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26 February 2019

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

Dear Mr Pepi

Thank you for the opportunity to provide a submission on the *Barriers to the safe use of innovative vehicles and motorised mobility devices – January 2019 Issues paper*.

Brisbane City Council (Council) recently released its *Transport Plan for Brisbane — Strategic Directions* which is intended to guide the evolution of Brisbane's transport network over the next 25 years. The plan has a strong emphasis on encouraging innovation in Brisbane's transport systems to ensure better outcomes for the community.

Council believes that the regulation of innovative vehicles should be flexible enough to incorporate the types of vehicles that exist now and into the future, while seeking to minimise the harm to both users and non-users, especially pedestrians, and support the benefits that innovative vehicles offer.

You may be aware that Brisbane is the first city in Australia to undertake a trial of e-scooter sharing services. Council has provided some insights from that trial in its submission.

If you have any further questions regarding Council's submission, please contact Ms Marie Gales, Manager, Transport Planning and Operations, Brisbane Infrastructure, on (07) 3178 1418.

Yours sincerely

Colin Jensen
CHIEF EXECUTIVE OFFICER



Response to questions for comment

Question	Response
<p>1. What characteristics need to be considered when defining what an innovative vehicle is?</p>	<p>There is a current lack of clarity in not only the definition of each type of innovative vehicle, but also how they are categorised and labelled in the regulations. Much regulatory reform tends to be reactive to innovative technologies, for example, the recent amendments to Queensland law to allow the use of electric scooters or the previous amendments to allow segways. This situation is made more difficult because of the large array of vehicles that could be classified as innovative, including electric skateboards, hoverboards, etc. The term appears to be a 'catch-all' term that applies to vehicles that are currently not subject to regulation.</p> <p>There is also a lack of consistency across jurisdictions with the terminology associated with innovative vehicles, including the term itself. Often the vehicle has been established for a reasonable time, but it is the business model that is the innovative development.</p>
<p>2. What differences between motorised wheelchairs and mobility scooters need to be recognised by this project?</p>	<p>Motorised wheelchairs and their users should be viewed and referred to as distinct from mobility scooters and their users.</p> <p>The users of motorised wheelchairs form a demographic almost wholly separate to the users of mobility scooters. Very seldom will there be an overlap of these groups of users. Users of mobility scooters may transition to motorised wheelchairs as their health or mobility deteriorates, and it is at this point of transition that a small subset may fall into both data sets.</p> <p>Motorised wheelchairs are the sole means of personal mobility for people completely or almost completely unable to walk in public and private spaces.</p> <p>Mobility scooters are a means of enhancing or restoring mobility in public spaces, and sometimes private spaces, for people whose ability to walk any significant distance is limited by a medical condition. Motorised wheelchairs are far more stable than mobility scooters, have a much smaller turning circle, are controlled by joystick rather than handlebar mounted controls and have restraint attachment points for when travelling in a wheelchair accessible taxi.</p> <p>By contrast, mobility scooters have a high centre of gravity, are steered by handle bars and lack any attachment points for restraints when travelling in a wheelchair accessible taxi. They also have the turning circle of a small motor scooter, such as a Vespa, due to their relatively long wheelbase.</p> <p>Usually, motorised wheelchairs are selected and often customised for the user under the supervision of a medical professional. Users transfer into and out of their wheelchairs either with the direct assistance of a support worker or with the aid of a hoist operated by a support worker.</p> <p>Mobility scooters are more often an 'off-the-shelf' purchase by an individual, though a medical professional may be involved in the selection of the unit. They are less expensive than motorised wheelchairs in most instances, hence their popularity. They are also designed to be independently stepped into and out of by the user.</p> <p>With the clear distinction between users and devices, it would be better to always refer to the motorised wheelchairs and mobility scooters separately rather than combining them under the descriptor of 'motorised mobility devices'.</p>

