

Submission  
No 134

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

**Organisation:** City of Sydney  
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# Submission to the NSW Legislative Council's Portfolio Committee No. 6 - Transport and the Arts inquiry into the use of e-scooters, e- bikes and related mobility options



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# 1. Introduction

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## 1.1. Purpose of the submission

On 6 June 2024, the New South Wales Legislative Council's Portfolio Committee No. 6 - Transport and the Arts commenced an inquiry into the use of e-scooters, e-bikes and related mobility options ("E-bike inquiry").

This document provides the City of Sydney's (the "City's") submission to the E-bike inquiry.

The City's submission provides recommendations to capitalise on the opportunities and benefits of active transport and safe e-mobility options and improve safety for users.

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## 1.2. Scope of the submission

The City's submission focuses on aspects that are relevant for a dense urban area such as the City of Sydney local government area.

This submission is aligned with the City of Sydney's Access Strategy and Action Plan – Continuing the Vision, that shows how the transport system supports access that generates the economic, social and environmental outcomes outlined in our Sustainable Sydney 2030-2050 – Continuing the Vision.

Our approach to e-scooters, e-bikes and related mobility schemes is outlined in our Access Strategy and Action Plan, Electrification of Transport in the City Strategy and Action Plan, the Cycling Strategy and Action Plan and in Lord Mayor Minutes.

**Submission:** The submission is structured around the key challenges for micromobility in Sydney; and key recommendations to address these challenges and create the right framework for micromobility, including EMM.

Micromobility is the use of lightweight vehicles such as bicycles, scooters and skateboards. EMM (EMM) is the use of these devices assisted partly or fully by small electric motors. This submission uses "EMM" to refer to scope of these devices.

The submission shows how these align with the Inquiry's formal Terms of Reference:

*That Portfolio Committee No. 6 - Transport and the Arts inquire into and report on the use of e-scooters, e-bikes (including shared schemes), related mobility options, and in particular:*

- (a) the current and anticipated role of all three levels of government in enabling and encouraging safe electrified active transport options*
- (b) opportunities to reform the regulatory framework to achieve better and safe outcomes for riders and the community*
- (c) local council, industry and stakeholder perspectives on the utilisation and impact of e-mobility devices in the community*
- (d) opportunities to improve mobility, the customer experience, safety for users and the community*

*(e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience*

*(f) the extent that e-mobility devices have positive community benefits such as encouraging mode shift, relieving congestion, addressing social disadvantage and tourism*

*(g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and related mobility options*

*(h) best practice in other Australian and international jurisdictions*

*(i) the economic analysis of e-mobility contribution to safe transport at night for shift workers and women, to mode shift and to first and last mile transport, and*

*(j) any other related matters.*

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## 1.3. Summary of recommendations

Figure 1 shows the relationship between the City of Sydney's high level recommendations (Section 4) and the identified challenges (Section 3).

## Figure 1. Recommendations

This table maps our recommendations (Section 4) against specific challenges to EMM (Section 3) showing the relationship to the Inquiry Terms of Reference.

City of Sydney Recommendations	Challenges	Terms of Reference
<p>1: NSW Government support effective shared e-micromobility services through Sydney-wide enforceable regulation</p> <p>1a. NSW Government provide one set of overarching and coordinated guidance and regulation for EMM shared operators across the Sydney area.</p> <p>1b. NSW Government regulate the number of share bike operators and limit the number of share bikes available for use in their area.</p> <p>1c. NSW Government make minor modifications to guidance and any changes to the NSW Road Rules to allow bike parking on the road at locations where it does not pose a risk to safety, such as within compulsory 'No Stopping' areas at the departure side of some intersections, to enable councils to designate bike share parking areas and to reduce clutter and conflicts on footpaths.</p>	<p>1. Poor understanding of the opportunity that EMM offers / poor regulatory framework</p> <p>2. Share e-bike parking cluttering footpaths</p>	<p>(d) opportunities to improve mobility, the customer experience, safety for users and the community</p> <p>(e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience</p> <p>(g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and related mobility options</p>
<p>2: NSW Government should support e-micromobility as a useful and valid part of an integrated transport system</p> <p>2a. NSW Government work with local government to create a city for walking, cycling, including the use of e-mobility, and public transport to reduce transport-related emissions, improve liveability, affordability and sustainability.</p> <p>2b. NSW Government increase the level of investment in walking and cycling year by year targeting 20 per cent of the overall transport budget in line with the United Nations recommendation.</p> <p>2c. Any subsidies for electric vehicles (including for charging) proposed by the NSW Government include EMM, including private EMM devices.</p>	<p>1. Poor understanding of the opportunity that EMM offers / poor regulatory framework</p>	<p>(a) the current and anticipated role of all three levels of government in enabling and encouraging safe electrified active transport options</p> <p>(c) local council, industry and stakeholder perspectives on the utilisation and impact of e-mobility devices in the community</p> <p>(f) the extent that e-mobility devices have positive community benefits such as encouraging mode shift, relieving congestion, addressing social disadvantage and tourism</p> <p>(g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and related mobility options</p> <p>(h) best practice in other Australian and international jurisdictions</p>
<p>3: NSW Government provide safer conditions for EMM users through separated cycleways</p> <p>3a. Transport for NSW publish the Sydney regional cycling network including commitment to targets for delivering the network</p> <p>3b. Transport for NSW develop and publish a final Business Case for the Sydney regional cycling network</p> <p>3c. The NSW Government fund and work with local government to complete the regional bike network in Sydney, consistent with its targets.</p>	<p>3. Cycling on footpaths, including food delivery riders</p> <p>4. Lack of dedicated cycleways</p> <p>5. High vehicle speeds</p> <p>6. High vehicle volumes</p> <p>7. Aggressive or careless vehicle drivers</p>	<p>(d) opportunities to improve mobility, the customer experience, safety for users and the community</p>

City of Sydney Recommendations	Challenges	Terms of Reference
3d. That the NSW Government accelerate the construction of cycleways on the state road network that it controls.		
4: NSW Government provide safer conditions for e-micromobility users through lower vehicle speeds	5. High vehicle speeds	(d) opportunities to improve mobility, the customer experience, safety for users and the community
4a In the City of Sydney LGA, Transport for NSW must implement 30 km/hr speed limits in the city centre, high streets and streets around childcare centres, schools and universities, and health establishments, and progress a maximum of 40 km/hr speed limits elsewhere, to expand the reach and improve access for the bicycle network and provide safe roads for people to use e-mobility devices. The City supports proposals for reduction of speed limits in neighbouring council areas.		
5: Design, manage and operate the road network to provide safer conditions for EMM users	3. Cycling on footpaths, including food delivery riders 6. High vehicle volumes 7. Aggressive or careless vehicle drivers	(d) opportunities to improve mobility, the customer experience, safety for users and the community (e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience
5.1. That the NSW Government and agencies implement and follow their Road User Space Allocation Policy, noting that greater transparency and accountability is required to improve implementation.		
5.2. The NSW Government undertakes a comprehensive engagement process with all road authorities to revise and modernise the Roads Act 1993 so that it is consistent with best practice legislative processes (e.g. avoids duplication of roles, automatic sunset review, align objects with current strategic intent).		
5.3. Transport for NSW continue to reform traffic delegations, in a transparent process with the agreed role of progressively handing over control of local streets to local government		
6: NSW Government manage traffic signals to provide safer conditions for e-micromobility users	1. Poor understanding of the opportunity that EMM offers / poor regulatory framework 6. High vehicle volumes	(d) opportunities to improve mobility, the customer experience, safety for users and the community
6a. Transport for NSW operate (and upgrade) the Sydney Coordinate Adaptive Traffic system (SCATS) to prioritise people walking and using micro-mobility devices at signals.	7. Aggressive or careless vehicle drivers	
7: NSW Government provide safer conditions for e-micromobility users through improved vehicle driver behaviour and compliance.	1. Poor understanding of the opportunity that EMM offers / poor regulatory framework 7. Aggressive or careless vehicle drivers	(d) opportunities to improve mobility, the customer experience, safety for users and the community (e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience (g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and related mobility options
7.1. NSW Government improve compliance with road rules by people driving as they are disproportionately responsible for injuring and killing people walking and cycling.		
7.2. Transport for NSW investigate amending the minimum passing distance road rule to 1.5m on all roads, renew driver education on the rule and support increased NSW police enforcement of the rule to encourage and then keep safe people riding.		
7:3: Transport for NSW increase the number of red light speed cameras, to increase safety at intersections.		

