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# AUSTRALASIAN RAILWAY ASSOCIATION SUBMISSION

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To the

National Transport Commission

On the

Barriers to the safe use of innovative vehicles  
and mobility devices

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## THE ARA

The Australasian Railway Association (ARA) is a not-for-profit member-based association that represents rail throughout Australia and New Zealand. Our members include rail operators, track owners and managers, manufacturers, construction companies and other firms contributing to the rail sector. We contribute to the development of industry and government policies in an effort to ensure Australia's passenger and freight transport systems are well represented and will continue to provide improved services for Australia's growing population.

The ARA thanks the National Transport Commission (NTC) for the opportunity to provide this submission to *Barriers to the safe use of innovative vehicles and motorised mobility devices*.

This submission has been developed in consultation with the ARA's Accessibility Working Group which is comprised of accessibility representatives from the following ARA members:

- Department of Planning, Transport and Infrastructure (**DPTI SA**)
- Metro Trains Melbourne (**MTM**)
- Public Transport Authority of Western Australia (**PTAWA**)
- Public Transport Victoria (**PTV**)
- Queensland Rail (**QR**)
- Sydney Trains / NSW Trains / Transport for New South Wales (**TfNSW**)
- V/Line
- Yarra Trams

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# MMDS, MOTORISED WHEELCHAIRS & INNOVATIVE VEHICLES ON AUSTRALIAN RAIL NETWORKS

The passenger rail industry is integral to the efficient movement of people within cities and between regions. Rail provides travel for people with all levels of ability.

In recent times, ARA members who operate passenger services (both heavy rail and light rail) have seen an increased number of Motorised Mobility Devices (**MMDs**) on rail networks. The Rail Industry acknowledges that MMDs are an important vehicle to provide mobility access for some train and tram customers and when appropriately used and designed for the travel needs of the user, MMDs can significantly increase access to transport and participation within the community.

The increase in the number of MMDs has generated a number of concerns particularly with respect to the safety of MMDs users around railways, train stations and tram stops and safety hazards for rail staff and/or passengers. The lack of an assessment framework to determine user capability adds to these concerns and could be contributing to the health and safety risks for rail operator staff and other customers. A nationally consistent approach that provides a clear regulatory framework for the safe use of MMDs on roads, footpaths and all modes of public transport will benefit the MMD users and other individuals. This framework should ideally, where possible, differ between use on road and road-related areas and use in (and around) public transport premises and on conveyances (e.g. regarding speed limits). In instances where this isn't possible, such as vehicle size and weight, the Rail Industry recommends that the framework should be consider the need for the MMD and motorised wheelchairs to be used in crowded public areas, such as train stations, where risks are heightened and, if they eventuate, can have a greater safety and operational impact.

ARA members have become increasingly concerned about the size, weight, speed, manoeuvrability and operation of MMDs. Passenger train and tram operators report a growing number of interactions between MMD users and staff as MMDs become bigger, heavier, faster and less manoeuvrable. The increases in size, weight, speed and manoeuvrability provide challenges for passenger rail operators to service the needs of MMD users.

For the safety of all rail users and staff, it is critical that these matters are addressed. The Rail Industry believes the regulation of MMDs and the introduction of nationally consistent road rules to provide guidance around the safe use of MMDs and innovative vehicles will benefit all; users, rail employees and the general community.

## MMDs V Innovative Vehicles

These vehicles are very different and are utilised for very different purposes. The Rail Industry recommends that the use of MMDs and innovative vehicles are not approached 'with the same brush'. They warrant separate consideration to acknowledge and consider the different needs and functions that they perform, notably MMDs for people with disability or limited mobility.

Rather than simply focusing on their on-road use, the Rail Industry recommends that the regulation of both vehicle types should be considered from a 'whole of journey' approach. For example, MMD users rely on these for mobility and therefore require the use of these devices on public transport. Innovative vehicles are not needed in the same manner and therefore, like riding bikes, the Rail Industry believes do not warrant permission to ride on public transport and public transport premises.

From a safety perspective, travelling the same direction as railway tracks should be forbidden for MMDs, motorised wheelchairs and innovative vehicles. There is a risk that small wheels can become stuck in tracks when travelling in the same direction as the tracks.