Question	Response
<p>3. What uses of innovative vehicles need to be considered as part of this project?</p>	<p>Council believes that innovative vehicles have an important role to play in the 'last mile of travel', after people alight from public transport and continue to their front door, therefore increasing the attractiveness of public transport.</p> <p>From Council's experience, a key user of 'shared use' innovative vehicles are tourists. While innovative vehicles enhance the experience of a tourist in Brisbane and make it easier to get around, it does raise issues around education of the user, especially as many would be unaware of the road and shared path network in a city.</p> <p>An important distinction between innovative vehicles and motorised mobility devices is that innovative vehicle users have the choice to ride the innovative vehicle or not. They are not dependent on it for essential personal mobility. Users of motorised mobility devices are wholly or partly dependent on their device for essential personal mobility.</p>
<p>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?</p>	<p>A major consideration is the rapid increase of innovative vehicles as a form of shared transport rather than privately owned. As people are no longer required to purchase an innovative vehicle, there has also been an increase in people who may only occasionally use the vehicle and so do not have the experience to use them safely, especially in a highly urbanised area. In addition to not having experience as a user they are also not as likely to understand the rules associated with using innovative vehicles or ready access to safety equipment.</p> <p>Other key factors include the following.</p> <ul style="list-style-type: none"> • Interaction with both pedestrians and vehicles. Innovative vehicles are low speed in a vehicular environment and high speed in a pedestrian environment which can create conflict points with both modes. • The dockless nature of innovative vehicles and the safety and amenity impact resulting from where they are left. • As per the recent amendments to Queensland Government legislation, speed would appear to be a better determining factor for safety than power. • Maintenance by operators to ensure that devices remain in a safe condition. • Technical aspects of innovative vehicles including speed, power, dimensions, weight and braking. • User regulation including age restrictions, licensing and use of helmets. • The role of non-regulatory options to improve safety outcomes including educating users and the wider public. • Minimum requirements for reduced maximum speed when used in high traffic areas. The 25 km/h maximum speed is only appropriate on designated bicycle paths or appropriate transport networks.
<p>5. What are the practical and measurable outcomes required from a nationally-consistent policy and regulatory framework for innovative vehicles?</p>	<p>Council supports the intention to have a nationally-consistent regulatory framework to avoid confusion for users, industry and governments.</p> <p>Measurable outcomes will be achieved through nationally consistent data capture of injuries and incidents involving innovative vehicles. Anecdotal evidence exists, but this is affected by the perceptions and interests of the observer. If a crash or incident data collection template were developed as part of the current process, the many jurisdictions could begin to record data that would inform an accurate national picture of the impact of innovative vehicles.</p> <p>At present manufacturers of innovative vehicles are required to meet different standards for each jurisdiction. A nationally-consistent framework would assist in the industry's ongoing viability.</p>

Question	Response
<p>6. 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?</p>	<p>The age of the user may be an important way to ascertain the aptitude of the user and consequently the level of risk that they may pose, with the safety of younger and older users being of particular concern.</p> <p>There is currently a lack of data on crash history and the causes involving innovative vehicles. This data could be used to assist in developing standards and enforcement.</p>
<p>7. 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?</p>	<p>Council believes that there are current gaps in the regulatory process for motorised mobility devices.</p> <ul style="list-style-type: none"> • Standards – Unlike motorised wheelchairs there is no Australian standard for the design and manufacture of mobility scooters. • Weight – The Australian Road Rules must conform to the <i>Disability Standards for Accessible Public Transport 2002</i> principle of regarding wheelchair and occupant as a single unit when it comes to assessing masses acceptable for use in public spaces.
<p>8. How do current classifications of drivers of wheelchairs as both 'pedestrians' and 'vehicles' in the Australian Road Rules create confusion?</p>	<p>In the Queensland context, in order for a motorised wheelchair to be registered for use it must not be capable of travelling more than 10 km/h on level ground.</p> <p>If a mobility device cannot be registered, it can only be used on areas that are not described as roads or road-related areas, such as inside the home. This makes the reference to a motorised wheelchair user as a 'driver' redundant.</p>
<p>9. Is there a need for construction and performance requirements for motorised mobility devices to ensure safe use on public transport infrastructure?</p>	<p>A key issue for Council is the use of mobility scooters on public transport.</p> <ul style="list-style-type: none"> • Public transport infrastructure is a varied environment and any construction and performance requirements would need to accommodate this variability. • There are no regulations governing sales or purchasing, nor any standard for design and manufacture, of mobility scooters. As a result of scooters becoming more sophisticated, they are becoming larger and heavier. This is an issue as the access planks on both ferries and buses have a maximum weight of 300 kilograms which can be exceeded with the combined weight of the scooter and user. The size can be an issue for manoeuvring onto buses and some ferries. • As many users do not have sufficient balance or strength, there have been reports of mobility scooters tipping as buses corner, putting both the user and other passengers at risk of injury. <p>The Australian Human Rights Commission's document <i>Advisory Note on Mobility Scooters in Registered Clubs</i> provides a useful set of guidelines for mobility scooters in indoor spaces, including user behaviour, and is worth consulting as part of this project.</p>
<p>10. What evidence is available on the road safety risk associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated?</p>	<p>There is a lack of evidence on the risks associated with motorised mobility devices. Very few people are killed or injured by motorised mobility devices. Motorised mobility devices can be, and are, used inappropriately, but their risk appears to be more of a nuisance than a danger. A national database of crashes involving motorised mobility devices, and the circumstances in which they occur, would be very useful.</p>

11. Any other relevant issues	<p>Although outside the scope of this issues paper, due to the current e-scooter trial in Brisbane, Council is developing policies on the parking of innovative vehicles on footpaths and public spaces. The increase in regulatory monitoring of dockless innovative vehicles is an operational consequence for Council.</p> <p>Conducting a commercial activity on Council land such as roads, footpaths and in parks requires a consent under Council's <i>Public Land and Council Assets Local Law 2014</i>. The operation of an e-scooter hire scheme or similar is considered a commercial activity. Council can set conditions on a consent for the purposes of:</p> <ul style="list-style-type: none">• protecting the safe passage of pedestrians along the verge• preventing interference with vehicles using lawful crossing over the verge• ensuring the safe management of traffic along the carriageway• protecting the safety of people using the road• protecting Council assets from damage, ensuring they are kept clean and accessible• minimising adverse impacts on the amenity of the immediate vicinity of that activity.
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