

Our Ref: DW D19/186889  
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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 Motorised 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 Motorised Mobility Devices (MMDs). 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 (MMDs) and Personalised Mobility Devices (PMDs) 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 MMDs and PMDs on footpaths and pathways.

This raises a key question: Is it a good outcome to reduce safety and accessibility for people with a certain disability (vision and hearing impairments) by improving access for people with other forms of disability?

MMDs are an important device assisting people with limited or no mobility to provide them with the opportunity to remain socially connected and independent.

Many people experience positive impacts in their lives when using MMDs, so changes need to balance the different priorities of MMD users and other path and road users.

This submission responds to key issues in the discussion paper, which are highlighted in bold.

**Safety Risks**

The discussion paper notes several times that the changes proposed to the Australian Road Rules (ARR) are likely to result in increased safety risk to MMD users and other path users.

Council does not support changes to the ARR that increase safety risks to MMD users or pedestrians.

The proposed increase to 250kg for motorised wheelchairs and 170kg for mobility scooters represents 74% and 32% increases in kinetic energy respectively. These significant increases will result in safety impacts for MMD users and pedestrians.

Any increase in mass for these devices needs to be supported by evidence to minimise safety risks to MMD users and other path users.

Unlimited mass for motorised wheelchairs may have the unintended consequence of damaging footpaths and pathways. Footpaths vary in age and are often constructed with different concrete thickness and subgrade over driveways compared with normal footpath sections. Unlimited mass MMDs have the potential to damage footpaths by cracking concrete or causing sinkage that could present trip hazards and safety risks for path users. This could also result in damage to MMD wheels or tyres.

Maximum device width should also be considered and prescribed under revised ARR or Australian Technical Specification (ATS). Unlimited device width is likely to make access difficult for all path users due to path width specifications.

Austroad's *Guide to Road Design Part 6A – Paths for Walking and Cycling* includes "the desirable minimum width of a pedestrian path that has a very low volume is 1.2 m with an absolute minimum of 1.0 m at constrained locations"

Surf Coast Shire Council's Infrastructure Development Manual exceeds this guideline and prescribes minimum footpath width should be 1.5m in residential areas. <https://www.designmanual.com.au>

MMD width should be specified in either the ARR or ATS to allow two devices to pass by each other on a standard footpath.

#### **Innovation in manufacturing**

The discussion paper proposes changing the ARR to meet Australian Technical Specifications by removing any mass limit for motorised wheelchairs and setting a maximum unladen mass for mobility scooters of 170kgs.

This proposal does not take into consideration what role manufacturing can play in improving safety for MMD users and path users by designing lighter and safer equipment. The NTC may not have jurisdiction over manufacturing standards, but this is an important consideration that needs to be examined, and guidelines developed for manufacturers.

Council supports that a slow speed switch on MMDs should be mandatory for all devices capable of exceeding 6km/h. Devices must also be able to negotiate uneven surfaces.

Design provides a great opportunity to improve safety for MMD users and other path users. This should not be overlooked in reforming the rules that govern the use of these important devices.

#### **Improvement to other infrastructure**

There needs to be a focus on adequately funding public infrastructure especially if MMD mass and size increases.

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.

#### **Data**

The discussion paper notes the lack of evidence in relation to the safety of MMDs and the need for a systematic and sustained approach to data collection. It also notes that research is needed in relation to the design, safety performance, user experience and needs, the rates and causes of accidents, and injuries and deaths involving mobility devices.

Changes to the ARRs would be better informed through better evidence.

There appears to be no modelling or project data regarding what impact unlimited unladen mass could have on the safety of MMD users and other path users. This lack of modelling and evidence makes it difficult to support unlimited unladen mass in MMDs.

### **Describing Footpaths and Pathways vs Road Related Areas**

Government agencies are often challenged to describe things in plain English. 'Road Related Areas' appears a number of times in the discussion paper and this may be useful phrase in defining everything around a road.

However, it is difficult for people to understand what it means and it reduces focus on the infrastructure that is common to the users of MMDs and pedestrians.

Inconsistently, the discussion paper also mentions 'path users' in a number of locations.

Surf Coast Shire Council suggests all future references including definitions in the ARR articulates: 'Roads, Footpaths, Pathways and Other Road Related Areas'.

'Path users' is an apt description of pedestrians however we would not support describing pedestrians as 'other road related area users'.

### **Rights of People with Disabilities**

The discussion paper quotes parts of the United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol Article 20 - Personal mobility.

Other parts of this Convention relevant to the discussion paper that were not mentioned include:

Article 3 states general principles including:

- 3.3. Full and effective participation and inclusion in society;
- 3.6. Accessibility;

Article 9 states:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia.

The ability of people with vision and hearing impairments to have safe access to footpaths may be limited if mass of MMDs is increased. Upholding one section of the United Nations Convention cannot come at the expense of another section.

**DISCUSSION PAPER QUESTION 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? Please provide evidence to support your position.**

As mentioned throughout this submission, balance needs to be found between the needs of MMD users and the needs of pedestrians with other disabilities.

This balance can be found through manufacturing design. Ideally, MMDs should be designed to increase mobility for users while maintaining their safety and the safety of others. We should look for design solutions that provide lighter, safer equipment able to negotiate a range of surfaces.

Surf Coast Shire Council proposes that a balanced approach would be that motorised wheelchairs unladen maximum mass is 170kg and mobility scooters is 110Kgs.

The rationale for this proposal is that Motorised Wheelchairs provide for people with high support needs who may need devices which are larger and heavier. Mobility Scooters are defined in the ARR as 'often used by people who have a permanent or long-term physical limitation. However these individuals have sufficient mobility to walk short distances'. It is unlikely these devices need the same level of assistive technology, and therefore weight.

The point made earlier in the submission is relevant in answering this question. The suggested change to 250kg for motorised wheelchairs and 170kg for a mobility scooter represent a 74% and 32% increase in kinetic energy respectively. These significant increases will result in safety impacts for MMD users and pedestrians.

**DISCUSSION PAPER QUESTION 2: Do you agree with the proposed pedestrian classification? Is it appropriate that all MMD operators are required to follow the pedestrian road rules? Please provide evidence to support your position**

Yes, Surf Coast Shire Council supports amending the ARR so that all users of MMDs are classified as pedestrians and be required to follow pedestrian road rules. Council supports MMDs travelling at safe speeds and that their speed is limited to 10km/h on roads and 6km/h on footpaths.

**Conclusion**

Surf Coast Shire Council encourages the review of ARR and development of clear guidelines concerning the safe use of innovative vehicles and MMDs. 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 MMDs so that people can remain connected and independent 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

A handwritten signature in blue ink, appearing to read "D. Waight".

Damian Waight  
**Manager Community Relations**