City of Sydney Recommendations	Challenges	Terms of Reference
<p>7.4: Transport for NSW undertake comprehensive review of all road rules relating to EMM user safety.</p>		
<p>8: Provide safer conditions through improved EMM user behaviour and compliance</p> <p>8.1. NSW Government improves compliance with the relevant road rules relating to riding on footpaths.</p> <p>8.2. NSW Government enforce that e-bikes and e-scooters comply with the relevant safety standards, including that e-bikes are not illegally modified to allow the motor assistance to exceed 25km/h.</p>	<p>3. Cycling on footpaths, including food delivery riders</p>	<p>(b) opportunities to reform the regulatory framework to achieve better and safe outcomes for riders and the community</p> <p>(d) opportunities to improve mobility, the customer experience, safety for users and the community</p> <p>(e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience</p>



## 2. Background

This section outlines the City's key strategies and positions relating to the use of e-bikes (including bike share schemes), e-scooters and related mobility options. This section also provides an overview of the current use and provision for cycling in our area.

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### 2.1. City of Sydney Strategic Context

The City is committed to creating a city for walking and cycling to improve liveability and to address the climate emergency. Cycling, including using electric versions, reduces emissions by providing clean and efficient alternatives to driving. Making it easier for people to walk and ride is also good for business and our community's health.

#### 2.1.1. Sustainable Sydney 2030-2050 – A City for Walking, Cycling and Public Transport

City of Sydney's aim is to create a "City for walking, cycling and public transport."

Our community strongly supports a city for walking and cycling with better public transport and fewer cars.

A key theme from our community engagement was that people want to be moving around using public transport, walking and cycling, and see a reduction in cars on city streets.

Sustainable Sydney 2030-2050 Continuing the Vision sets our transport targets:

- By 2035, the local government area will achieve net zero emissions.
- By 2050, people will use public transport, walk or cycle to travel to and from work.
  - 9 out of 10 people working in the city centre.
  - 2 out of 3 people working in the rest of the Local Government Area
- By 2030, every resident will be around a 10-minute walk to what they need for daily life.

#### 2.1.2. Access Strategy and Action Plan

The City's Access Strategy and Action Plan: Continuing the Vision, adopted 2023, outlines how the City will manage access and an effective transport system to create a sustainable city with initiatives such as supporting walking and cycling, light rail, electric buses, traffic calming and reducing speed limits.

The Access Strategy and Action Plan has several key strategies to facilitate the use and safety of e-mobility light vehicles, devices and aides, including:

- Strategy B: Reallocate street space for the most economically important and space-efficient user, especially people walking, cycling and using public transport.
- Strategy D: Improve places.
- Strategy E: Respond to the climate emergency and build resilience. We will work to reduce emissions by supporting walking, cycling and public transport.
- Strategy H: Strengthen inclusion by ensuring that the public domain is physically accessible for everyone, improving walking and cycling networks to support people using mobility devices.

- Strategy I: Save lives and reduce injuries by supporting a vision of zero fatal and serious injuries suffered on the streets no later than 2050, 'Vision Zero', working with the NSW Government to bring vehicle speeds down on more streets and installing more separated cycleways to reduce the risk of drivers injuring or killing people riding.

Action 9 outlines the approach to create the "city for cycling". This is discussed in detail at 2.1.4.

### **2.1.3. Electrification of Transport in the City: Strategy and Action Plan**

The City's Electrification of Transport in the City: Strategy and Action Plan, adopted 2023, outlines the City's overall approach to achieving net zero emission transport by 2035 providing a hierarchy of active, public and shared transport, while supporting electric vehicle charging options.

The Strategy and Action Plan has four (4) key strategies, and 21 related actions including City-controlled actions, proposed collaborations with others including NSW Government, and direct advocacy to the Australian and NSW Governments. The four (4) key strategies are:

1. Creating a city for walking, cycling and public transport, supported by electric vehicles, is the best way we can facilitate a reduction in transport related emissions.
2. Government pricing and policy that prioritises electric vehicles over conventional internal combustion vehicles.
3. A transition that focuses on high impact transport fleets, those fleet with the biggest emissions and impacts on people on our streets – buses, delivery vehicles, taxis and service vehicles.
4. Charging options in ways that protect the public realm.

The actions that relate to the E-bike inquiry include:

Action 1 - Work with the NSW Government to reduce vehicle kilometres travelled (VKT) by all vehicle fleets by creating a city for walking, cycling and public transport to reduce transport-related emissions.

Action 5 - Advocate that subsidies for electric vehicles (including for charging) proposed by the Australian and NSW Governments reflect the City's fleet transition hierarchy (i.e. e-bikes and other micromobility and public transport first then commercial, and finally private vehicles).

### **2.1.4. Cycling Strategy and Action Plan**

The City's Cycling Strategy and Action plan, adopted in 2018 outlines our approach to making bicycle transport easier and safer, so it is an attractive and feasible option for more people.

Our Sustainable Sydney 2030-50 target is for 10 per cent of all trips in the city to be made by bike. Our Cycling Strategy has four priorities. We will:

- Connect the network – build a bike network to make it safer for people to ride in Sydney.
- Support people to ride – understand and address barriers and help people to start, and continue riding.
- Support business – partner with employers to encourage staff to ride.
- Lead by example – share our expertise and be a positive influence for improvements for cycling within and beyond our boundaries.

### **2.1.5. "A City for Walking" Strategy and Action Plan**

The City recently adopted "A City for Walking" Strategy and Action Plan. Our walking strategy has five priorities:

- A city where people can walk (making it possible for people to walk).
- A city where people can walk safely.

- A city where walking is comfortable.
- A city where walking is fun.
- A city that is a leader in walking.

During the community engagement for the strategy and action plan, our community raised their concern about the interaction between people walking and people riding e-bikes and e-scooters on the footpath, and the clutter created by shared bike parking. In adopting the strategy and action plan, we made clear the importance of supporting both user groups, with the key moves including the cycling-related actions in Section 2.3 , and seeking NSW Government regulation of the shared bike system and food delivery companies.

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## 2.2. City of Sydney Council resolutions

The following resolutions of the Council of the City of Sydney document formal positions relating to shared EMM. The summaries below report the key elements and resolutions. The full text of each is available via the hyperlink.

Shared E-bikes:

- Lord Mayor Minute 3.6 Improving Safety for People Riding and Walking, June 2024
  - Emphasises that the City is focusing on creating a city for walking and cycling to improve liveability, reduce transport emissions and provide alternatives to driving. To make this happen the City is allocating significant funding to make walking safer and easier, to complete a safe and connected bike network and to expand our rider education programs to improve safety for people riding and walking.
  - That the City calls for a cap on the number of share bike operators in our area as well as the number of share bikes available for use; that expectations around equipment quality and safety, and circular economy obligations are set and that changes to relevant NSW Road Rules are made to enable councils to designate bike share parking areas on the road in locations where it is safe, such as within 'No stopping' areas at the departure side of some intersections.

Shared E-scooters:

- Notice of Motion 13.1 Electric Scooters, September 2019
  - It is Council's responsibility to provide a safe and inclusive city for everyone. The City's density and volume of people walking mean that our footpaths are not designed for mobility vehicles. Pedestrian safety is to be prioritised in any consideration of e-scooters in the Sydney local government area by advocating that e-scooters be banned from footpaths.
  - That the City discuss with NSW Police the enforcement of helmet use by e-scooter users and consult with Transport for NSW and NSW Police about what legislation covers e-scooters use on local and state roads and the cycleways (if any), and even if there is capacity to allow them.
- Notice of Motion 15.2 NSW E-Scooter Trial, June 2022
  - As our cycleway network becomes more fully delivered, the options for a safer e-scooter trial on bike-paths become greater, but at the moment, most trips would not qualify due to fragmentation of the cycleway network.
  - Advocate to Transport for New South Wales to provide financial assistance to councils to encourage them to develop and manage the e-scooter trial and ensure its long-term success.

