

# **BARRIERS TO THE SAFE OPERATION OF PERSONAL MOBILITY DEVICES**

NATIONAL TRANSPORT COMMISSION  
CONSULTATION REGULATION IMPACT STATEMENT

RAA SUBMISSION

December 2019



## INTRODUCTION

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RAA welcomes the opportunity to provide comment on the National Transport Commission's (NTC) regulation impact statement on personal mobility devices.

RAA is South Australia's largest membership organisation, representing the interests of more than 750,000 South Australians. Through our diverse range of motor, home and travel products and services, we interact with our members in a range of ways that provide unique insight into the services and public policy settings South Australians want and need.

RAA has had a trusted advocacy role in transport and mobility for more than 115 years. We undertake a range of activities to identify, report on and advocate for safer, more effective mobility for all road users and pedestrians. RAA aligns its transport advocacy with the following three themes:

- Safe – A safe mobility system can be defined as a system that not only achieves, but outperforms, national and international safety benchmarks.
- Accessible – To have a cost efficient, convenient and reliable transport network as an essential part of personal mobility.
- Sustainable – Sustainable mobility encompasses the needs of current and future generations, and considers financial, societal and environmental factors.

RAA as part of its overall mobility strategy has supported the trial of personal mobility devices, such as scooters as a means of providing effective, convenient, short distance travel in preference to the use of private motor vehicles.

The discussion paper poses eight questions concerning the regulation and safe operation of personal mobility devices. The questions together with RAA's responses and recommendations are provided below.

### **QUESTION 1 - Are the requirements in the proposed regulatory framework sufficient? Are there any requirements that should be removed, included or modified?**

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The requirements in the proposed regulatory framework are considered sufficient for the following reasons:

- The specified dimensional limits will ensure that devices can be readily accommodated on public transport, as they are within the current dimensional public transport module.
- The maximum unladen weight limit of 60kg provides a margin for the range of devices currently available, including segways.
- By specifying the propulsion system as electric this will ensure the devices are non-polluting by precluding any internal combustion engine powered devices, either as original equipment or after-market fitments.

The term "scooter" is frequently used to describe both a recreational device and a device intended to provide mobility assistance for a person with limited mobility capability. To ensure there is a clear distinction between a personal mobility device (e.g. recreational scooter) and a motorised mobility device (known colloquially as a mobility scooter), it is recommended that the proposed regulatory framework make this explicit. Some suggested wording is provided:

- Personal Mobility Devices (PMDs) do not include devices such as motorised wheelchairs and scooters that are principally designed to be used by people with mobility difficulties and are restricted to a maximum speed of 10km/h.

**RAA Recommends:**

That it be made clear that there is a distinction between a personal mobility device scooter and a motorised mobility device.

**QUESTION 2 - Is 60kg a suitable weight for a PMD? If not, what is a more suitable weight and what other factors should be considered?**

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The proposed limit of 60kg is considered sufficient, based on the range of devices currently available that would fall into the category of personal mobility devices, as most weigh well below this amount. Setting the upper limit at 60kg will allow some margin without the need to amend the regulations in the event that heavier units become available.

Including devices that weigh more than 60kg is not recommended as it would mean that some operators would not be able to physically manoeuvre them under certain conditions, such as lifting over steps or onto public transport. It is considered that requiring public transport operators to deploy the access ramp for both MMD and PMD access could adversely affect the operation of services particularly in periods of high demand. Therefore, it is important that PMDs are restricted in weight to allow them to be manoeuvred without mechanical assistance.

**RAA Recommends:**

The proposed maximum unladen weight limit of 60kg for personal mobility device is supported.

**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? Should they be able to use any device that complies with the proposed PMD framework?**

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Currently in South Australia, any power assisted wheeled recreational devices cannot be legally used on roads or road related areas such as footpaths, bicycle/pedestrian tracks or vehicle parking areas that are publicly accessible, irrespective of the age of the operator. These devices can only be legally used on private property.

Only such devices that do not have any form of motorised assistance can be used on footpaths, bicycle or pedestrian tracks. This includes non-motorised scooters, skateboards and roller skates and applies both to adults and children.

In the City of Adelaide scooter trials are in progress. Their operation is limited to footpaths and shared paths only (they are not permitted to use bicycle lanes and roadways due to concerns with stability and vulnerability). Children are not permitted to use these devices and indeed the minimum permitted user

age is 18 years because of the potential risk to themselves, pedestrians and other road users through lack of proper control.

Subject to the findings of the report on the trial due in early 2020, it is considered that restrictions on the use of powered personal mobility devices in the public realm to people aged 18 and over should continue unless there is evidence to support the safe use of personal mobility devices by children.

**RAA Recommends:**

The current restriction on the use of personal mobility devices to people aged 18 and over should continue pending the results of the City of Adelaide's scooter trial (due for release in early 2020).

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

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The criteria referred to in the regulation impact statement is considered appropriate, as it focuses on the safety of the user and that of pedestrians, as well as other road users. Given the potential of these devices to provide short distance mobility and the likely growth in their popularity, it is critical that the conditions governing their permitted use is logical, enforceable and consistent.

**RAA Recommends:**

RAA supports the criteria used to assess the use of personal mobility devices on footpaths and roads.

**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?**

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The impact analysis is thorough in its approach to considering the risks and implications of the use of PMDs and the proposed speed options. RAA accepts that it is difficult to accurately assess the safety risk associated with the use of PMDs given the limited data available. In South Australia, for example, a trial of scooters in the CBD of Adelaide commenced in March 2018.

