

11 SEP 24

Road Safety Advisory Council Briefing Paper

Approval

- Kathryn Crestani, Executive Director Cities Integration
- Anna Bradley, Executive Director **Active Transport**

Length

- 10-minute presentation, plus 10-15 minutes for questions and discussion

Title of Presentation

- E-micromobility: Potential policy reforms for discussion

Presenters

- Anna Bradley, Executive Director Active Transport, Cities and **Active Transport**

SMEs in attendance

- Rodney Stiles, Director Mobility Policy
- Louise Higgins-Whitton, Director Road Safety Policy, Safety Policy Environment and Regulation
- Kathryn Crestani, Executive Director Cities Integration
- Ed Steane, Director Urban Policy, Cities and **Active Transport**
- Anthony Mifsud, Senior Manager Urban Policy, Cities and **Active Transport**
- Emily Rucker, Director E-micromobility, Cities and **Active Transport**
- Bright Pryde, Urban Policy Lead, Cities and **Active Transport**

Presentation Purpose

- To consult the Road Safety Advisory Council on potential settings the use of e-scooters in NSW and seek members' feedback.
- To share with the Road Safety Advisory Council plans to strengthen regulations governing how shared bikes are provided as a service to communities. These potential sharing scheme reforms are designed to address safety, accessibility and amenity concerns in relation to these devices.
- We welcome feedback from the Council on the proposed approaches presented today. The feedback will help Transport and the NSW Government improve safety outcomes for all road users in relation to e-micromobility devices.

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Background Information

Currently in NSW:

- [Permitted e-bikes](#) can be used on public roads and road-related areas.
- [Shared e-scooter trials](#) are currently underway in select regional and metropolitan areas. People are permitted to ride a shared e-scooter in the designated trial areas.
- It is legal to buy and own an e-scooter. However, privately owned e-scooters can only be used on private property in NSW. They cannot be used on roads or road-related areas, including footpaths, shared paths, bicycle lanes and bicycle paths.
- Sharing scheme operators do not need any approvals before launching their services.
- Councils have powers under the *Public Spaces (Unattended Property) Act 2021* to manage shared e-bikes and shared e-scooters in public spaces if they are causing a risk to public safety or amenity, or if they have been left in one place for too long.

Potential benefits of [e-micromobility](#)

- The [NSW Active Transport Strategy](#) recognises the potential for e-micromobility to be a safe, sustainable and accessible transport option for the people of NSW. Reform is needed to achieve this.
- There is potential for e-micromobility to:
 - help people connect to, and move between buses, trains, ferries and light rail.
 - link people across their communities and to jobs, services, public space and town centres.
 - support social interaction in the outdoors, delivering wellbeing benefits.
 - be a viable and efficient option for last-mile freight.
 - deliver sustainability outcomes.
- By responding to the emergence of e-micromobility in a way that encourages and fosters positive effects and manages any negative impacts, there is the opportunity to create economic and environmental benefits and address social and transport inequities.

Addressing concerns and getting policy settings right

- We recognise that many people in the community are concerned about some of the impacts of e-scooters and e-bikes.
- There are intersecting complex issues to be managed, and it is important that the NSW Government has the right regulations and policies in place.
- Transport is working across Government, through a newly formed E-micromobility Interagency Group, to tackle these concerns.

- Work is underway to ensure the right rules for use are in place, improve device standards, explore appropriate disposal of batteries, and reduce fire risks associated with lithium-ion batteries in e-bikes and e-scooters.

Presentation Summary

Background to reforming sharing schemes

- Micromobility sharing schemes are playing an increasingly important role in the transport network, connecting people who do not own a bike or e-bike to public transport, and enabling shorter journeys in local communities.
- However, poorly parked or abandoned shared devices create safety and amenity concerns and can impede pedestrian access on footpaths and in public spaces. This can be particularly challenging for people with disabilities or other mobility needs.
- There is a need for a regulatory approach that supports councils, public landowners, sharing scheme operators, stakeholders and the community to safely integrate shared devices with transport networks and communities.
- Transport has been engaging with stakeholders about the regulation of sharing schemes in NSW since 2023.
- This engagement, and research into the experiences in other jurisdictions, identified key challenges and opportunities for sharing schemes for Transport to consider.
- Transport has identified a potential regulatory framework for sharing schemes to address stakeholder concerns and empower councils to manage risks and impacts of shared devices in public spaces.