- Notice of Motion 15.3 City of Sydney E-Scooter Trial, November 2023
  - E-scooters, similar to that of e-bikes, are an alternative form of electric transport that would advance the progress of meeting our net zero emissions target by 2035. However, given the high pedestrian activity in the City and the risks that e-scooters on crowded footpaths present, the City should wait until the separated cycleway network is completed, so the trial takes place only on the separated cycleway in order to maintain the safety of everyone.

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## 2.3. E-micromobility (EMM) in the City of Sydney

Micromobility is the use of lightweight vehicles such as bicycles, scooters and skateboards.

E-micromobility (EMM) is the use of these devices assisted partly or fully by small electric motors.

Despite the emergence of different technologies, the needs of EMM users are essentially the same as for traditional micromobility users (i.e. push bikes, kick scooters, skateboarders etc), primarily relating to safe riding environments.

The complications around current EMM systems in NSW primarily arise from two issues:

- Emergence of technology that is not yet fully integrated into Australian road design, management and regulatory frameworks
- Disruptive share economy business models, again with limited, if any, regulatory framework.
- This submission will explain (Section 3) how these issues are exacerbated in Sydney by the overall insufficient provision for all types of micromobility in road design and management.

This subsection outlines how the City of Sydney's support for micromobility contributes to the creation of successful EMM systems.

E-bikes and other EMM have become mainstream in our area. A recent (2024) survey of 1,500 people in inner Sydney (10km from the city centre) found that one-third have ridden an e-bike at some point.<sup>1</sup>

EMM ownership rates also indicate a normalisation of this mode, with 10 per cent of survey participants reporting they own an e-scooter and 3 per cent reporting they own other e-rideables, including e-skateboards, e-unicycles and one-wheels.<sup>2</sup> These findings are consistent with findings from the University of Sydney that indicate an e-scooter ownership rate of 9.6 per cent in the City and Inner South.<sup>3</sup>

Observational bike trip-purpose counts indicate e-bikes are being used for transport purposes. From a sample of 5,722 peak hour bike and micromobility trips at seven sites in the City of Sydney in March 2024, 759 (13 per cent) of the trips were completed on e-bikes and 138 (2.4 per cent) of the trips were completed on e-scooters.

(E-scooters are currently illegal in NSW. The NSW Government is in partnership with several NSW local governments and organisations in trialling the use of shared e-scooters. We are not part of the trial.)

<sup>1</sup> City of Sydney (2024) City of Sydney Active Transport Survey 2024. <https://www.cityofsydney.nsw.gov.au/cycling>

<sup>2</sup> City of Sydney (2024) City of Sydney Active Transport Survey 2024, unpublished/forthcoming

<sup>3</sup> Greaves, S.P., Beck, M., Rose, G., and Crane, M. (2024) Community views on legalising e-scooters: Insights from a Sydney case study, Paper accepted for presentation at the Australasian Transport Research Forum 2024 Proceedings 27-29 November, Melbourne, Australia.

### **2.3.1. Building the network in the City of Sydney**

We have delivered 25 kilometres of safe, separated cycleways, 66 kilometres of shared paths and 45 kilometres of other cycling infrastructure. Since 2009 the City has spent \$158 million building separated cycleways (approx. \$11 million/year), investing \$135 million of our own funds, and \$24 million in Government grants. This investment has built over half of the regional bike network.

Our plan is to continue to expand our network and model to other Councils how to create cycling connections of their own.

We are investing over \$105 million over the next ten years to provide a safe and connected bike network.

Local government is strongly dependent on NSW Government funding and approvals to implement cycling infrastructure. To date there has been insufficient NSW Government commitment to funding, and to timely approvals.

To encourage more people to ride, the cycling network needs to be complemented by NSW Government decisions on the total road network, such as speed reduction, signal priority and enforcement of driver behaviour towards micromobility users.

### **2.3.2. Cycling in the City of Sydney**

More people than ever before are riding on our bike network. Our counts show the steady rise in cycling in Sydney. Our twice-yearly counts at 68 intersections show a 15 per cent increase in people riding over the past year and a staggering 168 per cent increase in people cycling since we started tracking in 2010. Permanent counters on our cycleways also reveal consistent growth with use up between 4 and 29 per cent in the past year. In addition, the proportion of women riding, from observational studies at seven of our cycleways, has increased by an average 15 per cent in the last year, with Zetland the standout with more than double the proportion of women riding.

### **2.3.3. Shared bikes in the City of Sydney**

The City strongly supports the use of share bikes as part of a safe, sustainable and efficient urban transport system. They provide a useful opportunity for people to try riding in the City and to incorporate riding into their daily travel.

Between 2019 and June 2024, there were more than 2.9 million share bike trips in our area.

The number of share bikes in our area has drastically increased from 328 in January 2022 to 4,500 in May 2024. We have no control over the number of operators in our area, or the number of bikes they deploy.

Between January and June 2024, there were over 918,000 share bike trips in the City of Sydney, averaging over 153,000 trips per month – or 5,000 trips a day.

We estimate that the use of share bikes represents a saving of around 1,850 tonnes of carbon emissions each year.

Between January 2024 – June 2024, 32% of all share bike trips were during conventional commuting time.

During the same period 22.8% of share bike trips were between 8pm-midnight, supporting the nighttime economy.

### **2.3.4. Additional ways we are supporting cycling**

The City has eight (8) electric bikes and two (2) electric cargo bikes that are used by City staff for short business trips. In total, staff use the bike fleet for over 1000km of travel per month, significantly reducing our need for cars. The electric bikes also increase our productivity, as in many cases staff can navigate the bikes through the City much faster than cars.

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We run community behaviour change and education campaigns, such as Share the Path where City staff speak to riders on popular commuting routes throughout the City around twice a week. We also run regular courses teaching people to ride safely and about the road rules as they relate to cycling.

We are spending an additional \$120,000 in the 2024/25 financial year to expand our education programs so that our staff can speak to more riders across more areas, especially food delivery riders in high activity areas.

We are also refreshing our shared path signage to encourage more courteous behaviour, and so it is clear who can legally use our footpaths and shared paths.

EMM includes e-cargo bikes, which support last mile freight and delivery. The City in partnership with Transport for NSW provides a courier hub at the Goulburn Street car park, where deliveries are transferred from a van to a bike or walked to the final destination. These hubs reduce emissions and congestion by reducing the number of delivery vehicles circling.

# 3. Challenges that need to be overcome for electric micromobility to succeed

The City of Sydney is of the view that EMM (and broader micromobility) should play an important role in transforming Sydney's transport systems to achieve improved access while also improving broader city outcomes. This reflects best practice and precedents in numerous successful and productive global cities around the world.

To date the experience with EMM in Sydney has been controversial for many in the community.

This section outlines the key challenges that must be addressed so that EMM can succeed in Sydney.

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## 3.1. Poor understanding of the opportunity that EMM offers / poor regulatory framework

We believe that EMM is currently treated by many stakeholders in government and the community as a novelty offer, rather than a potential mainstream access and transport solution. There is considerable focus on the strengths and weaknesses of particular technologies, but little understanding of the actual use case – who will use EMM, what trips will they make, what car trips might that replace, and what else needs to happen to support EMM growth?

We believe this over-emphasis on the “E” element of EMM is partly due to lack of integration of micromobility planning and management in NSW. While the City supports a city for walking, cycling, and public transport, it is not always clear that state governments share this vision (notwithstanding many laudable individual infrastructure projects and service initiatives).