## Passenger Rail MMD-related initiatives

The passenger rail industry implements a wide variety of programs to actively engage MMD users and promote the safe use of MMDs on rail services. At a high level, these measures include:

- **Education and Communication:** Operators have developed educational campaigns and information materials to provide clarity and information for MMD users to educate them on how to travel safely on MMDs in the rail environment. Operators also provide information on the types of MMDs which are permitted on public transport on their websites.
- **Engagement:** As already noted, operators regularly engage the disability sector. Operators hold Rail Safety and Orientation Days that provide practical assistance and interactive learning for MMD users to practice boarding and alighting in a stationary train environment. Rail staff regularly present to older adults and disability sector organisations to provide information on how MMD users can safely and confidently travel by rail.
- **Partnerships:** Operators regularly partner with community groups such as Travellers Aid, to ensure safety messaging is widespread. Operators also provide information to hospitals, disability sector organisations and MMD suppliers.
- **Infrastructure:** As infrastructure is upgraded, operators utilise the opportunity to improve the accessibility of the relevant infrastructure. Operators include Emergency Help Points on station platforms that provide direct connections to rail customer service staff who can assist MMD users over the phone and/or arrange for staff to assist on stations or tram platforms. Selected stations marked as wheelchair accessible have level, ramp or lift access to all platforms, wheelchair/ mobility scooters spaces, accessible toilets, accessible emergency Help Points, accessible payphones, continuous handrails, accessible audio and visual service information. Easy access gates facilitate entry and exit to the paid area of train stations.

- **Technology:** Operators have embraced modern technology and developed mobile phone apps to assist customers with a disability to travel confidently on rail networks.
- **Signage:** Operators utilise signage on and around platforms to guide MMD users. For example, some operators include boarding assistance zones on platforms with a wheelchair-accessible symbol.
- **Consultation:** Passenger rail operators hold information and consultation sessions as part of the trial and implementation of new initiatives or new projects that have an accessibility component or may impact on accessibility to ensure that the needs of the disability community are appropriately considered and met.
- **Boarding on and off assistance:** Where a platform gap exists, rail employees provide assistance to MMD users with platform-to-train boarding ramps. Depending on the station or network, this could be station staff or a train guard.
- **Staff education:** All appropriate staff are trained to safely use boarding ramps.

The strategies listed above enhance customer awareness of safety considerations when using an MMD on rail services. However, the key risk is still the lack of clarity around assessment and capability.

## MMD considerations for safe travel on rail

### Specifications – weight, dimensions and manoeuvrability

Specifications for MMDs that can be safely used on public transport vehicles should be aligned with the current standards set out in the *Disability Standards for Accessible Public Transport 2002 (DSAPT)*.

The weight of MMDs is an important issue. The Rail Industry is of the view that the current maximum weight in the DSAPT standards (300kg combined MMD and user and carer if present) must not be exceeded. Passenger rail operators have used the combined 300kg limit to develop lighter ramps so there is a lower risk of injury to rail employees deploying ramps. It is important that Occupational, Health and Safety issues are also considered and an increase in weight could have a detrimental impact on rail employees in this regard.

The overall weight and size of an MMD device and its user can also be impacted if MMD users incorporate additional items such as a flag, pole, canopy or bags. These items can push the overall dimension and weight of the MMDs over the prescribed limit and can also lead to safety issues for other passengers (e.g. a flag or canopy can potentially damage the eye of other passengers) or result in the MMD not fitting on the train or tram.

It is important that all MMDs follow the specifications prescribed in the DSAPT. This will help ensure the safety of MMD users as well as that of train and tram staff and customers and allow a smooth journey for people with limited mobility.

### **Labelling scheme**

The Rail Industry supports the proposal to label on MMDs that are suitable for public transport use in a prominent and visible location. The Rail Industry believes it is also important that retailers advise prospective purchasers of the dimension, weight and manoeuvrability limits of MMDs on public transport.

Standards Australia has developed a Technical Specification (DR SA TS 3695.3.2017 Wheelchairs Part 3: Requirements for designation of powered wheelchairs and mobility scooters for public transport and/or road-related area use) document that outlines performance requirements. It is proposed that devices that meet the requirements in the Technical Specification should be issued with a blue or white permanently fixed label that displays key device characteristics and includes a unique identifier.

