



28 February 2019

National Transport Commission
By email: www.ntc.gov.au

Attn: Mr Anthony Pepi
Productivity and Safety Team
National Transport Commission
Level 3/600 Bourke Street
MELBOURNE VIC 3000

Dear Sir

RE: Barriers to the safe use of innovative vehicles and mobility devices

Our context

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of eleven local councils in the area south of Sydney harbour, covering central, inner west, eastern and southern Sydney. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member Councils cover a population of about 1.7 million, one third of the population of Sydney or the equivalent population of the entire State of South Australia.

The SSROC Secretariat welcomes the opportunity to provide comments on the Issues Paper *Barriers to the safe use of innovative vehicles and mobility devices*. SSROC strongly supports the core objective of enabling the safe use of innovative vehicles and mobility devices supported by a fit-for-purpose regulatory system.

The population of the SSROC region is forecast to grow from 1,756,466 in 2016 to 2,283,600 by 2036 under the Greater Sydney Region Plan, well over half a million increase in its residents. As a consequence of major renewal projects, over the next ten to twenty years the region will undergo significant population growth and increasing population density. A more urban, higher-density built environment will be the result. During this period, those over 65 years of age will grow by around 158,800, a 65% increase on the current levels. All in all, this will quickly place more pressure on local transport infrastructure as our streets are used more intensively, especially by older persons as active community members.

Local councils are key stakeholders heavily invested in assisting the travelling public, grappling with the set of road rules relating to cars, motor cycles and bicycles that have developed over the years to address particular issues as they have arisen. As noted, the current regulatory framework regarding the use of innovative vehicles and motorised devices is outdated and does not adequately accommodate the safe use of these devices.

There are clearly a number of challenges and barriers in an environment where technology is rapidly changing. A fit-for-purpose regulatory framework should shape this change, change the status quo and offer a new vision for safety that works to eliminate traffic fatalities and severe injuries among all road users.

Helpfully the Issues Paper lays out a clear call for action. The current regulatory framework regarding the use of innovative vehicles and motorised devices is outdated and does not adequately accommodate the safe use of these devices. Australian Road Rules do not provide

for the legal use of many devices that are available today. Further some motorised mobility may not be compatible with public spaces and transport infrastructure. The distinctions between roads, bicycle paths, other road related areas like footpaths and internal and external public spaces are increasingly blurring, especially for people using these types of vehicles challenging current definitions and acceptable rules for their use.

We welcome this consultative process that promises to help to identify a nationally consistent approach that encourages safe and equitable access for people using motorised mobility devices and innovative vehicles as part of a coherent, evidence-based strategy, plan and regulatory framework.

This submission focuses on the nature of the barriers and related contextual issues affecting the use of innovative vehicles and motorised mobility devices. It makes a number of general recommendations. Some further detailed comments expand on this approach and are provided in attachment 1. While particular comments on specific regulatory settings are largely left to those with greater expertise in this specialised and emerging area, a new regulatory framework should be planned to operate in our new emerging context that is increasingly driven by a growing ageing population and rapid technological advancements in which demand for the use of innovative vehicles and motorised mobility devices is expected to grow.

SSROC Recommendations

While there are considerable differences between the operation and use of innovative vehicles (such as electric skate boards) and mobility devices (such as motorised wheelchairs and mobility scooters), there are a number of cross-cutting issues that apply to both types of transport and lend themselves to a unified approach.

Recognition of the different needs of users

While those living in southern and eastern Sydney continue our direct priority, SSROC is concerned about advancing safe mobility for all Australian residents.

A critical test of the eventual implementation of an improved regulatory framework will be its impact on vulnerable households: whether it results in older people and those with disability having more transport options, especially when they are no longer able to drive, so that they can remain active, independent and connected to their communities.

The regulatory approach needs to recognise the differences in the use of innovative vehicles and motorised mobility devices and the different groups of users that benefit from them (as well as their needs and challenges).

A citizen centred, health focused approach for all ages means that pedestrians and other forms of active transport will need to be encouraged and prioritised alongside the consideration of the needs of users of innovative vehicles and motorised devices. The significant speed differential between personal electronic transport devices and pedestrians could result in an increased risk of serious collision on footpaths.

Safe mobility

The *Vision Zero* offers a helpful framework and core principles to shape the development of a robust framework. Vision Zero has been adopted widely in key cities across the United States, London and other parts of the world. It provides a useful model for setting directions which start with the ethical belief that everyone has the right to move safely in their communities, and that system designers and policy makers share responsibility to ensure safe systems for travel. Vision Zero calls on communities to prioritise safe speeds through safe street design, automated speed enforcement, (or safety cameras) and setting safe speed limits. Safe mobility is a basic right that is based on the premise that all people have the right to move safely.