Because micromobility planning is not “mainstream” in Transport for NSW, it is perhaps inevitable that facilitation of EMM approaches (such as the e-scooter trial) generally falls to “new technology/innovation” teams. We support new technologies and innovation, but the foundations for their success lie in the management of the broader transport network, especially roads.

And because safety perceptions and space contests and conflict have inevitability arisen, regulatory approaches have primarily been designed to address those narrow elements:

- the NSW Government's approach to facilitating e-scooter trials uses road rules to make using the devices legal only on certain streets after detailed safety review by local government, only with local government support, and without making private devices legal on the same street (even on a trial basis)
- the NSW Government created a framework for local government to remove share bikes only when they become abandoned as per the definition under an Act.

Rather than “designing for system success”, the NSW Government appears to have been “planning for system failure”.

The experience of the disruptive business model has also been different from that in the taxi/rideshare system. Compared to the international rideshare conglomerates, the Sydney experience of shared EMM operators has often been of small start-ups with sudden entry and even more sudden exit. The NSW Government has not developed an approach to harness the potential benefits of the share service providers despite the City of Sydney calling for a state-led approach since 2017.

We believe this Inquiry, and subsequent NSW Government regulatory approaches, must set EMM up for system success.

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## 3.2. Share e-bike parking cluttering footpaths

The major issue influencing the community sentiment in our area towards EMM is share bike clutter on footpaths, in villages and their high streets, and in residential streets with adverse visual and safety impacts.

Local government has no powers to limit the number of operators, the number of bikes they deploy and no feasible enforcement lever for share bikes causing clutter on a public footpath. We have used our influence to seek some operator and user commitment to minimising the clutter, but these are a poor substitute for a well-structured regulatory framework across local government boundaries.

Clutter in the city centre arises from factors such as population/visitation, attractions, presence of some separated cycleways, proximity to public transport and relatively lower traffic speeds (but not speed limits).

Clutter also arises from the lack of on-street spaces dedicated to bike parking, compared to other vehicles. Road Rule changes could maximise the number of locations bicycles can park/be stored at the kerb.

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## 3.3. Cycling on footpaths, including food delivery riders

With the increase in demand for rapid, low-cost food delivery and popularity of using share bikes, people riding on the footpath is a growing problem in the City of Sydney. We know that people tend to ride on footpaths when they feel unsafe riding on roads.

Riding a bicycle on the footpath is only legal for children under 16 and those accompanying them, or people with special dispensation. These rules are not uniform in Australian states, let alone internationally.

To ensure ongoing community support for micromobility, we work to improve all riders' awareness of their obligations to ride legally and safely, especially near people walking through education programs and signage. This is outlined at Section 2.3.4.



User feedback reinforces that many people who ride on footpaths illegally do so due to safety concerns. Sections 3.4 - 3.7 discuss some of the foundational causes for these safety concerns.

Unsafe riding conditions may apply particularly to food delivery riders, who often operate at night and to customer expectations around delivery times. Between 2018 and 2022, 18 food delivery riders on pedal cycles were injured on City of Sydney LGA roads, with 8 seriously injured, and one rider killed. People working as delivery riders have the right to safe working conditions.

The NSW Government has a responsibility to improve the work health and safety for food delivery riders by making the roads they cycle on safer to do so, and to apply company and business law rules to regulate e-commerce platforms and protect consumers.

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### 3.4. Lack of dedicated cycleways

A more comprehensive and better-connected cycleway network is critical to enable safe riding for users of all types of micromobility.

Transport for NSW Customer Research found that 70% of the population of Greater Sydney would cycle, or cycle more, if they had safe and convenient infrastructure (that is, separated from traffic). This is consistent with the City of Sydney's regular research.

Our data shows that building a separated cycleway generally results in a doubling of the number of bike trips within 6 – 12 months, and a further doubling within another one to two years.

This NSW Government has reduced funding for the NSW Get Active program that enables councils to build cycleways.

The NSW Cycleway Design Toolbox says, " *Shared paths are not preferred in areas with high pedestrian activity, where there is significant cross cycleway movement, or where cycling speeds may be high. Mixing pedestrian and cycling movements in these locations could pose safety risks to users and offer a low Level of Service to bicycle riders.*"

Adding e-scooters (and other micro-mobility devices) to shared paths will only exacerbate these risks and further discourage walking. Astoundingly, the Get NSW Active funded projects completed in the first half of 2024 included just 50 metres of separated cycleway across the entire state, and just under 10 kilometres of shared path.

Despite its own targets and aspirations to grow cycling, the NSW Government has a very poor record of delivering cycleways on state roads and has so far failed to deliver overdue cycleways in the City of Sydney on King Street in the city centre, Bridge Road Glebe, Sydney Park Road, Oxford Street (east of Taylor Square), Flinders Street and along the Alexandra Canal north of Coward Street.

A more comprehensive cycleway network would assist share EMM operations to distribute across a wider area, growing the market and minimising impacts on non-users. Importantly, it would multiply the economic benefit that EMM has proven to bring, including: improving access, offering low-cost transport choices for a broad section of the community, reducing traffic congestion, improving the efficiency of deliveries etc. It will also assist the distribution of devices over a larger area, reducing footpath clutter.

The lack of safe infrastructure to provide for cycling as well as any additional micromobility is demonstrated clearly using the TfNSW Cycleway Finder map (Figures 3, 4 and 5).