Potential sharing schemes reform

- Transport has identified a potential regulatory framework for the operation of sharing schemes.
- This would require operators to have a formal agreement in place with a local council before they can provide shared bikes in that LGA.
- The potential regulatory framework would also apply to e-scooters if use of these is legalised.
- Under the potential changes, the **NSW Government** would:
 - establish legislation and regulation for better management of sharing schemes.
 - set Road Rules for using devices.
 - enforce penalties for operators providing devices without an agreement in place.
 - provide guidance and support to councils to enter into agreements.
 - support implementation of the new regulatory framework.
- **Local councils** would:

- determine whether to enter in an agreement with operator(s) to enable shared device services in their LGA.
- have the ability to cap the number of operators and devices, impose operating conditions through contracts, and identify “slow zones” or “no-go zones”.
- enforce adherence to the terms of the agreement.
- manage and mitigate any risks related to riders using council assets.
- retain powers under the *Public Spaces (Unattended Property) Act 2021* to manage shared e-bikes and shared e-scooters in public spaces if they are causing a risk to public safety or amenity, or if they have been left in one place for too long.
- Under the potential framework, **operators** would:
 - provide services in LGAs by entering into agreements.
 - provide and maintain a fleet of devices.
 - adhere to legislation, regulation and the terms of their agreement(s).
- Transport is planning further engagement with local councils, land managers and sharing scheme operators in late September to involve them in implementation plans, should the potential changes progress.
- This will help to ensure the NSW Government provides appropriate support for any change.
- The engagement will help Transport to understand:
 - specific requirements for inclusion in the formal agreements
 - the support and guidance required from the NSW Government
 - appropriate transition timeframes.

E-scooters in NSW

- Since 2021, Transport for NSW (Transport) has been exploring the future of e-scooters in NSW through the delivery of a Shared E-Scooter Trial Program informed by research and lessons learnt in other jurisdictions.
- This work is being informed by research, lessons learned in other jurisdictions, and the delivery of a Shared E-scooter Trial Program.

Proposed settings for consultation for the use of e-scooters in NSW

Transport has identified some proposed settings for consultation of the use of e-scooters in NSW.

They are broadly aligned to the current settings in the Shared E-scooter Trials and the Australian Road Rules for these types of devices and informed by Share E-Scooter Trials in NSW, research and lessons learnt in other jurisdictions.

- Riders would not be required to hold a driver’s licence to ride an e-scooter.
 - This is consistent with the Shared E-scooter Trials and settings for e-bikes.

- This is consistent with other states or territories where e-scooters are legalised.
- E-scooters would not be required to be registered or have compulsory insurance. Shared e-scooter operators are required to have insurances for riders using their services.
 - This is consistent with the Shared E-scooter Trials, where operators in the trial sites are required to have insurance in place.
- Use of footpaths would be prohibited unless accompanying a child (under 16 years' old) on a bicycle or foot scooter or riders with medical exemptions.
 - This is consistent with settings for e-bikes (for adult riders).
 - No footpath use is allowed in Shared E-scooter Trial areas. There are no exemptions.
 - This is consistent with settings in Victoria and several international jurisdictions including United Kingdom, Sweden, Ireland and Germany.
- Use on shared paths would be allowed at a maximum speed of 20km/h, unless signposted lower.
 - In Shared E-scooter Trial sites, the maximum speed on shared paths is 10km/h. Feedback provided through trial evaluation has indicated:
 - that this can be too slow in some contexts.
 - concerns the low setting on shared paths would encourage riders to use parallel roads, presenting more risks for riders.
 - a desire from participating councils for local decision making and flexibility to set speeds to match local conditions.
 - This is consistent with settings in Victoria, and closely aligned to the 25km/h speed limit on shared paths in ACT, Tasmania and Western Australia.
- Use on bicycle lanes and bicycle paths would be allowed at maximum speed of 20km/h.
 - This is consistent with the Shared E-scooter Trials.
 - This is consistent with all other States and Territories (except South Australia, where it is currently proposed).
 - Provides consistent speed across all infrastructure types in NSW (shared paths, bike paths, roads)
- Use on roads with a speed limit of 50km/h or less would be allowed, and e-scooters would have a maximum speed limit of 20km/h.
 - This is consistent with the Shared E-scooter Trials and the Australian Road Rules.
 - This is generally consistent with settings in Queensland, Tasmania, Victoria and Western Australia (with additional caveats in some jurisdictions).
 - This is not consistent with settings for e-bikes which are allowed on all roads unless prohibited by signage.