A regulatory framework also needs to maintain a focus on equity. Age friendly cities enhance social inclusion across household incomes and healthy ageing. The goal of equitable mobility will inevitably lead to changes to the status quo and challenge current transport patterns. Safe mobility also includes identifying and balancing the needs of communities or populations of pedestrians, cyclists, users of these devices and vehicles and motor vehicle drivers and passengers.

Some populations may be disproportionately impacted by traffic deaths and serious injuries, the elevated risk due to driver/rider/operator impairment, as well as those communities where these devices critically assist with the freedom to remain mobile and retain their independence and connections with the community. Balancing the need between a practical speed and a safe speed will be another key factor in developing a regulatory framework that provides for the safe and legal use of innovative vehicles¹.

The rapid densification of Australian cities, such as occurring in multiple urban centres in the SSROC region, is an important context for considering safe mobility. Population increases will place additional pressures on roads, road related areas and public spaces. Increased competition for using the same finite roads and pavements will impact on user safety and inform considerations for determining the appropriate speeds for innovative vehicles and mobility devices. Overseas experience may well provide some useful guidance and insights into responding effectively this issue.

Fostering more seamless travel

Access to tailored services, mobility devices and transport infrastructure are required for people to age within our communities where being close to friends, family and support networks improves their wellbeing. Accordingly, some vehicles and devices have different importance to users. Motorised wheel chairs and mobility scooters are critical for many older people's mobility in the community while other users of innovative vehicles are likely to have a range of other travel options.

Clearly there is an interaction between regulation of innovative vehicles and motorised mobility devices and the rest of the transport system, other road users and the roadway environment. Overtime the mix of trips and travel modes on foot, by bicycle, motor vehicle as well as innovative vehicles and mobility devices will change in unpredictable ways based on their relative effectiveness, accessibility, comfort, levels of congestion and cost. The foreseeable introduction of autonomous vehicles will add to these challenges.

A key goal of more seamless travel should be to reduce traffic crashes by taking a proactive, preventative approach that prioritises traffic safety as a public health issue, carefully considers the rules governing points of modal transition and the physical intersections where road and footpath users meet and cross.

It is instructive to note that the Singapore Government is requiring the registration of electric scooters used on public paths. In this relatively dense urban context, this decision appears to be the result of the rising numbers of accidents involving electric scooters on public paths due to the inconsiderate and reckless actions of a minority of electric scooter riders².

Outcome based mobility regulation

Easily understood, clear definitions will have a part to play in the design of modern regulations. The current classification of drivers of wheelchairs as both 'pedestrians' and 'vehicles' in the Australian Road Rules is one obvious point of confusion. However, this may also be illustrative

¹ Issues Paper: *Barriers to the safe use of innovative vehicles and motorised mobility devices*, National Transport Commission, January 2019, page30

² Ibid page16

of a bigger problem of emerging 'grey' areas arising from people using assisted smart technologies to make their journey.

The current highly prescriptive set of ad hoc rules developed over years to address particular issues for the main types of passenger vehicles – cars, motorcycles and bicycles is now inadequate for innovative vehicles and motorised mobility devices. The resulting complexity is a problem as it can easily lead to incomprehensibility where 'no one knows how they work'. This affects both users and those charged with enforcement.

An outcome-based approach to regulation will need to be developed to deliver more seamless movements that result in convenient, low cost, more effective transportation for short trips, or used in conjunction with other transport modes for longer journeys. The demand for, and diversity of, innovative vehicles and motorised mobility devices on our roads and pavements is likely to continue to grow, with new forms emerging in concert with connected automated vehicles.

Further investigation of a nationally consistent regulatory framework that encompasses innovative vehicles and motorised mobility devices is strongly recommended. These deliberations should consider the benefits and costs of simple and low-cost licensing and registration arrangements and third-party insurance for these types of transport³ as well as alignments with international standards to optimise the supply of affordable devices.

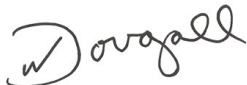
Conclusion

We commend National Transport Commission for basing the Issues Paper on what people and experts have said about their travel needs and integrating this with the Issues Paper's analysis. We foresee many benefits from a strong evidence-based approach, as steps are made to improve the accessibility of services for the diverse needs of people, especially for older persons, and help to reduce transport disadvantage in the community.

Local government plays an integral part in managing roads and other parts of the transport system at the local level. SSROC looks forward to working with National Transport Commission and commenting on the proposed discussion paper to ensure our councils and communities, especially our older citizens, are well served and actively included in a revised regulatory framework so that service planning, programs and the development of transport regulations lead to improved mobility.

