



REGULATING THE USE OF ELECTRIC PERSONAL TRANSPORTATION DEVICES (ELECTRIC SCOOTERS AND SIMILAR DEVICES) IN THE ACT

Discussion Paper

Justice and Community
Safety

June 2019

CONTENTS

WHAT ARE WE DOING?4

DEFINITION OF ELECTRIC PERSONAL TRANSPORTATION DEVICE4

THE QUEENSLAND MODEL5

WE WANT TO CONSULT ON LOCATION, SPEED & USER RESTRICTIONS.....5

1. LOCATION..... 5

2. SPEED 6

3. USER RESTRICTIONS 7

SAFETY CONCERNS7

NEXT STEPS.....8

APPENDIX A9

APPENDIX B – JURISDICTIONAL COMPARISON ON E-SCOOTER/SIMILAR
DEVICES LAWS10

APPENDIX C – CURRENT FRAMEWORK FOR ROAD/ROAD RELATED AREA USE
IN THE ACT.....11

INTRODUCTION



Electric scooters and similar devices are quickly becoming more appealing as viable and sustainable transportation options for commuters. As part of the Road Safety Action Plan 2016-20, the ACT Government committed to exploring options for recognising the role of sustainable transport in road safety.

The ACT Government recognises that electric scooters and similar devices have the potential to provide an innovative, zero-emission transport option for people who would otherwise drive. These devices provide an alternative to a motor vehicle for greater mobility choice, including providing a first and last mile travel solution, as well as direct cost savings to users.

In addition to providing benefits to the user, these devices have the potential to provide benefits for the environment such as reducing pollution, greenhouse gas emissions, and noise. By regulating the safe use of electric scooters and similar personal transportation devices, we can potentially decrease the number of cars on the road, and actively work towards the ACT Government's target of net zero greenhouse gas emissions by 2045.

I've asked the Justice and Community Directorate to consult the Canberra community on how we can facilitate their use in the ACT – while making sure that we don't compromise road safety.

Mr Shane Rattenbury MLA

Minister for Justice, Consumer Affairs and Road Safety

WHAT ARE WE DOING?

The ACT Government intends to amend the territory's road transports laws to allow electric scooters (e-scooters) and similar personal mobility devices to travel legally in the nation's capital. E-scooter use in particular has increased globally, particularly via e-scooter rideshare operators. The purpose of this discussion paper is to seek views from Canberra on appropriate regulatory settings for e-scooter and similar devices.

Electric scooters are currently not permitted to be used on roads and road related areas in the ACT. The penalties for using an e-scooter in the ACT can be significant. Infringement notices can include a penalty of \$151 for using an e-scooter, \$600 for using an unregistered vehicle and \$903 for using an uninsured vehicle.

The ACT Government recognises the benefits these devices provide including environmental benefits such as reduced pollution, greenhouse gas emissions and noise. They provide an alternative to a motor vehicle for greater mobility choice, including providing a first and last mile travel solution, as well as direct cost savings to users because of reduced spending on petrol and vehicle maintenance. E-scooters have the potential to provide an innovative, zero-emission transport option for people who would otherwise drive and we are seeking community views on the best and safest way to regulate their use.

To assist in the review of electric personal transportation devices, the ACT Government is interested in community views on:

- *the maximum speed at which the device should be able to travel*
- *what road and road related areas it is appropriate for these devices to travel on*
- *whether there should be a limitation on who may use these devices*

DEFINITION OF ELECTRIC PERSONAL TRANSPORTATION DEVICE

An electric personal transportation device is designed to be used by a single person and is powered by a system using a battery and electric motor or motors to propel the device, with or without assistance from the user. The terms 'electric' and 'motorised' are often used interchangeably.

Electric personal transportation devices include electrically powered scooters, skateboards, roller skates, uni-cycles etc. Examples would include Segway Drift skates, Yike bikes, Solo wheel uni-cycles, Onewheel skate boards and electric Wheelman skateboards.

Motorised mobility devices are outside the scope of this paper. These are powered wheelchairs and mobility scooters that are primarily intended as assistive technology for people with limited mobility. Users of these devices are provided the same rights and responsibilities as a pedestrian. Power Assisted Pedal Cycles and Pedalecs are captured by the definition of a bicycle in the ACT road transport law and are also not in scope.