Figure 2. Extent of (separated) bike paths in Greater Sydney

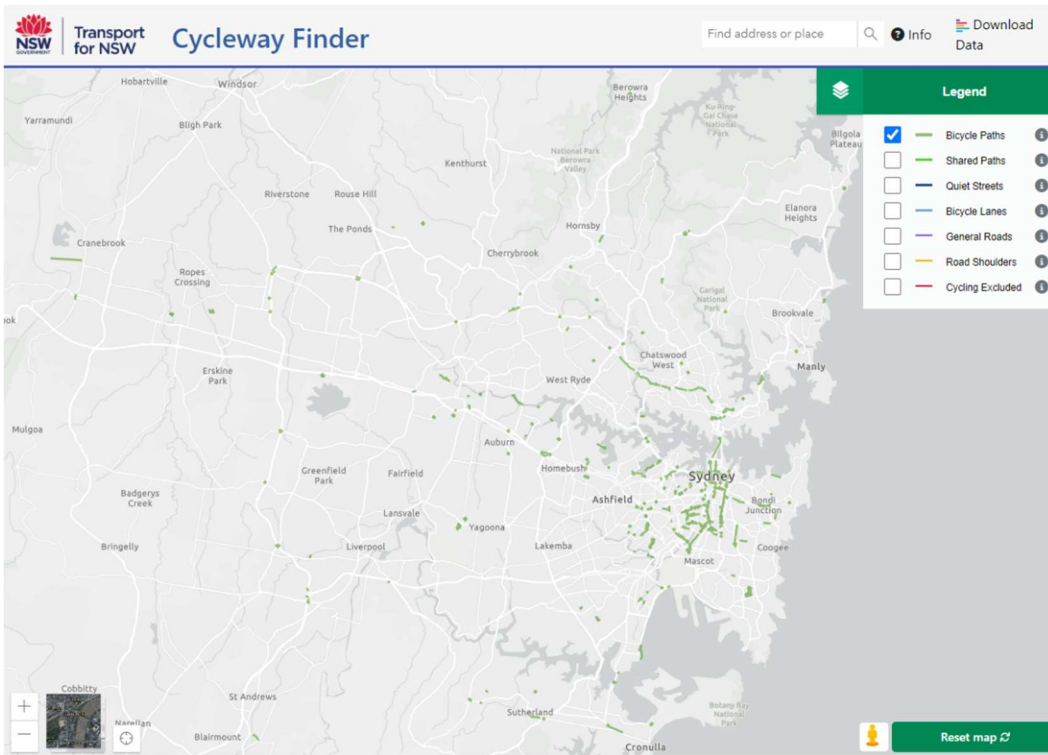


Figure 3. Extent of shared paths in Greater Sydney

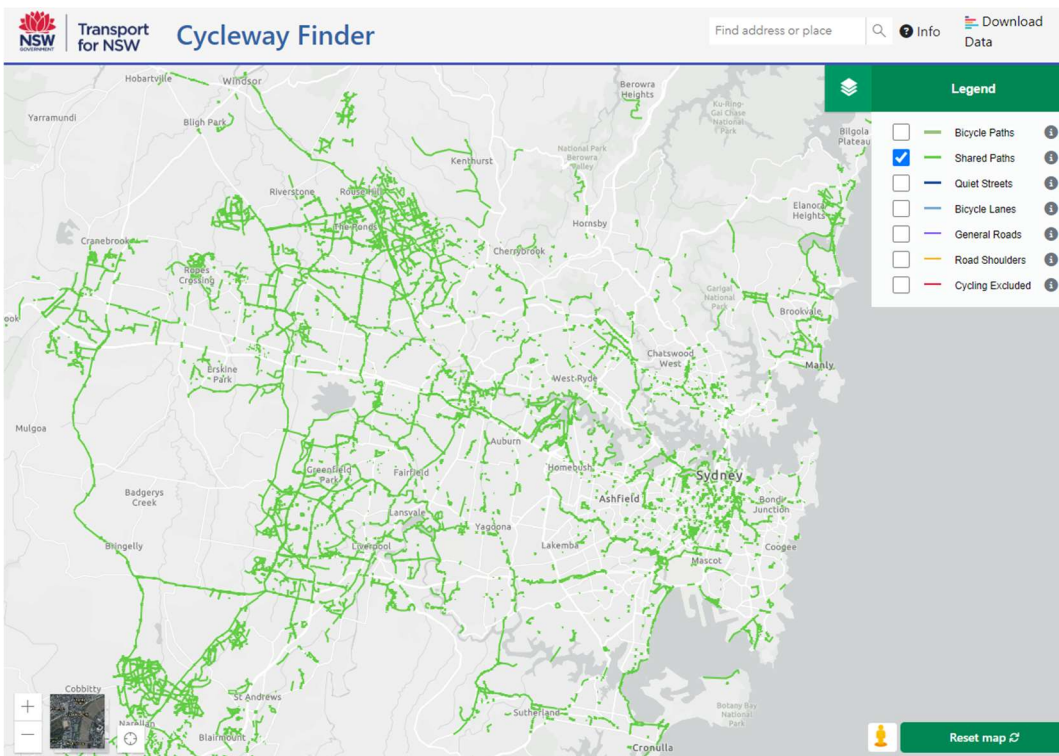
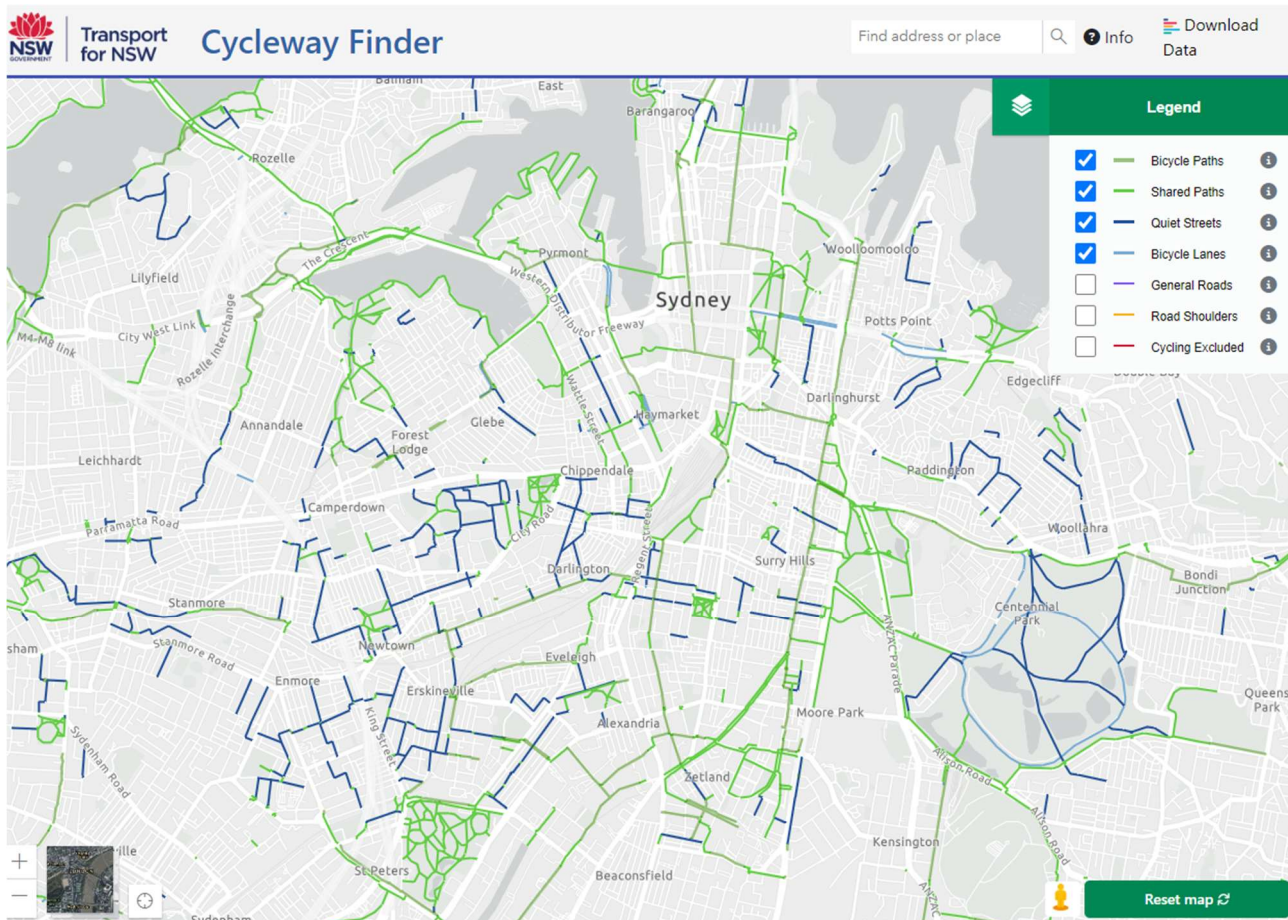


Figure 4. Cycling Connections in the City of Sydney area



Where people riding on the footpath is already an issue and potential deterrent to walking, the introduction of additional micromobility would amplify this problem. Even the City of Sydney area, with more cycleways than elsewhere, still has insufficient safe network of bike paths, lanes, shared paths and quiet streets to provide safely for e-scooters without using footpaths, despite our best efforts.

### 3.5. High vehicle speeds

Most micromobility trips require use of streets without separated cycleways for at least some of their duration. This will remain the case even when local and regional cycleway networks exist.

Providing safe conditions for micromobility use on the wider road network is thus a precondition of growing the number of people using this mode, and the number of trips they use it for.

To encourage micromobility, and walking, motor vehicle speeds and speed limits are too high on many roads that are unlikely to have cycleways in the medium term, including key main roads in the City of Sydney LGA such as Cleveland Street, Harris Street (currently 50km/h limit, should be converted to 40km/h immediately for road safety reasons).

We believe speeding remains an issue (evidenced by the current NSW Government campaign targeting “casual speeding”). In terms of enforcement, there are too few speed cameras and red-light speed cameras. As well as education, there should be increased enforcement of speeding behaviour.

### 3.6. High vehicle volumes

Where micromobility users have to mix with traffic, they are more likely to do so when traffic volumes are as low as possible. A suite of government policy and management approaches result in high general traffic volumes on key surface streets, such as Harris Street, Cleveland Street and William Street. In many cases this will include a large proportion of heavy vehicles, including buses as well as trucks.

In most cases this is despite the bypass road network provided expressly to reduce traffic on these surface streets.

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### 3.7. Aggressive or careless vehicle drivers

Where micromobility users must mix with traffic, motor vehicle driver behaviour is a key safety risk. We address the prevalence of speeding on main roads in Section 3.5.

