mobility Devices into existing Australian road rules. This is something that directly impacts the blind and low vision community, many of whom use walking as their main form of transport.

The views in this submission have been formed through our work supporting members of the community who are blind or have low vision and their personal experiences.

**Submission summary**

Vision Australia has concerns about Personal Mobility Devices (PMDs) being permitted to be used (ridden and parked) on Australian footpaths without sufficient regard for the safety of pedestrians who are blind or have low vision.

Vision Australia does not support the NTCs position that the best option for PMDs is to allow them to travel up to 10km on pedestrian infrastructure. Vision Australia’s thinking is in line with that of Victoria Walks in that the proposed speed limit of 10km per hour is unlikely to be:

* **Understood** - the RIS acknowledges few people understand the existing laws governing PMDs. Introducing more complex laws will not make the law better understood.
* **Abided by** - intentionally or unintentionally. There is no requirement for PMDs to have a speedometer, therefore it will not be possible for users to monitor their speed, even if they were inclined to do so.
* **Enforced** - it is impractical to expect Police to enforce this approach as there is no way to visually distinguish complying PMDs from non-compliant PMDs. For PMDs that comply in design but are capable of travelling 25 km/h, limiting PMDs to a speed of 10 km/h on footpaths would be very difficult to police.

Vision Australia is further of the belief that there is no evidence that PMD users will be safer riding on the footpath than they are on the road. Yet there are considerable safety issues presented to all pedestrians including those who are blind or have low vision by the use of PMDs on footpaths. There are further increased safety issues concerning people who use Seeing Eye Dogs as their main form of mobility aid, which places both the handler and the animal at risk of being struck by a PMD. We are further of the belief that the safety concerns of allowing PMDs on footpaths far outweigh any potential benefits of allowing them on footpaths.

**Recommendation**

Prohibit using PMDs on all footpaths

Vision Australia recommends to allow PMDs on road and bicycle-only infrastructure only. We strongly recommend the use of all PMDs on the footpath be prohibited. If this option is adopted, Police should be resourced and directed to monitor and enforce this prohibition. Providers of PMDs should be required to fund education campaigns persuading drivers to accept them on the road.

**Background**

Access to the physical environment and freedom to move about the community in relative safety, is a fundamental right of all people, including individuals who are blind or have low vision. When the use of footpaths is extended to users of other modes of transports such as PMDs, regardless of the speed they travel, safe access to the community is severely compromised.

Australia has signed and ratified the UN Convention on the Rights of Persons with Disabilities, and as such is bound to promote, respect and uphold the rights that it asserts. Signatories to the Convention agree to uphold the provision of equal access to the physical environment (Article 8) and the provision of equal access to "… Buildings, roads, transportation and other indoor and outdoor facilities …" (Article 9). Vision Australia holds the view that the manner in which PMDs are being contemplated in Victoria is inconsistent with these obligations.

For the hundreds of thousands of individuals in Australia who are blind or have low vision, walking is their main form of transport. Therefore sharing footpaths with PMDs significantly increases the potential for blind and low vision pedestrians to be injured. PMDs travelling at the suggested 10km p/h speed limit is almost double that of an average pedestrian. Further, PMDs are relatively quiet and hard to be heard when they are approaching. This is particularly concerning as sound generated by vehicles has traditionally been an important sensory alert to improve independent mobility for pedestrians who are blind or have low vision. When paths have both pedestrians and PMD traffic it is more difficult to accurately judge the amount and direction of traffic, thereby increasing the level of personal danger and decreasing the opportunity for independent mobility. There are also significant safety concerns for blind and low vision people who use Seeing Eye Dogs, both for the safety of the handler, but also particularly for the safety of the animal.

**International examples**

Looking internationally, there are examples where PMDs have been permitted on footpaths, only to be subsequently banned. These examples should be reflected on in detail when considering allowing PMDs on Victorian footpaths.

Singapore:

This most recently occurrence of a ban on PMDs on footpaths happened in Singapore. In 2017 Singapore passed the Active Mobility Act which allowed for the use of PMDs on public paths. The Singapore Land Transport Authority (LTA) undertook significant efforts to encourage the responsible use of these devices through education, enforcement, regulations and infrastructural modifications. Despite these extensive efforts, offences and incidents involving PMDs only continued to increase.