The purpose of the project is to identify and clearly label MMDs that are suitable for use on public transport. This scheme should encompass newly constructed MMDs that fit the definition of an MMD intended for possible use on public infrastructure and public transport.

This labelling scheme is considered essential for customers purchasing new MMDs to make informed decisions and to easily identify what can be used on public transport.

### **Regulation of MMDs exceeding 10km/hr**

MMDs are an import-based market. Safety could be improved by the Australian Government regulating the import of MMDs that exceed 10km/hr so that MMDs that travel at higher speeds are not allowed to be imported. The point of sale must also be considered, as should speed limiters.

### **Reduced speed on and around railways**

The Rail Industry is of the opinion that the speed of MMDs around railway stations and platforms and tram stops should be limited to 6km/hr instead of 10km/hr to ensure the safety of MMD users and other patrons.

Rule 39 of the UK Highway Code stipulates 'walking pace' at 4 miles/hr or 6km/hr. As railway stations and platforms and tram stops can be heavily populated, it is important that MMDs travel at a lower speed than usual for the safety of all. A reduced speed of 6km/hr would allow users to



properly navigate around rail facilities whilst allowing other patrons to see approaching MMDs and give right of way.

### **Enhancing MMD users' ability to travel on public transport**

There is a shared view that attention should be paid to enhancing the ability and confidence of MMD users to travel on public transport. This may be through competency or proficiency testing or provision of training sessions after the purchase of a product. The Rail Industry strongly supports some form of MMD user "assessment".

As more and more people with limited mobility use public transport every day, it is important that they properly understand how to travel safely and are confident in the use of their personal MMDs on public transport. For example, MMD users may not be aware that the safest way to park their MMDs while waiting for a train is to park in parallel with the track rather than facing the track. Parking parallel to rail tracks reduces the likelihood of an MMD accidentally moving onto train or tram tracks or falling off train platforms or tram stops.

### **Castor wheels**

In addition to the weight, dimension and manoeuvrability issue, passenger rail operators also find that the castor wheels of some MMDs are not suitable for travelling across railway tracks, for example at railway level crossings, or from platforms onto the rolling stock. This issue creates a significant safety hazard for MMD users and railway staff. There may be an opportunity to influence the MMDs to review this feature of the devices and provide a safer alternative to castor wheels.

### **Supply of recharging stations**

Availability of recharging points in the community (through local government or commercial suppliers) may encourage the use of smaller devices which have a shorter battery life and therefore are not necessarily suited to travel over longer distances and duration.

# ISSUES PAPER QUESTIONS

## 1. What characteristics need to be considered when defining what an innovative vehicle is?

The Rail Industry believes it is important that a clear distinction is made between an innovative vehicle (which is used for recreational purposes) and one that is required for mobility for people with a disability (such as an MMD or motorised wheelchair).

MMDs and innovative vehicles have different characteristics and different reasons for use. It would be undesirable to classify innovative vehicles and MMDs with similar legal classifications and requirements.

## 2. What differences between motorised wheelchairs and mobility scooters need to be recognised by this project?

The following differences should be considered between motorised wheelchairs and mobility scooters:

Motorised wheelchairs	Mobility scooters
More manoeuvrable	Less manoeuvrable
Specifically built as a mobility solution for individuals who are unable to walk	Ability to fit with multiple attachments, carry additional belongings
When purchased new, these vehicles consider the individual ergonomic needs of its user	Generally larger than wheelchairs
	Generally used as a preference for mobility rather than a need, a person using a scooter usually has limited mobility but is not completely prohibited walking etc.
	Typically, these do not have the required tie-down securement points for safe travel as a seat on moving vehicles

In addition, public transport issues arise when an MMD is too heavy to use passenger ramps, too wide to access doorways, or too long or lacking sufficient manoeuvrability to access allocated spaces. This risks injury to MMDs users, other commuters, passenger transport workers, as well as damage to infrastructure.

Three wheeled mobility scooters are problematic due to a lack of dynamic stability. Castor wheels also present problems and can get stuck in rail or tram tracks at pedestrian crossings.





### 3. What uses of innovative vehicles need to be considered as part of this investigation?

As the riding of bikes is prohibited within rail premises, the rail industry recommends that innovative vehicles are also prohibited within rail premises and users are required to dismount to travers train stations, pedestrian level crossings and train or tram platforms.

