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Barriers to The Safe Use of Innovative Vehicles and Motorised Mobility Devices

RAA submission to the
National Transport Commission

February 2019



Introduction

The Royal Automobile Association of SA (RAA) is South Australia's leading non-government organisation representing the interests of more than 720,000 members. Through our member services such as roadside assistance, insurance, travel, finance and security, we are an organisation which prides itself on trust and supporting our members. Servicing both metropolitan and regional customers, the organisation is uniquely placed to understand the needs of South Australians.

RAA members look to the Association to represent their interests on a broad range of motoring and mobility related topics. RAA consults with industry and government to advocate for increased investment in transport solutions and promote safer mobility options, along with ensuring all South Australians have the ability to access business, travel and employment opportunities.

We welcome the opportunity to provide comment regarding the issues surrounding the safe and legal use of innovative vehicles and motorised mobility devices. It is agreed that the current regulatory framework does not provide for the use of new and innovative personal-use devices that are now readily available as they do not necessarily fit within existing vehicle classification.

In a recent survey of our members on mobility devices, it was highlighted that there is a lack of knowledge regarding some aspects of their safe operation. The availability and suitability of existing infrastructure, particularly footpaths, was by far the biggest concern. There was also support for some form of health assessment, training and certification prior to purchase to ensure that users could operate such devices without endangering themselves, pedestrians and road users.

The challenge with current laws was highlighted recently in Adelaide with the implementation of a four week trial for the operation of electric scooters which necessitated some changes to local laws to permit this to take place. The changes to the laws required ministerial approval and included a number of restrictions specific to the trial, such as limiting their use to footpaths and off road areas within a defined area together with a speed restriction. At the end of the trial period they will be removed from service pending a review that will include feedback from key stakeholders before any consideration is given to their future operation.

RAA therefore welcomes the opportunity to provide comment to the National Transport Commission on the barriers to the safe use of innovative vehicles and motorised mobility devices. We support the aim to address the gaps that currently exist in the Australian Road Rules and the lack national consistency in the approach to the safe operation of innovative devices and mobility. Our comments in response to the ten questions proposed by the NTC are attached.

BARRIERS TO THE SAFE USE OF INNOVATIVE VEHICLES AND MOTORISED MOBILITY DEVICES.

NTC - Question 1.

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

RAA Response

An innovative vehicle must be easy and safe for the vehicle's user and be compatible with the environment it is to be used in and does not compromise the safety or accessibility of other road users already using that area.

Consideration should also be given to the speed capability as this may need to be changed to suit the intended operating environment, the stability of the device to minimise risk of injury to users, whether its use is limited to footpaths and/or other public realm areas and whether it is suitable for on road use including bicycle lanes.

NTC Question 2.

What differences between motorised wheelchairs and mobility scooters need to be recognized by this project?

RAA Response

Given that mobility scooters are "not specifically defined in the Australian Road Rules (ARR) (paragraph 1 page 13), the first consideration should be clear definitions of:

- (a) Motorised wheelchair, (where the user is classified as a pedestrian)
- (b) Other motorised wheelchairs and
- (c) Mobility scooters if that is to be a category.

It is questionable as to whether mobility scooters should be a category – on the surface they are currently a motorised wheelchair – Note ARR 244C and the possibility of any jurisdiction prohibiting the use of motorised scooters in their jurisdiction. Note also the definition of a scooter under ARR 244A.

NTC Question 3.

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

RAA Response

The clear definition of innovative vehicles if they do not fit on of the categories currently provided for in the ARR's – and then their capacity to fit into the system already catering for motor vehicles, vehicles, pedestrians and users of wheeled recreational devices.

The consideration needs to be given as to whether they fall into the category of a purely recreational device for entertainment or whether they are a mobility device or both. This will affect the environment in which they intend to be used in or restricted to and any corresponding operational limitations.

NTC Question 4.

What key factors need to be considered when determining safe rules of operation for innovative vehicles on roads and road related areas?

RAA Response

Safety of the user, where they can be used and under what conditions/restrictions, along with their capacity to fit into the system with pre-existing users.

A clear understanding of operator responsibility is also important to ensure in the event of an incident there involving an innovative vehicle or mobility device there is a clearly understood process to address any injuries and liability.

NTC Question 5.

What are the practical and measurable outcomes required from a nationally – consistent policy and regulatory framework for innovative vehicles?

RAA Response

Key outcomes of a nationally consistent policy and regulatory framework are:

- (a) The safety of users, pedestrians, cyclists and other road users.
- (b) Consistency in definition of devices.
- (c) Consistency of terms and conditions of use
- (d) The accommodation of any new innovative vehicle types and mobility devices

NTC Question 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?

RAA Response

Given the lack of available data, it is difficult to provide evidence-based distinctions of the risks associated with the use of innovative vehicles, but the general concerns will always be:

- (a) Knowledge of the user as to the risks involved.
- (b) Speed, whether it be minimum or maximum or both – a safe speed for the environment the device is being used in would be a major priority, particularly if these innovative vehicles are to be using pedestrian friendly areas because pedestrians already feel threatened by motorised wheelchairs and bicycles being used on footpaths.
- (c) The use of any form of mobility device and innovative vehicle on the road also poses additional risks therefore there is a need to ensure devices /vehicles intended for such use are fit for purpose in terms of handling, visibility, lighting and speed compatibility with other vehicle types.

NTC Question 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?

RAA Response

The safety risks to both the user and other road users would be a major concern as are the possible legal implications in the event of collisions with other (more easily defined) road users. As an example – if the user of a motorised wheelchair is classified as a pedestrian if travelling in such a device that cannot travel faster than 10 kilometres per hour – then a motorised wheelchair capable of travelling at a greater speed than 10 km/h is technically a motor vehicle requiring registration, third party insurance and a licensed driver – an issue that needs to be addressed through the this discussion.

From our own member research, the condition of footpaths (or lack thereof), access to facilities, availability of suitable ramps are major issues for the users of mobility devices together with a lack of knowledge on the laws surrounding their use.

The research highlighted there is support for a registration system at point of sale to assist in the identification of users in the event of a collision or misadventure together with some form of standardised training covering the safe operation of such devices.

NTC Question 8.

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

RAA Response

Apart from the concerns expressed in the answer to Q.7., the confusion is more that users of motorised wheelchairs do not in general understand that a difference exists between their device and the current definition of a vehicle. As a result, some users believe they can use their motorised wheelchair on the road (including in bicycle lanes) because they consider that their motorised wheelchair is a "vehicle".

This is exacerbated because some devices that are beyond a certain size and weight sit outside the current motorised wheelchair module which then limits where they can be used and precludes them from access to some public transport in some cases.

NTC Question 9.

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

RAA Response

Yes there should be clear construction and performance requirements to ensure the safe use of devices on public transport infrastructure and clear markings of any limitations. This information would also be likely to help enforcement of any legal restrictions on the use of the devices as a result of the Australian Road Rules amendments that follow this exercise.

This is also important for designers of public transport to ensure they cater for the safe access and location of such devices particularly as public transport stock has a long operational life and subsequent modifications to accommodate changes device dimensions may not always be possible.

NTC Question 10.

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?

RAA Response

Paragraph 4.4 highlights the limited information available on the safety risks of introducing new innovative devices to the range of devices that are already in use. However, RAA considers it is vital to ensure that the risks of increasing the mix of motorised mobility devices results in properly defined devices, clear regulatory conditions of use and the most important of all, the capacity for any new devices to fit into the existing network – with the safety of pedestrians – given our older age demographic - remaining a high priority.

