

**Submission
No 122**

**INQUIRY INTO USE OF E-SCOOTERS, E-BIKES AND
RELATED MOBILITY OPTIONS**

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Submission to the NSW Inquiry into the use of e-scooters, e-bikes and related mobility options

About me

I am a 73-year-old retiree who has been cycling all his life in Australia, Europe, Asia and North America. I am longstanding member of a local incorporated outdoor club and have led many club rides over the years. The club is affiliated with the peak bodies Bushwalking Australia, Bushwalking NSW and Bicycle NSW which provide third party damage and personal accident. I am also a personal member of Bicycle NSW, which provides insurance coverage wherever I ride in Australia and overseas.

In 2021 I suffered a serious injury caused by a collision on an inadequate 'shared-use path' in Wollongong. This required surgery and months of rehabilitation, leaving me with ongoing disability. This accident was a spur to my buying an e-bike which is 'street legal under NSW law, i.e., a 'pedelec' with a maximum motor power of 250 watts (*), speed limited to 25 km/h. I now ride an e-bike or a traditional push bike, as appropriate.

I claim no professional expertise in land transport policy. The following are my observations based on experience.

Community benefits of e-bikes

Along with other forms of active transport, the proliferation of legal 'pedelec' e-bikes is beneficial for the health and enjoyment of riders and the wider community. It enables more riders to cycle well into older age; it encourages more frequent cycling exercise, including in unfavourable conditions of strong wind or hilly terrain. Legal e-bikes are no means the 'lazy option'. E-bike rides can be significantly longer than recreational rides on conventional push bikes, and riders can essentially 'dial in' the degree of exercise that they are comfortable with. At least one study shows that legal 'pedelec' e-bike riders actually get more exercise than push bike riders ([Study Shows E-bike Riders Get More Exercise Than Traditional Bike Ride – Story Bikes \(storybicycles.com\)](#)). E-bikes are also very useful as a substitute for short car journeys and errands, particularly when they can be carried part way on public transport.

To realise the increased community benefit and safety of e-bike use, I recommend that:

- More bike-specific infrastructure (bike only paths and bike lanes) be built in preference to shared-use paths. With greater uptake of e-bikes, the capacity of bike paths and in particular shared-use paths is being overstretched to breaking point, particularly at holidays and on weekends. Neither pedestrians nor cyclists feel safe on busy shared paths. European countries have opted for segregating pedestrians and cyclists wherever feasible ([Shared paths, the issues.pdf \(victoriawalks.org.au\)](#)).
- Priority be given to construction of more and longer distance dedicated bike paths and cycling links between existing bike paths. E-bikes are suitable for longer journeys than push bikes, but frequently on longer trips bike paths peter out and throw the rider onto unsafe busy roads or footpaths to continue their journey.
- Trains and buses in NSW should be modified to accommodate carriage of e-bikes. Space for bicycles and e-bikes on NSW local train services is very constrained. Carriage by buses of bikes other than folding bikes is prohibited. This contrasts with the situation in Canberra, where each public bus can carry several bikes.
- Elderly (> 64 years) and disabled riders of legal e-bikes should be permitted to ride on footpaths, subject to a speed limit of 10 km/h. For some riders, legal e-bikes can substitute for other forms of mobility aid, such as electric mobility scooters ('motorised wheelchairs'). Under the Australian Road Rules, these are permitted on footpaths, subject to a speed limit of 10 km/h ([c03.pdf \(aph.gov.au\)](#)), as are child cyclists.

Problems with e-bikes

From the perspective of the rider on public roads, cycle lanes, bike paths and shared paths, the regulatory regime for e-scooters, e-bikes and related mobility options is best described as the 'Wild West'.

Riding of private e-scooters, e-skateboards, and throttle-driven and overpowered e-mopeds is illegal on public land in NSW. Yet all are encountered on public roads and paths on a daily basis, often ridden by minors with scant regard for road rules, helmet laws, path etiquette or public safety. Many of these vehicles are capable of speeds in excess of 45-50 km/h. Obviously, being illegal, none carry any form of public liability or accident insurance. The law, seldom enforced, is thus treated as an ass. Clearly, the horse has bolted with regard to controlling illegal e-mopeds and e-scooters.

- The current lack of control over these illegal e-vehicles is a dangerous threat to other bicycle and legal e-bike riders and to public safety generally and must be remedied urgently – NSW cannot wait for more serious injuries and even fatalities to occur.

Either the current law must be enforced effectively, or a new regulatory regime developed. I note that California and many other states of the United States have adopted a 3-tier regulatory system with 20 mph (32 km/h) speed-restricted bikes permitted on pathways, and 28 mph (45 km/h) e-bikes typically permitted only on roads and on-road bike lanes. Manufacturers affix a permanent visible sticker to indicate the class of e-bike ([Three-Class eBike System \(bosch-ebike.com\)](https://www.bosch-ebike.com)).

A new regulatory regime might include provisions that:

- High-power e-mopeds should be banned from footpaths, shared paths and bike paths and permitted only on roads, subject to some form of licencing to control use by minors and adherence to road rules.
- Private e-scooters should be permitted under the same regulations applying to commercial hire e-scooters, i.e. subject to speed limits, geo-blocking, and 'no go' zones.
- Insurance for high-powered e-mopeds and e-scooters should be mandatory.
- Maximum mandatory and advisory speed limits should be posted on shared paths and bike paths, as required.

I recommend an increase in the speed restriction on legal e-bikes to 32 km (about 20 mph) as is the case in New Zealand and many of the United States. The current speed restriction of 25 km/h on legal e-bikes is too low. Not only are legal e-bikes at a disadvantage when compared to illegal e-mopeds and e-scooters, but legal e-bikes cannot even match the speed readily achievable by a fit rider on a push bike. The current speed restriction is unsafe when riding an e-bike in traffic on busy roads where traffic is travelling at much higher speeds. The weight and resistance of an e-bike makes it difficult to pedal faster than 25 km/h for long. Controlling speed through signage on shared paths and bike paths (as on roads) is a more flexible option than physical limiters on individual e-bikes.

I would like to see uniformity in the regulation of e-bikes, e-scooters and related mobility options throughout Australia. Current state regulations, with the necessity to incorporate Australian Design Rules re 200-watt e-bikes, are highly confusing. (*) Further, NSW in February 2023 unilaterally increased the legal power limit to 500 watts, apparently with little or no consultation. My club runs regular cycling trips away from our Illawarra home base to Canberra, Victoria, Queensland, and beyond. There is little rationale for a lack of uniformity in road rules between the states and with the Commonwealth with respect to e-bikes.

Dr Sam Garrett-Jones

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