In order to make this submission within the timeframe for receiving comments, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC. I will contact you further if any issues arise as it is reviewed. If you have any queries please do not hesitate to contact Mark Nutting, SSROC's Strategic Planning Manager or myself on 8396 3800.

Yours faithfully



Namoi Dougall
General Manager
Southern Sydney Regional Organisation of Councils

³ This recommendation reflects in part the recommendations contained in the Senate Standing Committee on Rural and Regional Affairs and Transport, *Need for regulation of mobility scooters, also known as motorised wheelchairs*, September 2018

Detailed Comments on Issues

1 Safe Systems and Vision Zero

- A fit-for-purpose regulatory framework plan should commit to the key principles of *safe systems*. Usefully the Vision Zero lays out the following principles:
 - Accept that people make mistakes, so transportation systems and policies to accommodate human error and unpredictability;
 - Human bodies can only tolerate so much, and taking this into account, there is a need to design transportation systems and policies to be forgiving, so that inevitable crashes do not result in severe injuries or deaths;
 - State and Federal governments, councils, transport agencies and all those with a part in designing, building, operating, managing and using the streets have a responsibility to reduce danger.
- Significant impediments exist to this happening. While some issues come within the scope of councils to influence, many issues are outside the influence of any one council and local government as a whole. It is imperative that the Federal Government and State Government act on the issues of regulating motorised mobility devices and innovative vehicles in conjunction with safe system objectives and actively engage local government in this process. There needs to be a whole-of-government commitment to a safe system approach and a transparent interaction with councils.

2 A holistic *safe system* approach

- A safe system approach is required that moves beyond a purely conventional approach to road safety regulation that looks holistically to build a safe road and pedestrian system that minimises harm. The goal would be to eliminate serious harm and deaths while maximising safe mobility.
- Effort should be coordinated to optimise solutions across the domains of vehicles (including innovative vehicles and motorised mobility devices), roads and related areas, speed and people to compensate for each other where performance is poor.
- Use evidence-based settings that incorporate risk assessment, innovation trials and understanding the crash consequence to optimise the network for all road users and human frailty.

3 Outcome based mobility regulation

- Easily understood, clear definitions will have an important part to play. The current classification of drivers of wheelchairs as both 'pedestrians' and 'vehicles' in the Australian Road Rules is one obvious point of confusion. However, this may also be illustrative of a bigger problem of emerging 'grey' areas arising from the growth in smart transport technologies.

- The current highly prescriptive set of ad hoc rules developed over years to address particular issues for the main types of passenger vehicles – cars, motorcycles and bicycles is now inadequate.
- An outcome-based approach will be needed to deliver more seamless movements that result in more effective transportation along with effective supportive regulation. The demand for, and diversity of, innovative vehicles on our roads is likely to continue to grow, with new forms arising in conjunction with connected automated vehicles.

4 Shared spaces for vehicles, pedestrians and cyclists

- City Futures Blog⁴ notes that policymakers in different countries have taken different approaches to the issue of mixing of vehicles and pedestrians.
- In the United States, policymakers invented the concept of “jaywalking” and introduced stringent laws to separate vehicles and pedestrians, in order to “protect pedestrian safety”. The UK, on the other hand, took a more relaxed approach, introducing no such laws.
- At the other extreme, policymakers in the Netherlands have taken the view that shared spaces – where streets are designed specifically to allow interaction between vehicles, pedestrians and cyclists – improve safety for all, as well as the liveability of cities more generally.
- Decisions about how spaces are shared for vehicles, pedestrians, cyclists, motorised mobility devices and innovative vehicles will have long-lasting impacts on how Australian cities look and feel. The development of regulations for mobility devices and innovative vehicles need to work towards realising a transport future that our communities want and have helped design.

5 Role of Local Government

- Local governments are the road authority for local roads and footpaths as well as having responsibilities for public spaces.
- As such local councils have a duty of care to ensure the safe mobility of their road users, including users of mobility devices and innovative vehicles in these environments.
- Commonwealth and State Government road safety funding models need to change to encourage and reward councils for adopting a pro-active risk management approach that supports a *safe system* approach to road safety.
- In addition to genuine consultation about regulation, funding models should aim to address historic under-resourcing and under-funding of councils, to enable them to attract the appropriate skills and expertise to embed a safe system approach.

⁴ <http://blogs.unsw.edu.au/cityfutures/blog/2019/02/what-if-autonomous-vehicles-actually-make-us-more-dependent-on-cars/>