Other risky behaviours include distraction, failing to stop or give way at intersections (including roundabouts) when required, and failure to indicate when turning or changing lanes.

We support minimum passing distance and observe that more drivers wait to pass until it is safe to do so. Too many drivers still do not provide the current minimum passing distance, and the rule is rarely enforced. Given it is over eight years since its commencement, it is likely that many or new drivers are unaware of the exemptions to other road rules provided to assist them to leave the minimum passing distance.

It is also over eight years since the NSW Government initiated the “*Go Together*” campaign to encourage drivers to more safely share the road with people riding. Given rider reports of continuing hostile driving it is unclear that the campaign had any lasting impact.

# 4. Key Recommendations

The City supports the use of e-scooters, e-bikes, including bike share schemes and other related mobility options. The challenge is to create a system that supports safe use of these devices and schemes, without detrimental impact to non-users.

We support an integrated, whole of system approach that addresses the role of government, supporting riders and building infrastructure.

This section provides recommendations to the inquiry as related to the Terms of Reference.

- Recommendation 1 refers to regulatory changes specifically relating to EMM
- Recommendations 2 to 6 refer to existing policy / strategy positions and safe systems requirements as they relate to EMM
- Recommendations 7 and 8 refer to compliance and behaviour affecting EMM.

## First tranche of recommendations: Referring to regulatory changes specifically relating to EMM

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### 4.1. Recommendation #1: NSW Government support effective shared EMM services through Sydney-wide enforceable regulation

For EMM to prosper in Sydney, regulation is required that responds to its geography, and the relatively limited spatial scope and limits to power of individual local government.

In Sydney at least<sup>4</sup>, the NSW Government needs to be the champion for EMM, and all micromobility. It has the regulatory levers, and the geographic reach, to ensure EMM systems develop that achieve access outcomes. It can design a framework that will meet broader community expectations around issues such as public domain, safety and geographic spread/lack of clutter. (As well as being prescriptive, these elements could become the competitive elements that determine priority for an operator to gain entry in the Sydney market.)

The initial priority for the regulation should be to limit the number of share operators, and the number of share bikes (and e-scooters where relevant) an operator can deploy in specific areas. The regulation should respond to community expectations around minimum equipment safety and use requirements, and create circular economy obligations for operators. It can establish a process to assist operators to exit from the system where necessary, without leaving a legacy of

<sup>4</sup> We acknowledge that in some regional areas where a local government manages a town/city and the full potential EMM catchment, that specific local government and the NSW Government may see a more involved role for local government in designing and managing EMM. This is not the situation in metropolitan Sydney.

abandoned bikes or scooters.. Transport for NSW must also have access to data on shared device locations and operation and share that with councils whose area the systems cover. This will ensure operators are accountable for commitments to address any clutter in a particular location.

Regulation should not make individual local councils responsible for managing EMM share systems in their areas.

Local governments in NSW generally do not procure or coordinate transport services (other than some community transport services.) Making local government responsible would create a piecemeal and complex administrative approach. Potential and then approved operators might need to manage arrangements with 20-30 individual councils, potentially with separate contracts for shared e-bikes and shared e-scooters.

Councils could have to assess multiple operators, and then have to manage 6-10 individual contracts.

A council-led approach to EMM shared services would also severely limit their utility to potential users as it risks unworkable "hard boundaries" i.e. trips along a main route that traverses multiple councils might be impossible.

The net result would be that shared EMM would never flourish in Sydney.

We note that to date there are very limited Sydney trials for e-scooter shared services under the trial framework, which essentially demands that local government determine whether a device (currently illegal) will be legal to ride on some only of its streets, when a customer pays a fee to a specific third party operator to do so.

The NSW Government should design the EMM regulatory framework so it can accommodate shared e-scooters if the Government determines that the safety risks are manageable and the use case exists.

With appropriate NSW Government regulation in place, local government can support the EMM shared schemes in traditional ways, such as via allocating street space for parking of devices.

#### 4.1.1. Recommendations

**Recommendation 1a.** NSW Government provide one set of overarching and coordinated guidance and regulation for EMM shared operators across the Sydney area.

**Recommendation 1b.** NSW Government regulate the number of share bike operators and limit the number of share bikes available for use in their area.

**Recommendation 1c.** NSW Government make minor modifications to guidance and any changes to the NSW Road Rules to allow bike parking on the road at locations where it does not pose a risk to safety, such as within compulsory 'No Stopping' areas at the departure side of some intersections, to enable councils to designate bike share parking areas and to reduce clutter and conflicts on footpaths.

#### 4.1.2. Background / justification

Local Governments have no direct power over the provision, regulation or management of share bike schemes. Bike share schemes do not require permission to operate.

We have been advocating strongly for the NSW Government to appropriately regulate share bike operators and delivery companies to reduce riding and clutter on footpaths.

Coordination across Sydney is needed.

In the absence of NSW Government action, in 2017 the City along with six (6) other Sydney councils, developed guidelines that set expectations for bike share operators. Unfortunately, there is no statutory requirement or incentive for bike share companies to comply.

In November 2022, the former NSW Government introduced the Public Spaces (Unattended Property) Act 2021, which makes bike share operators responsible for removing share bikes from public land if they are poorly parked, interfering with public amenity, or causing an obstruction or safety risk.

**There are significant challenges for local governments in applying the legislation to share bikes.** It does not provide any investigative powers and seven days is too long to wait before Council's Rangers can move problematic bikes. Further, the burden is placed on councils to store impounded bikes before they can be claimed or disposed of.

The City's efforts to influence operator behaviour cannot address the causes of the issue, so NSW Government regulation is urgently required.

The number of share bikes in the City of Sydney LGA has increased drastically from 328 in January 2022 to 4,500 in May 2024. Bikes left unattended (parked) on footpaths can create clutter and safety and access issues for people on footpaths and other public places.

The City has been working with bike share operators in our area to implement designated bike parking areas through their apps to promote responsible parking. This means share bike users will only be able to finish their trip and stop the clock running on payment once they place the bike in the allocated area. They are charged a penalty if they fail to comply (e.g. capped at \$25 for Lime bike). We have been trialling this in Pymont, Ultimo and Circular Quay allocating 60 dedicated bike parking areas on footpaths or public domain areas across these suburbs where there is sufficient space and strong demand from operators and riders for share bikes. Our records for the Pymont trial show that 77 per cent of share bikes are now parked within one metre of a designated parking area, which helps to contain the issues.

A second trial of 50 dedicated spaces has been established in Forest Lodge and Chippendale.

In terms of shared e-scooter trials, we are not participating in the current round of trials. Because we support innovation in access and transport, our staff assisted the development of the relevant road safety frameworks. However, we were not consulted on the current approach that puts local government at the centre of the decision to legalise on some roads devices that are currently illegal in NSW, while keeping privately owned scooters illegal on the same roads (even when operated in the same manner as those provided by a share operator.) Formal resolutions on this issue are provided at Section 2.2.

Proposed changes to "No Stopping" restrictions would reduce footpath clutter by increasing the number of locations where EMM devices could park. Parking in these locations would not impact on the safety of other road users or vehicle movement, and minimises pressure on other kerbside uses.

## Second tranche of recommendations: referring to existing policy and strategy positions and safe systems requirements relating to EMM

### 4.2. Recommendation #2: NSW Government should support EMM as a useful and valid part of an integrated transport system

Facilitating and inviting walking and cycling, including by e-bikes and e-scooters and other related devices, is the best way to reduce transport related emissions. This approach also improves liveability, access, affordability and sustainability.

#### 4.2.1. Recommendations

**Recommendation 2a.** NSW Government work with local government to create a city for walking, cycling, including the use of e-mobility, and public transport to reduce transport-related emissions, improve liveability, affordability and sustainability.

**Recommendation 2b.** NSW Government increase the level of investment in walking and cycling year by year targeting 20 per cent of the overall transport budget in line with the United Nations recommendation.

**Recommendation 2c.** Any subsidies for electric vehicles (including for charging) proposed by the NSW Government include EMM, including private EMM devices.