THE QUEENSLAND MODEL

E-scooter regulatory settings in Australia vary from state to state. The QLD government progressed regulation amendments to provide that from 14 December 2018 a greater range of electric personal transportation devices (including electric scooters) are able to be used on roads and road related areas in QLD. Refer to Appendix A for QLD's law on personal transportation devices. QLD is the only Australian jurisdiction to regulate the use of personal transportation devices on footpaths and shared pathways, and on roads with speed limits of 50km/h or less, to a maximum speed of 25km/h.

South Australia trialled e-scooters during the Adelaide Fringe Festival and have moved to a more permanent arrangement allowing their use, but with a 15km/h speed limit. The Northern Territory intends to establish a trial of e-scooters in Darwin from mid-August 2019. Western Australia allows the use of e-scooters not exceeding the 200 watt power limit. Refer to Appendix B for a more detailed comparison of e-scooter laws in Australian jurisdictions.

WE WANT TO CONSULT ON LOCATION, SPEED & USER RESTRICTIONS

The ACT Government's approach to road safety is to aim for Vision Zero – that means no deaths or serious injuries on ACT roads. It is obviously important to consider safety concerns when introducing/legalising new modes of transport. The Government is keen to get community views on how to best regulate electric scooters, while minimising potential impacts in terms of road safety.

The ACT Government considers the following minimum safety standards essential. Similar to the QLD model, the ACT regulatory setting will include the requirement to wear an approved bicycle helmet, no mobile phone use and no alcohol impairment. These minimum requirements are similar to those currently in place for bicycles and Segway-type devices.

The issues we would like input from the Canberra community on are:

1. LOCATION

In QLD, e-scooters and similar devices are allowed to travel on footpaths, shared paths, bicycle paths, bicycle side of separated paths, roads with speed limits of 50km/h or less and without dividing lines or median strips. In Peru, e-scooters are banned from pavements and pedestrian areas. France is planning to ban e-scooters from riding on footpaths later this year, following a rise in accidents as well as growing complaints about share scheme scooters being abandoned on streets.

In the ACT bicycles are permitted on road and road related areas. Pedestrians are permitted to use the road and road related areas, except for separated bicycle paths such as the Civic Cycle Loop. Refer to Appendix C for information on the current framework for road/road related use by pedestrians, wheeled recreational devices/wheeled toys, Segway-type devices and bicycles.

We want to hear from you on where electric personal transportation devices should be allowed to travel in the ACT.

Should they be allowed/not allowed to be ridden on:

- *footpaths*
- *shared paths*
- *crossings*
- *high pedestrian areas e.g footpaths in and around shopping malls and group centres*
- *dedicated bicycle lanes/loops*
- *roads with speed limits of 50km/h or less, without dividing lines or median strips*
- *other.*

2. SPEED

A significant speed differential with pedestrians could result in an increased risk of a collision on footpaths¹, and the same would apply to a significant speed differential with a motor vehicle on roads.

The Pedestrian Council of Australia has called for e-scooters to be speed limited to 10km/h. QLD regulation for e-scooters provides for a maximum speed capability of 25km/h, whereas

e-scooters being trialled in Adelaide are permitted to ride at a maximum of 15km/h.

In Auckland, New Zealand, a local council recently reduced the speed limit from 25km/h to 15km/h in certain parts of the city using the geo fencing capability of ride share schemes. Auckland is in the second phase of their trial which continues until October 31, after which they will evaluate the trial and look at options for regulating e-scooters in the future².

The ACT, like QLD, allows general footpath cycling and does not impose a speed limit on cyclists on paths, other than the default speed limit and the requirement to slow down to 10km/h when approaching crossings and riding across roads on crossings. Segway-type devices do not have a regulated speed limit, however devices from major manufacturers cannot travel at more than 20.1 km/h. Motorised wheelchairs/motorised mobility devices have a regulated maximum speed capability of not more than 10km/h on level ground.

Taking into consideration the above information, what do you think is a safe speed for an electric personal transportation device?

What is a safe and appropriate speed for the location/areas identified above, and should speed vary by location?

¹ National Transport Commission, 'Barriers to the safe use of innovative vehicles and mobility devices', page 22, January 2019, viewed on 25 March 2019, [https://www.ntc.gov.au/Media/Reports/\(67C382BE-5673-11A6-8B64-86816071EC58\).pdf](https://www.ntc.gov.au/Media/Reports/(67C382BE-5673-11A6-8B64-86816071EC58).pdf)

² New Zealand Herald, 'Brakes go on e-scooters: Speed limit imposed on parts of Auckland', 14 May 2019, viewed on 15 May 2019, https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12230826

3. USER RESTRICTIONS

QLD limits users of electric personal transportation devices to people over 12 years of age under adult supervision, and to people over 16 years of age unsupervised. As part of South Australia's trial of e-scooters, users are required to be 18 years and older.

