



Purple Orange

**Submission to the National Transport
Commission about barriers to the
safe use of motorised mobility
devices**

December 2019

About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families. Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives. Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community. Our work is informed by a model called *Citizenhood*.

JFA Purple Orange

104 Greenhill Road

Unley SA 5061 AUSTRALIA

Telephone: + 61 (8) 8373 8333

Fax: + 61 (8) 8373 8373

Email: admin@purpleorange.org.au

Website: www.purpleorange.org.au

Facebook: www.facebook.com/jfapurpleorange

Contributors

David Elston, Policy and Research Leader

Robbi Williams, Chief Executive Officer

Acknowledgments

JFA Purple Orange acknowledges the feedback from people living with disability which informed this submission.

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1. Introduction

In May 2018, the Transport and Infrastructure Council directed the National Transport Commission (NTC) to review the Australian Road Rules (ARRs) and identify regulatory barriers preventing the safe and legal use of Motorised Mobility Devices (MMDs) and Innovative Vehicles (Personal Mobility Devices; PMDs) on public roads and paths. The two main categories of MMDs used in Australia are motorised wheelchairs and mobility scooters, while the two most prominent examples of PMDs are electric scooters and electric skateboards.

In relation to MMDs, the NTC is seeking feedback on:

- i. whether or not it is appropriate to increase the maximum unladen mass in the ARRs so that it aligns with the weight requirements set out in the Australian Technical Specification
- ii. the feasibility of amending the ARRs to ensure that all operators of MMDs are classified as pedestrians and as such required to comply with pedestrian road rules.

The ARRs currently allow MMDs to be used on paths provided they are not travelling over 10 km/h. As part of its review of pedestrian and vehicle classifications, the NTC is calling for views on the appropriateness of amending the ARRs so that any MMD user who needs to travel along a road is restricted to a maximum speed of 10km/h. This is justified by the NTC on the grounds of ensuring MMD users do not travel at excessive and unsafe speeds in circumstances where they may travel on a road.

In relation to PMDs, the ARRs currently only provide for the use of low-powered motorised scooters that have a maximum speed of 10km/h. The NTC is proposing permitting a greater range of PMDs access to most pedestrian infrastructure, bicycle paths and local roads, with a maximum speed of 10 km/h on footpaths and shared paths and a maximum speed of 25 km/h on separated footpaths, bicycle paths and roads. The NTC acknowledges in its discussion paper certain safety risks with allowing PMDs to travel on the road at higher speeds, but anticipates that it is necessary to enable most of the potential economic benefits of PMDs to be realised.

2. The proposed maximum speed for MMDs

Our submission focuses on the second question that the NTS is seeking feedback on in relation to MMDs, namely the feasibility of amending the ARRs to ensure that all operators of MMDs are classified as pedestrians and as such required to comply with pedestrian road rules.

JFA Purple Orange agrees that a maximum speed of 10 km/h on footpaths is sensible for all footpath users, including users of MMDs and of PMDs. In this context, it makes sense for MMD users to be classified as pedestrians as their device provides an alternative means of mobility for those who have difficulty walking or who are unable to walk.

However, we are concerned at the proposed maximum speed of 10 km/h for MMDs travelling on separated footpaths, bicycle paths and roads, particularly when compared with a much higher speed limit being proposed for PMDs. This reflects that, contrary to the discussion paper, MMDs are not only used as a substitute for walking but also as a substitute for faster means of travel including running, cycling and travelling by electric scooter. Since MMD users typically do not have the option to use PMDs, it seems discriminatory to restrict them to a blanket lower speed limit on separated footpaths, bicycle paths and roads even where their device is capable of travelling safely at a higher speed limit. Such a move may serve to reduce mobility and independence for people living with disability. For example, we have been told by some people living with disability of the importance of getting to their destination quickly given they have limited stamina and therefore need to conserve energy for when they get to their destination.

While it is important to ensure MMD users are safe when travelling on separated footpaths, bicycle paths and roads, the most effective way to do this is not to impose an excessively low speed limit that restricts people's mobility and creates a large speed differential with other traffic. A better approach would be to allow a higher maximum speed on separated footpaths, bicycle paths and roads similar to that proposed for PMDs, but to also implement appropriate safety measures that reduce risks when people are travelling at these higher

speeds, for example sufficient head protection and enhanced device visibility. More broadly, it is important that users of MMDs are offered support to identify a device that is appropriate for their needs and are offered training to develop the competence to operate the device safely.

The discussion paper noted that submitters to the issues paper raised concerns about MMDs being classified as vehicles given they are often integral to people's mobility and independence rather than simply one from a range of alternative modes of travel. JFA Purple Orange agrees that MMD users should always be classified as pedestrians when travelling on a footpath. However, we believe that MMD users can have their right to travel on a footpath as a pedestrian protected without needing to remove their right to choose to use their MMD as a vehicle on separated footpaths, bicycle paths and roads and travel at a higher speed.

3. Recommendations

We recommend:

Recommendation 1

The proposed maximum speed of 10 km/h on footpaths and shared paths and 25 km/h on separated footpaths, bicycle paths and roads is applied to both MMDs and PMDs, subject in both cases to the devices meeting safety criteria for use at higher speeds and/or on separated footpaths, bicycle paths and roads.

Recommendation 2

Users of MMDs are classified as pedestrians when using pedestrian infrastructure but that these devices are classified as vehicles when being used on separated footpaths, bicycle paths and roads.