The LTA reported that this led to increasing anxiety amongst pedestrians, particularly vulnerable groups, such as the elderly and people with disabilities.[[1]](#footnote-1) PMDs on Singapore footpaths were involved in several incidents with pedestrians, one which ended with a woman in a coma and one which ended in death. After an in-depth safety review, the Singaporean LTA decided to ban the use of PMDs on all footpaths in November 2019.

Spain:

In 2018, Spain saw 300 accidents involving PMDs, five of which caused fatalities.[[2]](#footnote-2) Following the increasing danger attributed to PMDs Spain has since implemented legislation which classifies PMDs as vehicles, meaning they are no longer permitted on footpaths.

France:

In April 2019, an elderly woman was knocked down by an electronic scooter while walking in a suburb in Paris. Following this and hundreds of other reported incidences, in late October, France implemented significant changes regarding the use of electronic scooters.[[3]](#footnote-3) One of these changes includes no longer be able to ride scooters on pedestrian footpaths.

**Vision Australia’s position**

We know from evidence presented by organisations including the Pedestrian Council of Australia and Victoria Walks, as well as the international examples looked at above, that there has been an increase in scooter-related injuries wherever they have been allowed to travel on footpaths. PMDs on footpaths present safety issues for all pedestrians, but create even more significant safety concerns for people who are blind or low vision.

Vision Australia’s position is that PMDs should not be allowed to be utilised on footpaths, regardless of what speed they are travelling. Allowing PMDs to travel on footpaths at 10km p/h will present significant issues in:

* **Compliance –** within the consultation the RIS states *“very few studies have found bicycle riders to travel at, or below, the recommended speed of 10km p/h on footpaths or shared paths”.* There is no reason to believe this would be any different for people using PMDs. Significant issue lies in the fact that there is no requirement for PMDs to have a speedometer and so it may not be possible for users to monitor their speed, even if they were inclined to do so. Unless PMDs are physically restricted to 10km p/h in their design, users are likely to travel faster.
* **Enforcing -** policing the speeds PMDs are travelling would be near impossible, as was seen in Singapore. It would require both extensive manpower, and new technology. Even if it was mandated that PMDs are manufactured not to go over 10km p/h it would be near impossible for police to be able to determine compliant devices from no compliant devices, without stopping and inspecting every single device. With little enforcement, there would be minimal incentive for people to comply with the regulations.
* **Safety –** as discussed,allowing PMDs on footpaths creates safety risks for all pedestrians, but particularly for the blind and low vision community. Within the consultation RIS it recognises that allowing PMDs on footpaths is *“likely to result in pedestrians needing to negotiate these new and uniquely quiet devices. This risk may be particularly relevant for more vulnerable pedestrians, such as younger and older pedestrians, as well as those who are blind, have low vision or hearing impairments”.* Of particular significance for the blind and low vision community, is the lack of sound created by PMDs, creating a considerable barrier for them to be able to navigate footpaths independently.

**Conclusion**

Many blind and low vision people use walking as their main form of transport, with many in this group also using Seeing Eye Dogs as their main mobility aid. Vision Australia has significant concerns around the use of Personalised Mobility Devices on footpaths. PMDs on footpaths create safety issues for all pedestrians, with even more considerable safety concerns arising for people who are blind or low vision. We believe implementing a 10km p/h speed limit will likely make little difference to these safety concerns. There is little chance the speed limit will be adhered too and further it will be near impossible to police. Blind and low vision people already face significant obstacles regarding their personal mobility, allowing PMDs on footpaths will only increase these obstacles, creating both fear and apprehension around a basic human right. Limiting their personal mobility will result in decreased independence which has a multitude of flow on effects.

**About Vision Australia**

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support,

Seeing Eye Dogs, National Library Services, Early childhood and education services, and Feelix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped Spectacles Program for the NSW Government Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.

1. Lta.gov.sg. (2019). *LTA | News Room | 1 | E-Scooters to Be Prohibited on All Footpaths Following Safety Review*. [online] Available at: https://www.lta.gov.sg/content/ltagov/en/newsroom/2019/11/1/e-scooters\_tobe\_prohibited\_on\_allfootpaths\_following\_safety\_review.html [↑](#footnote-ref-1)
2. Thelocal.es. (2019). *New laws: Spain plans crackdown on electric scooters*. [online] Available at: https://www.thelocal.es/20191007/new-laws-spain-plans-crackdown-on-electric-scooters [↑](#footnote-ref-2)
3. BBC News. (2019). *France sets new rules for electric scooter use*. [online] Available at: https://www.bbc.com/news/world-europe-50189279 [↑](#footnote-ref-3)