- Provides consistent speed across all infrastructure types in NSW (shared paths, bike paths, roads)
- Approved bicycle helmets would be mandatory.
 - This is consistent with the Shared E-scooter Trials, settings for e-bikes and settings in all jurisdictions across Australia.
- Riders would be required to be 16 years of age or over.
 - This is consistent with the Shared E-scooter Trials.
 - This is consistent with the Australian Road Rules and all Australian jurisdictions other than the ACT.
 - This is consistent with the European Transport Safety Council recommendation that e-scooter riders should be at least 16, or the national age required for a moped, whichever is older.
 - This is not consistent with settings for e-bikes where there is no minimum age.
- Use of a mobile phone while riding would be prohibited.
 - This is consistent with the Shared E-scooter Trials, settings for e-bikes and rules for other road users.
- Tandem riding (two people or a rider and an animal) would be prohibited.
 - This is consistent with the Shared E-scooter Trials.
 - E-bikes are limited to the number of riders the device is designed for.
 - This is consistent with the Australian Road Rules and other jurisdictions across Australia.
- Riders would need to ride in single file.
 - This is consistent with the Shared E-scooter Trials.
 - This is not consistent with settings for e-bikes, where two-abreast riding is permitted.
- Riders would be required to have no more than 0.05 Blood Alcohol Concentration with zero presence of prescribed illicit drugs. Offences for driving under the influence may also apply. Riders would be subject to random breath testing and drug testing by Police.
 - This is consistent with the Shared E-scooter Trials.
 - This is consistent with settings in Victoria.
 - E-bike riders cannot be randomly tested, but Driving Under the Influence (DUI) applies.
- Legal devices would have a maximum speed capability of 25km/h.
 - This is consistent with the Shared E-scooter Trials. However, speed is limited by the operator to 20km/h.
 - This is consistent with the powered speed settings for e-bikes.
 - This is consistent with Commonwealth importation standards for personal mobility devices.
- Legal devices would be required to be under 25kg.
 - E-scooters used in the Shared E-scooter Trials do not have a maximum weight.

- This is not consistent with settings for e-bikes, which allow power assisted bikes up to a maximum weight of 50kg and electrically assisted pedal cycles have no weight limit.
- This is consistent with the Australia Road Rules that define personal mobility devices as being 25kg (when not carrying a person) for devices that are 1250mm in length, 700mm in width, and 1350mm in height.
- Alternative type approval would be enabled for shared devices, subject to agency/Minister's approval when inconsistent with the legal definition of an e-scooter.
- Transport is still investigating device power settings and/or physical dimensions of devices.
- Further consultation with local councils, landowners, operators, industry and peak bodies will be undertaken in September.
- The feedback is welcomed and will inform the NSW Government's final decision in relation to sharing scheme reforms and the use of e-scooters in communities.

Consultation Questions

- Do you have feedback on the potential sharing scheme reforms to improve the way shared bikes/ e-bikes are provided?
- What are the key things you would like Transport to consider in relation to the settings for legalising the use of e-scooters?

Anticipated next steps and actions

- Transport and the NSW Government are keen to hear from all stakeholders and will listen to all feedback when making final decisions about the best ways to improve safety outcomes for all road users when it comes to e-micromobility devices.
- An online feedback form is available, and we welcome your views on the form by 25 September 2024.
- Members of the Road Safety Advisory Council will be advised in the event e-scooter use is legalised and/or reforms to sharing schemes progress.