Our Ref: DW D19/189787

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Sent via – [www.ntc.gov.au](http://www.ntc.gov.au)

Dear Tim,

**Surf Coast Shire Council submission to the National Transport Commission discussion: Barriers to the safe use of Personalised Mobility Devices - October 2019**

Thank you for the opportunity to provide feedback on the National Transport Commission’s (NTC) discussion paper on the barriers to the safe use of Personalised Mobility Devices (PMD). Our submission is drafted with input from Council’s All Abilities Advisory Committee.

I wish to notify NTC that officers have prepared this submission to meet the deadline and expect Council to ratify the submission at a Council meeting to be held on 28 January 2020. We will provide any updates or addenda to our submission after this date if required.

It is heartening to see the NTC acknowledge a distinction between Motorised Mobility Devices (MMD) and Personalised Mobility Devices (PMD) and issue two separate discussion papers on each.

Surf Coast Shire Council would like this project to carefully consider pedestrian safety when developing new rules and regulations for road and pathway users. Pedestrian safety, including for pedestrians with a disability, is not prominent in the discussion paper but needs careful consideration.

Pedestrians, especially those with vision and hearing impairments may feel unsafe as a result of increased use of PMDs on footpaths and pathways.

This submission responds to questions in the discussion paper.

**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 following issues exist with the proposed regulatory framework:

The proposed PMD width of 700mm is too wide because this would not allow two PMD or a PMD and MMD to pass by each other on many paths. The Austroad’s *Guide to Road Design Part 6A: Pedestrian and Cyclist Paths (2009)* states that, as a guide, the minimum design requirements for footpaths are:

* Absolute min width: 1000mm
* Desirable min width: 1200mm

The proposed length of 1250mm is too long. The RACV highlighted in the Royal Auto issue in May 2019 that even one PMD 1250mm long could not possibly be added to the footpath in Melbourne’s ‘Crush Hour”

The regulatory framework defines a PMD as having at least one wheel and propelled by an electric motor. This does not consider possibilities of non-wheeled devices or devices fuelled by non-electric sources.

Surf Coast Shire Council supports the exclusion of motorised wheelchairs and mobility scooters from the PMD regulatory framework.

Surf Coast Shire Council does not support 60kg maximum weight for PMD, and this is covered in the next answer.

**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.**

No, a maximum weight of 60kgs for a PMD is too heavy because it would create an unsafe increase in a PMD user’s kinetic energy, which is the force delivered in a crash. This would present a significant increase in the likelihood of injury to other people involved in a crash with a PMD user.

Austroad’s *Australasian Pedestrian Facility Selection Tool User Guide* models pedestrian walking speed between 1 meter per second – 1.2meters per second (Ave. = 1.1 m/s) which is equivalent to 3.95km/h.

The table below demonstrates the potential force caused by different users based on mass and speed.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Person (KG)** | **PMD (KG)** | **Speed (KM/H)** | **Kinetic Energy (J)** |
| **Pedestrian** | 80 | 0 | 3.95 | 48 |
| **PMD User 1** | 80 | 60 | 10 | 540 |
| **PMD User 2** | 80 | 30 | 10 | 424 |
| **PMD User 3** | 80 | 15 | 10 | 366 |
| **PMD User 4** | 80 | 30 | 5 | 106 |

A PMD user with a 60kg device travelling at 10km/h coming to a sudden stop in a crash delivers 11 times the force of a pedestrian.

The table demonstrates how a device travelling close to the average pedestrian speed – 5km/h - delivers greatly reduced force (106J) in a crash.

Having PMDs weighing up to 60kg would be inconsistent with a key purpose of a PMD outlined in the discussion paper, which describes PMD as small, portable and designed to carry one person.

The discussion paper describes a key purpose of a PMD as ‘for first/last mile’ transport, and that they should be designed for public transport conveyance.

Many adults would have difficulty lifting or manoeuvring a 60kg device onto modes of public transport, meaning it would fail to achieve a key purpose.

To meet the key purpose in the discussion paper and to increase safety, PMD weight should be much lower than 60kg.

**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.**

Surf Coast Shire Council’s submission does not provide an answer for this question.

The option Council’s suggests in this submission is that PMD travel on bicycle infrastructure (not footpaths) and local roads with a speed limit of 25km/h.

Surf Coast Shire Council was unable to find evidence able to qualify if these conditions are safe for a child to operate a motorised device.

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

The criteria selected to assess the options are quite sound but do not specifically take into account other transport infrastructure users with disabilities, such as people in MMDs or with vision or hearing impairments.