One issue that should be further considered is that of liability in the event of a crash. Currently in South Australia, the responsibility rests with the hirer of the device, in this case of an scooter, but when private ownership is allowed the responsibility around this will need to be clearly established.

RAA shares the concern raised by the NTC around speed limits and enforcement issues.

In relation to the trial of scooters in Adelaide, excessive speed has not been raised with RAA directly by its members or stakeholders. However, the review on this issue may provide further information.

It may be appropriate for NTC to seek comment from the various enforcement agencies as to how they would manage any issues regarding inappropriate speed of PMDs and other user related behaviours.

**RAA Recommends:**

The impact analysis should also include comment from enforcement agencies on managing the safe operation of personal mobility devices.

The impact assessment should also clarify liability of personal mobility users in relation to pedestrian injuries.

**QUESTION 6 - What do you believe is the most appropriate road infrastructure for PMDs to access: footpaths, separated paths, bicycle paths and/or roads?**

RAA considers that the use of PMDs should be primarily on footpaths, separated paths and shared paths where available.

In the event that these devices were to be permitted on roads, they should be restricted to the following:

- on roads without a dividing line or median strip
- on roads where the speed limit is 50 kilometres per hour or lower
- on a one-way road with no more than 1 marked lane
- during periods of reasonable visibility

This is the permitted road environment where the use of skates and non-powered scooters is currently permitted in South Australia.

In South Australia (as is the case with most other jurisdictions in Australia) minimum passing distances apply when overtaking cyclists. In the event that regulations are adopted nationally that permit PMDs to use roads then the passing rules would need to be revised accordingly to ensure motorists are aware of their responsibilities when passing such devices.

**RAA Recommends:**

The use of personal mobility devices should be primarily on footpaths, separated paths, shared use paths and bicycle paths.

Personal mobility devices should be limited to those roads with a speed limit of 50km/h or less that do not have a dividing line or median strip.

Rules governing minimum passing distances for cyclists would need to be revised to include personal mobility devices when used on roads.

**QUESTION 7 - What is the appropriate and safe maximum speed that PMD's should be permitted to travel across the various infrastructure:**

- (a) Pedestrian areas;**
- (b) Bicycle areas;**
- (c) Roads?**

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It is considered that for pedestrian areas the speed limit of 10km/h is appropriate as it is consistent with the speed limit currently applicable to motorised mobility devices. This poses the lowest risk to pedestrians based on the kinetic energy assessment.

The proposed maximum speed limit on bicycle only paths of 25km/h is considered appropriate to ensure PMDs do not unduly obstruct cyclists, provided such devices are stable enough to operate safely at this speed. This is only appropriate where pedestrians do not use such facilities. On shared use paths, a lower speed limit of 10km/h is considered more appropriate where pedestrians are present.

The use of PMDs on roads in South Australia is not currently permitted. Were this to be the case then a permitted maximum speed limit of 25km/h would be appropriate, provided the devices were suitable for safe operation at this speed in terms of stability and braking performance. Additionally they would need to be equipped with lights and reflectors to ensure they are visible to road users, cyclists and pedestrians crossing the road.

For example, RAA is aware of anecdotal feedback on the use of scooters overseas highlighting that many of these devices are markedly less stable at 25km/h compared to 15km/h. Further, they are notably susceptible to surface irregularities at this higher speed making maintaining a steady line more difficult. This could pose safety issues when used on roads.

Like road vehicles generally, these limits represent the maximum speed suitable under ideal conditions. Users need to understand that modifying their speed according to conditions is part of the responsibilities of using PMDs.

**RAA Recommends:**

The speed of personal mobility devices should be limited to a maximum of 10km/h on footpaths and shared use paths;

The maximum speed permitted on separated bicycle facilities where pedestrians are not permitted except to cross is 25km/h;

The maximum speed limit on roads be limited to 25km/h;

Notwithstanding any maximum limits, users are required to travel at a speed appropriate to the conditions which may be substantially lower than these limits.

**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 speed approach do you prefer?**

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The proposed option would provide clear requirements for users of PMDs when using footpaths and other pedestrian infrastructure. The maximum speed limit of 10km/h would be consistent with the requirements for motorised mobility devices. However, while most MMDs are limited to this speed, PMD' with a higher speed capability would rely on the operator taking responsibility for travelling at the appropriate speed (as is currently the case with cyclists who choose to ride on footpaths) commensurate with the environment and prevailing conditions.

As discussed in our response to question 5, consideration needs to be given as to how this would be enforced in the event that PMD users travelling at excessive speed cause safety issue for pedestrians.

In states where the use of PMDs on roads is permitted then the allowance of a speed of up to 25km/h would be reasonable, provided such devices are stable enough and have effective braking to travel at that speed on a road without compromising the safety of the operator and that of other road users. In South Australia under current regulations, only non-motorised wheeled recreational devices such as skates, skateboards and scooters can be used on roads under certain conditions.

Currently in Adelaide where escooters are being trialled, they are limited to a maximum of 15km/h and restricted to footpaths and shared use paths only. The results of the trial are due in early 2020. RAA supports the current restrictions and does not consider that the devices currently involved in the trial are suitable for road use particularly at a higher speed of 25km/h.

**RAA Recommends:**

Option 3 Speed Approach 1 is the speed limit option that best balances mobility and safety across all environments.