#### 4.2.2. Background / justification

The Australian Transport Assessment and Planning (ATAP) Steering Committee (2022), Australia's peak economic transport planning groups, found that:

*"E-bikes have changed bike riding patterns, and it is for this reason that their emergence can have an important impact on how bicycle projects are assessed and on cost benefit analyses. In essence, it is likely the growth of the e-bike sector will gradually enhance the benefits of bicycle initiatives and projects."*

*"E-bike owners ride more often, and further than other cyclists and are able to better maintain speed with less effort (Macarthur et al., 2018). E-bike ownership reduces car use to an even greater extent than regular bicycles (Jones et al., 2016)."*

Transport emissions account for around 20 per cent of total emissions in our area. Reducing transport emissions will require a significant shift in car use to walking, cycling and public transport, as well as the electrification of vehicle fleets (private, public and commercial) and greening of the electricity grid. In urban centres such as ours, reducing driving is the best way to lower transport emissions. E-bike, e-scooters, shared bikes all play a significant role in reducing car use. These modes also support liveability and affordability.

E-bikes play a role in last-mile freight and servicing. The City in partnership with Transport for NSW provides a courier hub at the Goulburn Street car park, where deliveries are transferred from a van to a bike or walked to the final destination. These hubs reduce emissions and congestion by reducing the number of delivery vehicles circling.

The United Nations Environment Program recommends that 20 per cent of a transport budget should be allocated to walking and cycling. Currently around 0.1 per cent of the transport budget in NSW is for cycleways.



Any government subsidies to encourage fleet electrification should also apply to electric bicycles, and other forms of electric micromobility.

E-bike and e-scooters are an alternative form of electric transport that would advance the progress of reducing transport related emissions. Just as the government is encouraging the uptake of electric vehicles through subsidies, e-bikes and related forms of e-mobility could be encouraged.

The City and County of Denver, Colorado, provide rebate vouchers for e-bikes released in tranches, according to level of income, which residents of the city can apply for. Vouchers for regular and cargo e-bikes are available, as well as larger rebates for adaptive e-bikes suitable for people with disabilities. Initial tranches of rebates have seen strong uptake, with all available vouchers claimed within minutes of the online portal opening for applications.

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### 4.3. Recommendation #3: NSW Government provide safer conditions for EMM users through separated cycleways

A connected and comprehensive bike network enables and encourages safe electrified active transport options.

#### 4.3.1. Recommendations

**Recommendation 3a.** Transport for NSW publish the Sydney regional cycling network including commitment to targets for delivering the network

**Recommendation 3b.** Transport for NSW develop and publish a final Business Case for the Sydney regional cycling network

**Recommendation 3c.** NSW Government fund and work with local government to complete the regional bike network in Sydney, consistent with its targets.

**Recommendation 3d.** NSW Government accelerate the construction of cycleways on the state road network that it controls.

#### 4.3.2. Background / justification

Building a connected and comprehensive bike network is fundamental to enabling and encouraging safe electrified active transport options. Without a safe and connected network people will not be able to use e-bikes, e-scooter or related e-mobility devices in any real scale.

There is strong evidence showing safe connected cycling infrastructure is essential to making bike riding a viable transport option for much of the population. Our community consistently tell us that they would ride more frequently if there was a better network of safe separated cycleways.

In a recent survey of people in inner Sydney (10km from the city centre) 89 per cent of infrequent riders and 94 per cent of non-riders said they would be more likely to ride / ride more often if they had access to separated cycleways.<sup>5</sup> Research consistently highlights riding in the road with people driving is the leading barrier to riding.<sup>6</sup>

<sup>5</sup> City of Sydney (2021) Active Transport Survey 2021, available at <https://www.cityofsydney.nsw.gov.au/research-reports/active-transport-survey-2021>

<sup>6</sup> Lauren Pearson, Danielle Berkovic, Sandy Reeder, Belinda Gabbe & Ben Beck (2023) Adults' self-reported barriers and enablers to riding a bike for transport: a systematic review, *Transport Reviews*, 43:3, 356-384, DOI: 10.1080/01441647.2022.2113570

Providing a connected bike network is the most important thing we can do to encourage more people of all ages and abilities to ride safely, both in the city centre and surrounding areas.

Our bike network features separated cycleways, shared paths, bike lanes, quietways and light and slow traffic streets. These all contribute to create safe, comfortable and convenient journeys. Shared paths should be avoided however they are sometimes a necessary compromise to avoid leaving a network gap or forcing people to ride in busy traffic

The benchmark is a bike network that is safe enough for a 12-year-old to ride alone.

Furthermore, a network will take pressure off roads and public transport by providing a viable alternative to cars for making short trips. It will also take pressure off the existing network by giving people more route options and connecting more destinations where people will feel safe to ride.

A comprehensive bike network for the greater Sydney area is needed.

Despite our significant and ongoing investment in separated cycleways, there are major gaps in the City of Sydney network, and in connections to nearby areas such as Randwick, Inner West through Pyrmont and North across the Harbour Bridge. A safe and attractive network throughout the Sydney metropolitan region is needed. The City published its first bike plan in 2010. It has 11 regional routes that connect with the broader Sydney cycling network. The NSW Government has yet to publish a bike network for Sydney (as of June 2024) despite developing a Strategic Business Case for cycling in 2020. A final business case and a regional Sydney cycling network is needed showing the final bike network.

To build a safe connected cycle network, more investment is needed.

The NSW Government through Transport for NSW, offer funding for cycleways under a Council Grant program. Funding has been stagnant at between \$40 - \$60 million for the past decade apart from 2022 when funding was increased to \$118 million for one year. In 2024, Government funding returned to only \$60 million, that funded only 21 per cent of Council applications.

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## 4.4. Recommendation #4: NSW Government provide safer conditions for EMM users through lower vehicle speeds

Slower vehicle speeds make it easier, safer and more pleasant to cycle.

More low speed, low traffic roads around schools and in other areas of high cycling demand will expand the network of safe cycling routes.

Lower speed limits will help expand the reach and improve access to the bicycle network and provide safe roads for people to use e-mobility devices in areas where EMM has the highest potential for replacing car use for short trips (less than 5 km).

**Recommendation 4a.** In the City of Sydney LGA, Transport for NSW must implement 30 km/hr speed limits in the city centre, high streets and streets around childcare centres, schools and universities, and health establishments, and progress a maximum of 40 km/hr speed limits elsewhere, to expand the reach and improve access for the bicycle network and provide safe roads for people to use e-mobility devices. The City supports proposals for reduction of speed limits in neighbouring council areas.

### 4.4.1. Background / justification

The NSW Government, through Transport for NSW, is responsible for setting vehicle speeds on roads.

There is overwhelming international evidence that creating low-speed environments is a low-cost way to make it easier, safer and more pleasant to walk or ride.

Transport for NSW's Centre for Road Safety supports reducing speed generally, but the NSW Government lacks an action plan to complete the transition to lower speed environments in inner Sydney.

Implementing 30 km/hr zones in areas where there are high numbers of people cycling, such as in city centres and high streets, would combine with the minimum passing distance rule to improve safety for people cycling in the road, effectively expanding the network in a cost-effective way. Reducing vehicle speeds to 40 km/h within the area surrounding the 30km/h zones will also improve safety for all road users – especially people walking and using EMM.

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## 4.5. Recommendation #5: NSW Government design, manage and operate the road network to provide safer conditions for EMM users

To maximise the success of shared EMM systems, the operation of the street network needs to provide space and safe conditions for people using EMM, consistent with existing NSW Government policy that seeks to maximise priority for people walking, riding and using public transport.

### 4.5.1. Recommendations

**Recommendation 5.1.** NSW Government and agencies implement and follow their *Road User Space Allocation Policy*, noting that greater transparency and accountability is required to improve implementation.

**Recommendation 5.2.** NSW Government undertakes a comprehensive engagement process with all road authorities to revise and modernise the Roads Act 1993 so that it is consistent with best practice legislative processes (e.g. avoids duplication of roles, automatic sunset review, align objects with current strategic intent).

