



*Dedicated to a better Brisbane*

4 December 2019

Mr 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 provide submissions on the National Transport Commission's *Barriers to the safe use of motorised mobility devices: discussion paper – October 2019* (the discussion paper) and *Barriers to the safe use of personal mobility devices – October 2019 Consultation Regulation Impact Statement (RIS)*.

In late 2018, Brisbane City Council (Council) released its *Transport Plan for Brisbane — Strategic Directions* (the plan), which is intended to guide the evolution of Brisbane's transport network over the next 25 years. The plan has a strong emphasis on ensuring that the transport network meets the needs of all users for personal, goods and service movements by providing equitable, affordable and accessible transport options.

Council's response to questions raised in the discussion paper highlights some of the recommended changes that are required to the Australian Standards and *Australian Road Rules* to achieve the outcome, particularly in access to public transport and in pedestrian and user safety.

A key initiative in the plan is encouraging e-wheeling as an alternative to private vehicle travel. You would be aware that Brisbane was the first city in Australia to allow a trial of e-scooters following changes in Queensland Government legislation, and the first to enter into citywide operating agreements with two e-scooter hire companies. Council's response to questions raised in the RIS has been influenced from this experience.

If you have any further questions regarding Council's submission, please contact Mr Myles Fairbairn, Policy, Strategy and Planning Manager, Transport Planning and Operations, Brisbane Infrastructure, on (07) 3403 7907.

Yours sincerely

Colin Jensen  
**CHIEF EXECUTIVE OFFICER**



**Council's response to questions raised in the *Barriers to the safe use of motorised mobility devices: discussion paper – October 2019***

Question	Response
<p>1. Do you agree with aligning the maximum unladen mass with the ATS or is there a more appropriate response to overcome the regulatory barriers identified?</p> <p>Please provide evidence to support your position.</p>	<p>Council has concerns regarding aligning the maximum unladen mass of motorised mobility devices (MMDs) in the <i>Australian Road Rules</i> with the Australian Technical Specifications (ATS).</p> <p>Council's response to Question 7 in the submission made on 26 February 2019 in response to the National Transport Commission's (NTC) <i>Barriers to the safe use of innovative vehicles and motorised mobility devices – January 2019 Issues paper</i> (NTC's January 2019 Issues paper) stated: "<i>the Australian Road Rules must conform to the Disability Standards for Accessible Public Transport 2002 principle of regarding wheelchair and occupant as a single unit when it comes to assessing masses acceptable for use in public space</i>".</p> <p>Council believes that a more effective response is to review both the proposed ATS SA TS3695.3.2018 and the <i>Australian Road Rules</i> in the context of the <i>Disability Standards for Accessible Public Transport 2002</i> (DSAPT) and investigate the option of setting a maximum mass limit based on the combined weight of the device and the occupant.</p> <p>This would allow alignment with <i>Disability Standards for Accessible Public Transport Guidelines 2004</i> assumptions about public transport mobility aids, underlying the disability standards, including that 'the total weight to be supported by a boarding device needs to be not more than 300 kg'.</p> <p>This would assist in ensuring public transport providers, such as Council, are able to provide a level of compatibility between MMDs and their fleet and infrastructure. There is also the potential benefit of providing a more consistent experience between different public modes.</p> <p>On this basis, Council supports the concept of the Blue Label identification proposed in the ATS which defines the performance requirements of an MMD for it to be suitable to access public transport and meet the DSAPT specifications (i.e. length, width, unladen mass, maximum safe slope etc.)</p> <p>However, it is critical that the ATS is thoroughly reviewed and tested as proposed by Central Queensland University in its submission to the NTC's January 2019 Issues paper, to ensure it is effective in determining if assessed Blue Label compliance will result in an MMD's ability to safely access the full range of public transport. An effective and credible Blue Label system will provide certainty to people purchasing MMDs and public transport operators that the device is safe and suitable to use on public transport.</p>
<p>2. Do you agree with the proposed pedestrian classification? Is it appropriate that all MMD operators are required to follow the pedestrian road rules?</p> <p>Please provide evidence to support your position.</p>	<p>Council agrees with the proposed classification of all MMD operators as pedestrians. However, Council considers there is a need for any amendments to the <i>Australian Road Rules</i> to retain the restrictions for use of MMDs on a path, including the mass of the device, and it not travelling at more than 10 km/h. This will preserve the safety intent of the current <i>Australian Road Rules</i>, while removing confusion caused by devices being considered 'vehicles' and ensure increased equitable consideration of users of public pedestrian spaces and infrastructure.</p> <p>There are two main types of MMDs, motorised wheelchairs and mobility scooters. It is considered that given the difference in users, device operation and specifications, these two devices should be defined individually in the <i>Australian Road Rules</i>, while retaining the overarching designation as MMDs. This will allow for each device type to have its</p>