The ACT does not regulate who can use a personal mobility device (Segway-type devices) but relies on advice of manufacturers as to who should/should not use their devices.

Should the ACT apply conditions limiting who can use an electric personal transportation device?

SAFETY CONCERNS

A lot of the safety concerns for pedestrians and motorised mobility users focus on speed. Portland, Oregon in the US recently undertook a review of their electric scooter trial and found that with speeds capped at 15 mph (24.14km/hr), scooters are appropriate for bike lanes or low-volume streets, but they are too fast for use on sidewalks, where they make it unsafe and uncomfortable for people walking or using mobility devices³.

There is limited data supporting safety concerns or otherwise in Australia, noting that data is primarily held by ride share operators. Data is even more limited in relation to the details of electric scooter injuries, for example, reported incidents of people falling off a scooter, riders running into motor vehicles or vice versa or scooter riders colliding with pedestrians. Incidents reported in the media have been attributed to speed, impairment and improper use, including not wearing a helmet.

While it is not possible at this stage to provide advice about the number of crashes or incidents that have occurred since scooter sharing services have been introduced in Adelaide, anecdotal information appears to suggest that there has not been a significant number of crashes or incidents reported to Transport South Australia or to the South Australian Police Force.

In Queensland, emergency department presentation data for five central emergency departments in Brisbane identified a total of 134 patients presented for treatment because of an e-scooter related incident. At least 10% of these injuries required surgery.

Data from two of the central hospitals in Brisbane following the introduction of e-scooters shows 109 patients were treated across four inner city hospitals as a result of e-scooter accidents. Of these 11% had minor head injuries, 3% had major head injuries, 21% had upper limb fractures, 17.4% had sprains, and the rest had contusions/abrasions. Based on patient reports, 28% had not been wearing helmets, 16% had been drinking alcohol, and 28% indicated that speed above 30km/hr was involved⁴.

³ Portland Bureau of Transportation, '2018 E-Scooter Findings Report', January 2019, viewed on 13 May 2019, <https://www.portlandoregon.gov/transportation/78431>

⁴ Jamieson Trauma Institute, 'Update injury data related to use of Lime Scooters', February 2019

A study⁵ analysing a year of hospital presentations at emergency departments at two hospitals affiliated with the University of California, Los Angeles relating to e-scooter use identified that:

- 249 patients presented
- 152 (61%) were between 18 and 40 years of age, although ages ranged from 8 to 89
- 145 (58.2%) were male
- 228 (91.6%) were riders
- 21 (8.4%) were non-rider pedestrians (11 hit by scooter, 5 tripped over parked scooter and 5 were attempting to lift or carry a scooter not in use)
- Only 4.4% of scooter riders were documented as wearing a helmet
- In the same period, 195 presentations for bicycle injuries and 181 presentations for pedestrian injuries were identified.

We welcome any additional comments you consider may be relevant in how the Territory can safely regulate the use of electric personal transportation devices.

NEXT STEPS

Community members are invited to make submissions to the ACT Government and participate in the process of reviewing the regulatory framework for the safe use of electric personal transportation devices in the ACT.

Key questions that the Government is seeking input on are:

- the speed at which the device can travel
- locations that the device should/should not travel on
- user restrictions.

Submissions can be made via the yoursay.act.gov.au consultation website, by email to roadsafety@act.gov.au, or in writing to:

Electric Personal Transportation Devices Review
Road Safety Policy
Justice and Community Safety Directorate
GPO Box 158
CANBERRA CITY ACT 2601

⁵ Tarak K. Trivedi, MD, MS; Charles Liu, MD; Anna Liza M. Antonio, DrPH; Natasha Wheaton, MD; Vanessa Kreger, MD, MPH; Anna Yap, MD; David Schrager, MD, MPH; Joann G/ Elmore MD, MPH, 'Injuries Associated With Standing Electric Scooter Use', *JAMA Network Open*, 2019

APPENDIX A

Queensland law defines personal transportation devices by:

- a. Power source (electric only)
- b. Designed to carry one person only
- c. Maximum speed capability of 25km/h
- d. Maximum weight of 60kg
- e. Maximum size 700mm (length/width) x 1250mm (width/length) x 1350mm high
- f. Effective stopping system, including brakes, gears or motor control
- g. Must have bell, horn or similar warning device
- h. Must have lights and reflectors if used at night.