There is a risk that this could result in contravention of the United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol Article 20 - Personal Mobility which states:

This states that: “State parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at an affordable b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at an affordable cost”.

The criteria in the discussion paper describes impacts to ‘PMD users’ and ‘other road users’. There is no rating for pedestrians or people with disabilities and we believe they should be included and assessed.

Surf Coast Shire Council suggests that access and amenity for ‘Other Road Users’ under Option 3 Speed Approach 1 and 2 results in a moderate negative impact (- -)rather than a minor negative impact (-).

**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).**

The impact analysis has considered many relevant variables however it has failed to prioritise pedestrian and PMD user safety enough. The safety of other path users with disabilities including those in MMDs or those with vision and hearing impairments seems to be less of a priority compared to promoting PMD usage.

As stated in the discussion paper, ‘there are many reports of emerging injury trends associated with PMD use’ with ‘little published empirical research’.

Although different to PMD, Monash University conducted a study of Injury Data Involving MMD, published in 2011, which found:

* There were 62 identified fatalities related to motorised mobility scooters from July 2000 to August 2010.
* There were 442 hospitalisations involving motorised scooters in Australia from July 2006 to June 2008.
* 26% of injuries occurred on the road/street and highway.
* 13% of incidents were the result of a collision between a MMD and a motor vehicle.

**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.**

PMD usage should be restricted to bicycle infrastructure (not footpaths) and local roads. This is the best option to maintain safety, access and amenity and allows the greatest chance of effective compliance and enforcement.

Councils and other authorities are already struggling to provide adequate and maintained footpath and road surfaces. This is already exacerbated within councils under the Fair Go Rates system in Victoria.

Many PMD have small wheel radii, which cannot safely cope with cracks, lips or uneven surfaces at a speed of 25 or even 10km/h.

State and Federal Governments should consider increased investment to construct and maintain better roads, footpaths, pathways and other infrastructure in response to any new regulations or improvements that this review identifies.

Council does not agree that new signage for PMD is appropriate due to the additional cost involved and reduction to visual amenity that this would produce.

**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.**

PMD should not travel in pedestrian areas at all as this would present an unacceptable safety risk to PMD users and other users. Danger to pedestrians would be unacceptably high if they are exposed to PMD users with 60kg devices travelling at 10km/h on footpaths. The discussion paper states ‘normal walking speed is 4km/h’, therefore a speed of 10 km/h is more than double, and should not be considered on footpaths.

Only bicycle infrastructure (not footpaths) and local roads stipulated in Option 5 are appropriate infrastructure for PMD usage. PMD should be permitted to travel up to 25km/h on bicycle infrastructure (not footpaths) and local roads only.

Given the definition and purpose of PMD there is no need for them to travel on non-local roads.

**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.**

Surf Coast Shire Council does not believe Option 3 is the option that best balances mobility and safety. The discussion paper describes ‘increases in safety risks from allowing PMD on roads and paths’. Option 3 unreasonably reduces safety.

Surf Coast Shire Council proposes a variation on Option 5 in which PMD access bicycle infrastructure, (not footpaths) and local roads only. PMD should not be permitted on footpaths, shared paths or non-local roads. The maximum speed allowed on this infrastructure should be 25km/h.

The reason for this preferred option is to maintain safety and accessibility for people with disabilities both those using MMD and those with vision or hearing impairment. Option 3 in the discussion paper proposes that PMD up to 60kg can travel over double the average walking speed on a footpath. The safety risks in these circumstances are unacceptable primarily to other path users and to PMD users.

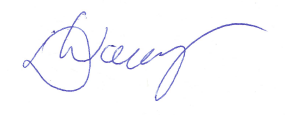
PMD should only need to be used on local roads consistent with the discussion paper pointing out a key purpose of PMD is for ‘first/last mile’ use.

**Conclusion**

Surf Coast Shire Council encourages the review of ARR and development of clear guidelines concerning the safe use of PMD. This review needs to recognise the safety of pedestrians with a disability, who are entitled to an environment that enables access and inclusion in the life of their community. The new regulations should seek to find a balance for the use of PMDs so that people get the broader benefit of these devices while ensuring that other users of footpaths, pathways and roads feel safe.

Thank you again for the opportunity to present this submission. Please feel free to contact me on [dwaight@surfcoast.vic.gov.au](mailto:dwaight@surfcoast.vic.gov.au) 5261 0540 if you require further information.

Yours sincerely



Damian Waight

**Manager Community Relations**