Question	Response
	<p>own specific regulations that will more easily allow for future regulatory changes to be more effectively applied to each device type as required.</p> <p>Council also considers that a person/attendant who is assisting a person in a motorised wheelchair by operating the wheelchair in a manner other than pushing (i.e. through use of a controller, whether it be wired or wireless) should also be considered as a pedestrian. Given that the person in a motorised wheelchair is not considered to be a 'driver' of a 'vehicle', neither should an attendant. They should be considered as a pedestrian helping another pedestrian.</p>

**Council's response to questions raised in the *Barriers to the safe use of personal mobility devices – October 2019 Consultation Regulation Impact Statement***

Question	Response
<p>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.</p>	<p>The requirements in the proposed regulatory framework are largely in alignment with the current <i>Queensland Road Rules</i> (QRR). The devices excluded from the framework are also appropriate, except for 'motorised scooters incapable of travelling more than 10 km/h on level ground'. There does not appear to be a justification to exclude these devices from the framework. Excluding these devices would create confusion.</p> <p>It is also recommended that the NTC examine how the Queensland Government has addressed the issue of children under 16 years using devices that fit the proposed PMD framework, through specifying that children between 12 and 16 years are only to travel under adult supervision. In Council's opinion this strikes a balance between ensuring safety and freedom.</p>
<p>2. Is 60kg a suitable maximum weight for a Personal Mobility Device (PMD)? If not, what is a more suitable weight and what other factors should be considered? Please provide a rationale to support your position.</p>	<p>Council considers an unladen mass of 60 kilograms a suitable maximum weight for a PMD, given that Segways are included under this classification. This aligns with the current QRR.</p>
<p>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? Please provide a rationale to support your position.</p>	<p>The Queensland Government specify that children between 12 and 16 years can use a PMD under adult supervision. The PMD framework could include this provision but also enable children under the age of 16 years old to continue to be permitted to use a motorised scooter incapable of travelling more than 10 km/h on level ground.</p>
<p>4. Do you agree with the criteria selected to assess the options? Are there any key impacts not covered by these criteria?</p>	<p>Council agrees with the criteria used and that all relevant issues are covered. However, there is no indication of priority.</p>
<p>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</p>	<p>The definition of 'bicycle infrastructure' is unclear as to whether it includes both off-road or separated bicycle paths and on-road bicycle lanes. This is a key point absent from the discussion. Currently the Queensland Government specify PMDs are not permitted to be used in on-road bicycle lanes. Council believes this is an anomaly, as PMDs are travelling at a similar speed and have the same degree of vulnerability as normal bicycles.</p>

Question	Response
evidence? What other factors could be included in the analysis? Please provide any additional evidence.	
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.	<p>The most appropriate road infrastructure for PMDs to access is separated paths, bicycle paths and dedicated on-road bicycle lanes.</p> <p>In the 12 month period from November 2018 to November 2019 (which consisted of a seven month trial with Lime Network Pty Ltd to June 2019, followed by operating agreements entered into with Lime Network Pty Ltd and Neuron Mobility (Australia) Pty Ltd), approximately 45% of public complaints have been in relation to the speed of e-scooters on footpaths, including observed speed, incidents and near misses.</p>
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.	<p>Council has no specific data as to the appropriateness of 25 km/h as the general maximum speed of PMDs but notes that this speed is commensurate with the maximum speed set by <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 (QRR)</i>.</p> <p>In the case of pedestrian areas in Queensland, there is no speed specified except that a PMD user is urged to travel at a speed appropriate to the conditions and be able to stop safely to avoid a collision with pedestrians.</p> <p>Council has recently called on the Queensland Government to review whether 25 km/h is a maximum safe speed for PMDs.</p>
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.	<p>Council agrees with the overall assessment that Option 3, Speed Approach 1 is the option that best balances mobility and safety. This is in alignment with the approach that has been adopted by the Queensland Government. Following 12 months of experience with e-scooters in Brisbane, Council believes that the current regulatory environment is working, but needs some independent review to be confident that the regulated speed environment has some scientific basis, and to determine what improvements in regulation need to be made.</p>