Permissible use includes:

- a. Footpaths
- b. Shared paths
- c. Bicycle paths
- d. Bicycle side of separated paths
- e. Roads with speed limits of 50km/h or less, without dividing lines or median strips.

Conditions of use includes:

- a. Over 12 years of age under adult supervision
- b. Over 16 years of age without supervision
- c. Must wear an approved bicycle helmet
- d. Not to be used on roads at night
- e. Must travel at a safe speed on footpaths and shared paths
- f. Must give way to pedestrians
- g. No mobile phone use
- h. No alcohol.

APPENDIX B – JURISDICTIONAL COMPARISON ON E-SCOOTER/SIMILAR DEVICES LAWS

JURISDICTION	NSW – Powered Foot Scooter	WA – Mini Motor Scooter	QLD – Personal transportation Device	NT – motorised foot scooter	SA – Motorised Wheeled Recreational Device	TAS – Motorised Scooter	VIC – Wheeled Recreational Devices
CURRENT STATUS	Not legal - NSW road rules currently stipulate that powered foot scooters cannot be registered and can only be used on private land.	Motorised scooters not exceeding 200 watts in power may be used. Other motorised scooters are considered to be motor vehicles and as such must be registered to be used on roads or in other public places.	Motorised scooters and similar devices are legal on roads and road related areas.	<p>Not legal – Motorised foot scooters are considered motor vehicles and as such must be registered to be used on roads or in other public places.</p> <p>However, they cannot be registered as they do not comply with designed or manufactured to comply with registration requirements and national safety standards for road vehicles, such as Australian Design Rules.</p> <p>They can only be used on private property where the road transport law does not apply.</p>	<p>Not legal - Motorised wheeled recreational devices include self-balancing two wheeled boards, also known as hover boards and self-balancing scooters, Segways, self-balancing unicycles electric skateboards and electric scooters.</p> <p>Motorised wheeled recreational devices are considered motor vehicles and as such must be registered to be used on roads or in other public places.</p> <p>However, motorised scooters and similar devices cannot be registered as they do not meet the safety standards under the Australian Design Rules.</p> <p>They can only be used on private property where the road transport law does not apply.</p>	<p>Not legal – Electric scooters cannot be registered as motor vehicles in Tasmania as they fail to meet the minimum safety requirements.</p> <p>As such, any e-scooter that has a power output of more than 200 watts can only be used on private property in Tasmania.</p> <p>A motorised scooter cannot travel faster than 10km/h in Tasmania.</p>	<p>Legal if meets certain requirements, which most motorised scooters cannot meet.</p> <p>If a motorised scooter is over 200 watts, can go faster than 10km/h or is powered by a petrol motor, it is classified as a motor vehicle.</p> <p>If classified as a motor vehicle, the electric scooter must be registered, and the rider must have a valid motorcycle license. Motorised scooters that do not meet these stipulations can be used on private property, but not in public.</p> <p>If a motorised scooter meets the above requirements, it must follow the same rules for wheeled recreation devices and therefore can be used on footpaths but not on separated bike paths.</p>
E-SCOOTER SHARE PROVIDER TRIAL CONDITIONS	A trial has not yet been undertaken in NSW.	A trial has not yet been undertaken in WA.	<p>Trial was undertaken last year using an e-scooter share scheme operator to help inform regulations for QLD.</p> <p>Can only be used on footpaths or shared pathways, and on roads with speed limits of 50km/h or less, without dividing lines or median strips. Users must wear a helmet and cannot exceed 25km/h.</p>	A 12-month trial to commence in Darwin, around August 2019. Electric scooters via a ride share scheme will be permitted to use bikeways, shared paths and footpaths. Max speed 20km/h.	<p>Adelaide is in their second trial with two e-scooter share scheme operators permitted to deploy e-scooters from Monday 15 April for a six-month period.</p> <p>Can only be used on footpaths or shared pathways, and must not be used on multi-lane roads, or any road with a speed limit of more than 50km/h. Users must wear a helmet, be 18+ years old and cannot exceed 15km/h.</p>	A trial has not yet been undertaken in Tasmania.	E-scooter share scheme operator Lime has conducted a few small trials including one at Monash University.