In addition, the following must be considered:

- the 'first and last mile'
- travel on all modes of public transport, including within station precincts
- speed, manoeuvrability and dimensions to be 'accepted'
- if to be enabled on public transport, compliance with dimensions outlined within DSAPT.
- storage when not in use

### 4. What key factors need to be considered when determining safe rules of operation (including speed) for innovative vehicles on roads and road-related areas?

Mobility scooter maximum speeds currently exceed the safe pedestrian speed. The Rail Industry believes MMDs being utilised on footpaths and within public transport environs should be fitted with speed limiters to ensure they travel at a safe speed for themselves and other patrons.

The following factors should be considered:

- Speed limits and the ability to regulate / enforce speed limits. Speed limits on pedestrian areas and on and around public transport should also be considered.
- Total weight (with their 'passenger/driver')
- Manoeuvrability
- User's capability to safely operate their vehicle
- User's understanding and awareness of the road rules and an ability to test this initially and in an ongoing manner
- Education and information at point of sale to improve awareness and understanding of road rules, suitability on public transport etc

### 5. What evidence-based distinctions between acceptable and unacceptable levels of risk associated with the use of innovative vehicles could be considered to inform the way innovative vehicles are regulated?

As stated in section 3.4 of the issues paper, the lack of data on injuries makes this difficult to quantify and comment on but, the rail industry suggests that the following should be considered:

- Speed that innovative vehicles travel at and the potential hazard for people with limited agility to avoid an accident
- Blocking footpaths, either whilst in use or when left unused; a potential hazard for other individuals, particularly those who are vision impaired or utilise an MMD

- Quiet innovative vehicles can create additional collision risks for all individuals but particularly those who are blind and visually impaired.

## **6. What barriers and health or safety risks are associated with the use of a motorised mobility device that does not meet the needs of a user because of the current restrictions?**

The Rail Industry believes the safety and user capability of MMD users needs to be addressed through the assessment of capability and safe use of MMDs by health and other prescribing authorities. It is not the responsibility of transport operators to assess the capability of MMD users to safely use the device they operate. Health authorities and retailers should provide point-of-sale information to MMD users and could offer training and competency assessments at the point-of-sale.

MMD suppliers and manufacturers must inform their MMD customers of the requirements for use on public transport. There is a need for greater information provision at point of sale to ensure that customers understand the type of devices that are suitable for use on public transport. Education and training should also be provided and available to these customers.

The secondary market presents another area where additional information is required. The Rail Industry recognises that the provision of training, competency assessments and general information to those purchasing second hand MMDs would be more challenging.

As outlined in general comments, passenger rail operators implement their own disability access programs to progressively improve the accessibility of their rail networks. Many operators employ a dedicated Accessibility Expert to provide advice and all operators continually engage directly with the disability community.

## **7. How do current classifications of drivers of wheelchairs as both 'pedestrians' and 'vehicles' in the Australian Road Rules create confusion?**

Australian States have State-based legislation to regulate MMDs. Queensland is the only State that requires MMDs to be registered.

Under Australian Road Rules (ARR), MMD users are classified as pedestrians if they travel below 10km/hr. Accordingly, MMD users must travel on footpaths and adhere to a 10km/hr maximum speed.

Currently there are two regulatory requirements that an MMD device must meet to be used on Australian footpaths:

1. the MMD cannot exceed an unladen mass of 110kg or 150kg, depending on the jurisdiction, and
2. the maximum forward speed of the device must not exceed 10km/h.

Currently, Road Safety Rules outline that scooters and electric wheelchairs are not defined as motor vehicles and therefore cannot be registered, must have a capable speed of 10km/h on level ground with an unladen mass of 110kg and are to be used only by a person with an injury, disability or



medical condition which means they are unable or have difficulty walking. People using these devices are considered pedestrians, and must obey the same road rules as pedestrians.

Irrespective of the different approaches, the rail industry believes most MMD users would not be aware of the ARRs and the implications for their MMD use.

It would be beneficial if this review provided clarity around when an MMD or motorised wheelchair can be safely AND legally used to travel on the road.

Education is critical to inform users around the safe use of their device and their legal obligations around drug and alcohol limits as well as the effects of prescription medication.

### **8. Is there a need for construction and performance requirements for motorised mobility devices to ensure safe use on public transport infrastructure?**

Yes.