APPENDIX C – CURRENT FRAMEWORK FOR ROAD/ROAD RELATED AREA USE IN THE ACT

What	On road	Along road	Crossing road	Footpath	Shared path	Bicycle path	Separated path
Ambulant pedestrian	Yes, but not past no pedestrian sign and not on road with sign prohibiting pedestrians past sign	Yes, if impracticable to use footpath or nature strip adjacent to road. Must travel as far to left or right of road as practicable and must face traffic where practicable	Yes, at crossings or more than 20m from a crossing. If crossing at crossing, must obey crossing rules including any pedestrian lights. If crossing away from crossing, pedestrian must give way to vehicles travelling along road	Yes	Yes	No	Yes, but not on bicycle side
Pedestrian using Motorised wheelchair or motorised mobility device	Yes, but not past no pedestrian sign and not on road with sign prohibiting pedestrians past sign	Yes, if impracticable to use footpath or nature strip adjacent to road. Must travel as far to left or right of road as practicable and must face traffic where practicable	Yes, at crossings or more than 20m from a crossing. If crossing at crossing, must obey crossing rules including any pedestrian lights. If crossing away from crossing, pedestrian must give way to vehicles travelling along road	Yes, if motorised wheelchair/mobility device does not weigh more than 150kg	Yes, if motorised wheelchair/mobility device does not weigh more than 150kg	No	Yes, if motorised wheelchair/mobility device does not weigh more than 150kg, but not on bicycle side
Pedestrian riding/using wheeled recreational device or wheeled toy (in-line skates, roller skates, skateboards, scooter, unicycle, child's pedal car, scooter, tricycle etc).	Yes, unless sign posted otherwise, not on roads with dividing line or median strip, speed limit greater than 50km/h or one way road with more than one marked lane, and not at night	Yes, keeping as far to the left side of the road as practicable, must not travel alongside more than 1 other pedestrian or vehicle travelling in the same direction unless overtaking the pedestrians and must not be attached to another vehicle	Yes, at crossings or more than 20m from a crossing. If crossing at crossing, must obey crossing rules including any pedestrian lights. If crossing away from crossing, pedestrian must give way to vehicles travelling along road	Yes, but must keep to the left unless impracticable to do so and must give way to pedestrians other than another pedestrian using a wheeled recreational device/wheeled toy	Yes, but must keep to the left unless impracticable to do so and must give way to pedestrians other than another pedestrian using a wheeled recreational device/wheeled toy	Yes, but must keep out of the way of bicycles	Yes, on the bicycle side. May cross the pedestrian side by the shortest route. When on the bicycle side must keep out of the way of bicycles.
Personal Mobility Device (Segways and Segway like devices)	No, unless impracticable to use footpath or nature strip adjacent to road	Yes, if no footpath or nature strip that can be used, must travel as far to the left as practicable and face in same direction of traffic travelling in same direction, and not be alongside more than one other pedestrian or vehicle unless overtaking other pedestrians	Yes, must slow to 10km/h, keep left and give way to pedestrians, must obey bicycle crossing lights or pedestrian crossing lights if there are no bicycle crossing lights	Yes, but must keep to the left unless impracticable to do so and must give way to pedestrians other than another user of a personal mobility device	Yes, but must keep to the left unless impracticable to do so and must give way to pedestrians other than another user of a personal mobility device		
Bicycle (including power assisted pedal cycle and pedalec)	Yes	Yes, travelling in direction of traffic, in bicycle lane if there is one, and must not cause a traffic hazard by moving into the path of another vehicle or pedestrian	Yes, must slow to 10km/h, keep left and give way to pedestrians, must obey bicycle crossing lights or pedestrian crossing lights if there are no bicycle crossing lights	Yes, must give way to pedestrians, and keep to the left of oncoming bicycles	Yes, must give way to pedestrians, and keep to the left of oncoming bicycles	Yes, keeping to the left of oncoming bicycles	Yes, on bicycle side only, keeping to the left of oncoming bicycles
E-scooter (internal combustion engine or electric motor)	No	No	No	No	No	No	No

Note 1: While the above briefly indicates where a person may or may not travel, there are significant numbers of rules prescribing behaviour while on roads and road related areas. These rules are comprehensive and the above brief description is not meant to indicate that other rules do not apply in all or certain circumstances.

Note 2: Any of the above devices that has a motor or motors (internal combustion, electric, fuel cell etc) attached, other than a motorised wheelchair, motorised mobility devices, personal mobility devices and bicycles, are considered to be a motor vehicle of one type or another and are not permitted to be used on roads or road related areas in the ACT where the road transport legislation applies unless registered and covered by an appropriate third-party insurance policy and the driver holds the appropriate licence class to use the vehicle. Registration of vehicles that do not meet the requirements for registration will not be granted. The use of such vehicles attracts significant penalties, including civil significant penalties if the user injures another person.