Restrictions on dimensions and weight for MMDs on public transport are outlined within the DSAPT as follows.

- When a boarding device/ramp is used this can withstand a maximum of 300kg laden weight. Any device with a laden weight over 300kgs cannot use the boarding ramp to alight a service.
- Allocated spaces on board a service, dedicated for mobility devices, have a clear floor area generally of 800mm by 1300mm. Where possible these are consolidated to provide a space for larger devices if more than one allocated space is provided on a service.
- The restrictions in width are also on the basis that access paths on a service (eg bus or trains) have a minimum width of 850mm and that any doorways have a minimum width of 850mm.
- Currently three-wheeled ride on mobility scooters are allowed on trains and light rail. They are not allowed on buses and ferries due to customer safety and lack of inherent stability. Petrol-run scooters are also not allowed on public transport services.

Many MMDs currently available for sale in Australia exceed the weight and/or speed limits noted above and as a result, do not meet the regulatory requirements to travel on footpaths. The Rail Industry believes many MMD users would be unaware that their device does not meet these regulations.

When determining the regulation of these vehicles in terms of weight, dimensions and speed limits for use of MMDs, many elements should be considered, including and not necessarily limited to; health and safety considerations for the user, space constraints in public areas, passenger flow and crowd flow modelling, interactions with and the safety of other passengers and public transport staff.

Currently, it is not evident to persons wanting to purchase an MMD whether the MMD is suitable and safe for use on public infrastructure, such as footpaths, or for access to public transport.

The passenger transport industry has called for compliant devices to be labelled clearly to make it easier for MMD users, train and bus industry workers, and enforcement personnel to identify a device that is likely suitable for use on passenger transport conveyances.

Australian Standards for the construction of MMDs is voluntary and allows suppliers to sell devices which do not meet these standards. Lack of regulation of MMDs creates a safety risk in rail environments related to user ability to sufficiently navigate significant hazards (pits, escalators, portable ramps) as well as crowded areas within confined spaces.

There is a shared view that attention should be paid to enhancing the ability and confidence of MMD users to travel on public transport. This may be through a licensing process, proficiency testing or provision of training sessions after the purchase of a product. ARA members strongly support some form of MMD user "assessment". It has been suggested that if an MMD user has a car licence, no testing would be required but if not, some form of proficiency testing could be imposed. As more and more people with limited mobility use public transport every day, it is important that they properly understand how to travel safely and are confident in the use of their personal MMDs on public transport. For example, MMD users may not be aware that the safest way to park their MMDs while waiting for a train is to park in parallel with the track and not facing the track. Parking parallel to rail tracks ensures that MMDs cannot accidentally move forward onto the railway track or fall off the station platforms.

The DSAPT were reviewed in 2013. Recommendation 5 of that review was for the Australian Government, in collaboration with state and territory governments, to develop and implement a national MMD labelling scheme. The Rail Industry supports the work done to develop a national MMD labelling scheme but notes that the success of this program will rely on considerable industry and customer education and Rail operators will need to develop new policies to align to the Technical Specification developed (SA TS 3695.3:2018) to implement the labelling scheme.

The DSAPT provides a level of certainty in terms of rail's obligations for providing access. The DSAPT sets out minimum dimensions for allocated spaces, paths, circulation room etc. to provide access for people using wheelchairs (relating to the 80th percentile wheelchair size). However, there is no obligation or requirement for people to buy MMDs that conform to these dimensions. Under the Guidelines for the DSAPT, criteria for mobility aids are specified. However, these relate to the design of these devices, not the person controlling or operating them.

Currently no restrictions exist on the width or length of MMDs. In addition, minimum performance requirements do not exist for the safe operation of MMDs on slopes and uneven surfaces.

Availability of recharging points in the community (through local government or commercial suppliers) would encourage the use of smaller devices which have a shorter battery life and therefore are not necessarily suited to travel over longer distances and duration.

Any amendments proposed through this Inquiry should consider the labelling scheme to ensure its consistency with the new regulatory framework and up-to-dateness with latest developments in the industry.



## 9. What evidence is available on the road safety risks associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated?

The Rail Industry does not capture national data regarding incidents involving MMDs on the rail network but fatalities and injuries attributed to incidents involving MMDs on the rail network have been attributed to a number of causes. MMD user error or loss of control of an MMD has resulted in MMD devices and / or their user tipping and falling onto tracks. The fall itself can and has resulted in injuries. While the driver can apply the emergency brake, moving trains and trams are unable to swerve and cannot stop quickly. MMD users being struck by rolling stock has resulted in severe and fatal injuries. In addition, as noted above, these incidents are extremely traumatic for drivers who directly witness these incidents and rail employees who assist onsite.

MMD faults such as loss of power or speed as well as user error such as mis-judging the space needed/available to manoeuvre or the amount of time required to cross a pedestrian crossing or crossing when it is unsafe to do so, have resulted in MMD users being caught on the tracks at pedestrian crossings. In some instances, this has resulted in near hits between MMD users and moving rolling stock but unfortunately, has also resulted in MMD users being struck by rolling stock.

Incidents have also been caused and/or contributed to by faults due to lack of MMD maintenance, which could be deterred through a regulated service program.

In addition, injuries to rail staff and passengers as a result of interactions with MMDs have been reported. Incidents have included individuals being injured as a result of an MMD user accidentally colliding with them and even throwing them in the pit, individuals being injured after an MMD user accidentally ran over their foot and rail employees being injured while helping MMD users on and off trains and trams with access ramps.

It is important to note that MMD users do not require a licence or competency assessment to obtain and drive an MMD.

The Rail Industry believes that regulating MMDs would provide the opportunity to educate MMD users in how to operate safely on and around railways which would benefit MMD users, rail employees and the general community.

## FINAL COMMENTS

The Rail Industry recommends that innovative vehicles are MMDs are treated differently in recognition of their difference uses and users and rather than simply focusing on on-road use, the the regulation of both vehicle types should be considered from a 'whole of journey' approach.

Similar to bicycles which cannot legally be ridden on public transport premises, such as through train stations, the Rail Industry recommends the same approach for innovative vehicles; that they are not permitted for use within public transport premises and conveyances.

The two crucial issues relating to MMD use on passenger rail networks are:

**1. MMD user access to public transport:**

- a. MMD users being aware and informed of the requirements (size, weight, speed and manoeuvrability) for an MMD to be safely and legally used on public transport before they purchase a device, and
- b. the ability for MMD users to easily confirm whether their MMD is suitable for use on public transport before they purchase a device.

**2. MMD user capability and competency:** Assessment of MMD user capability and competency initially and in an ongoing manner will ensure better safety outcomes for all.

The Australian rail industry recommends the following measures are implemented to ensure the safe operation of MMDs on and around railways, tramways and modern light rail networks:

- **Training and testing for MMD users:**
  - o Mandatory training for people purchasing MMDs to ensure the MMD user can competently and safely operate their MMD.
  - o Some form of assessment or proficiency testing to ensure MMD users are competent using their device around and on public transport facilities and vehicles.
  - o Mandatory ongoing MMD user testing to ensure users continue to be able to appropriately manoeuvre and operate their device.
  - o The development and distribution of national guidance materials to assist MMDs to safely travel on and around railways, tramways and light rail.
- **MMDs:**
  - o Speed restrictions of **6km/hr** on and around railways, tramways and light rail networks.
  - o Implementation and enforcement of the national labelling scheme to assist MMD users and public transport employees in identifying MMDs that are suitable for use on public transport.
  - o Regulated service regarding maintenance to ensure MMDs are appropriately maintained.
- **Point of sale:**
  - o Ensuring clear and consistent information at the point of purchase to ensure the needs of the user and the environment in which they wish to use their MMD is met. This includes the provision of clear information regarding the DSAPT limits as to the size, weight etc. of MMDs that can be utilised on public transport. Education and training should also be provided and available to customers at the point of sale.
- **Manufacturing:**
  - o The retention of the existing DSAPT standards regarding the dimensions of MMDs.
  - o The retention of the maximum laden weight (300kg) and tare weight (not exceeding 150kg) as outlined in the DSAPT standards.

- Modifications or add-ons to an MMD should comply with the dimensional requirements of an MMD's allocated space on-board a conveyance as specified in DSAPT.
- Restricting the importation of MMDs that travel at speeds greater than 10km/hr or requiring speed limiters on MMDs capable of higher speeds.