**Recommendation 5.3.** Transport for NSW continue to reform traffic delegations, in a transparent process with the agreed role of progressively handing over control of local streets to local government

### 4.5.2. Background / justification

Transport for NSW's Road User Space Allocation Policy (RUSA) outlines how road space should be prioritised to ensure that decisions are made in accordance with a modal hierarchy prioritising people walking, then people cycling.

A recent Ministerial review shows that RUSA is not being implemented and governance of road space on state roads and local streets was not fit for purpose.

The review included 13 finding and 11 recommendations. The City supports the review and its recommendations. Examples of application of RUSA for cycleways in the City of Sydney are provided in Figure 6.

Figure 5. Examples of Transport for NSW Road space allocation on City cycleways

Street	Road/Street Owner	Road space allocation	Consistency with RUSA?
Castlereagh Street (Sydney CBD)	City of Sydney and Transport for NSW	Road space on Castlereagh Street at intersection of Park Street allocated to allow left turning vehicles at the expense of people walking outside the Metro on Castlereagh Street.	Mostly
Bridge Road – through Glebe	Transport for NSW	Road space at intersections allocated for turning vehicles rather than the safety of bike riders.	Partially
King Street (through the CBD)	City of Sydney and Transport for NSW	Road space allocated for a separated cycleway while maintain existing capacity for vehicles – consequence – footpath removed outside the Grace Hotel.	Not

## 4.6. Recommendation #6: NSW Government manage traffic signals to provide safer conditions for EMM users

The operation of traffic signals should prioritise people using EMM.

### 4.6.1. Recommendations

**Recommendation 6a.** Transport for NSW operate (and upgrade) the Sydney Coordinate Adaptive Traffic system (SCATS) to prioritise people walking and using micro-mobility devices at signals.

### 4.6.2. Background / justification

The biggest safety risk and impact to trip connectivity to people using EMM occurs at road intersections.

The NSW Government, through Transport for NSW, controls signalised intersections. Across our road network, most signals prioritise vehicle movement, often to the detriment of safety and convenience for people walking or riding. For example, in Pyrmont riders using the separated cycleway on Union Street can wait up to 70 per cent of their journey time at signals when there are no vehicles turning or driving along the street.

The NSW Government does not publish wait times for all users at individual signals. Observation suggests some signalised intersections in our area have wait times well in excess of 90 seconds. This is compared to other national and international precedents which have maximum wait time of 30-45 seconds.

Changes to phasing of signalised intersections has the potential to be a rapid and low cost way of improving outcomes for people walking and riding, including while using EMM. Unfortunately, Transport for NSW is often unable to modify traffic signal operations, regularly citing a lack of resources for this task. This results in negative outcomes for people riding.

## Third tranche of recommendations: Referring to compliance and behaviour affecting EMM

### 4.7. Recommendation #7: NSW Government provide safer conditions for EMM users through improved vehicle driver behaviour and compliance

People driving motor vehicles kill and injure people walking and riding. We support Vision Zero for fatalities, and the current crashes are unacceptable. While the road is “there to share”, when vehicles collide with EMM users the impacts are very unevenly balanced.

To achieve Vision Zero, people must drive cautiously and courteously. They need to be aware of their responsibilities around people riding and give ample space when passing people riding e-mobility devices.

Enforcement is the most appropriate way to target high risk driver behaviours such as speeding, red light running and unsafe passing.

The NSW Road Rules are a key mechanism to create improved options for riders to ride safely and provide better protection from vehicle drivers.

#### 4.7.1. Recommendations

**Recommendation 7.1.** NSW Government improve compliance with road rules by people driving as they are disproportionately responsible for injuring and killing people walking and cycling.

**Recommendation 7.2.** Transport for NSW investigate amending the minimum passing distance road rule to 1.5m on all roads, renew driver education on the rule and support increased NSW police enforcement of the rule to encourage and then keep safe people riding.

**Recommendation 7.3:** Transport for NSW increase the number of red light speed cameras, to increase safety at intersections.

**Recommendation 7.4:** Transport for NSW undertake comprehensive review of all road rules relating to EMM user safety.

#### 4.7.2. Background / justification

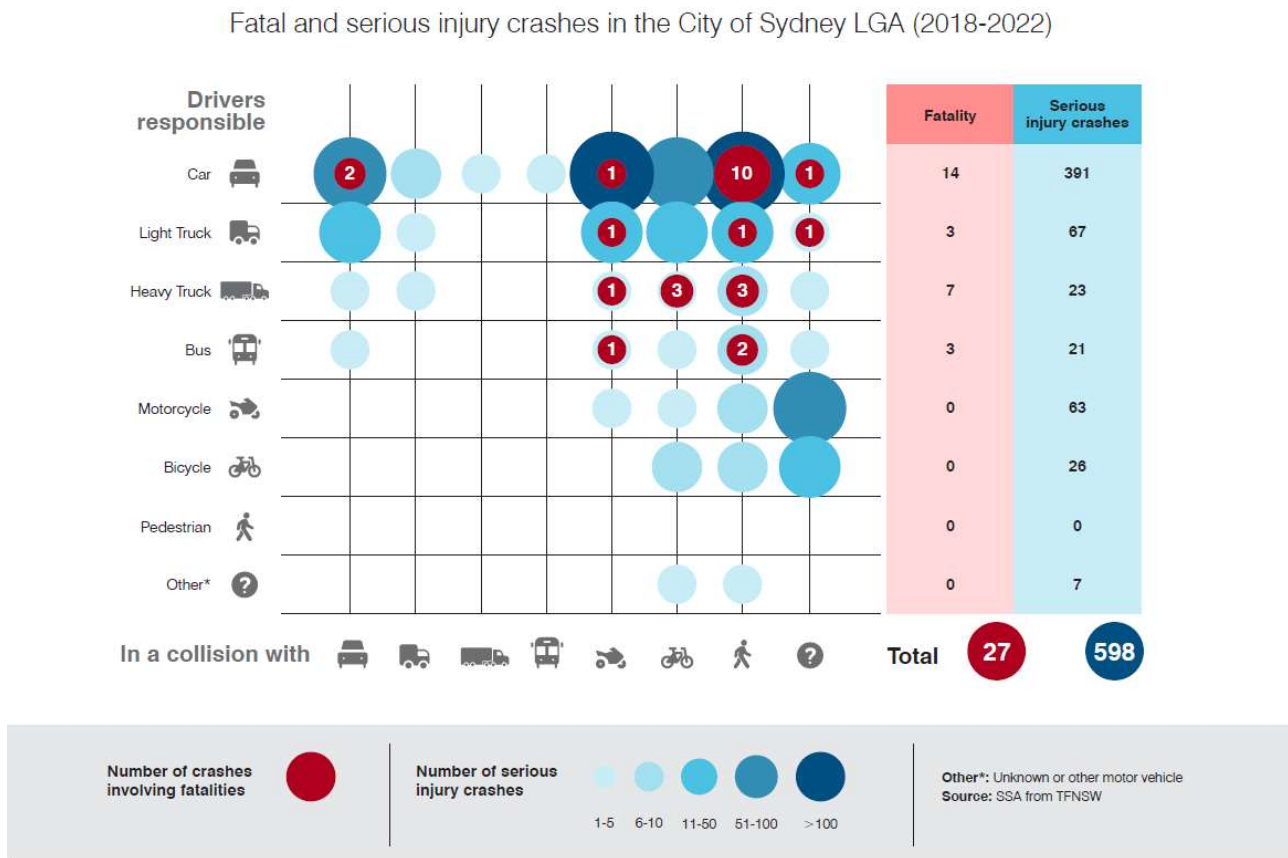
Road rules are the primary instrument for regulating the riding of e-mobility and controlling the interactions between all road users. Ensuring compliance with road rules is a key element of the “Safer People” road safety pillar.

Vehicle drivers are responsible for the large majority of serious injuries and deaths of people using micromobility.

People riding bikes are massively overrepresented in road trauma statistics with 53 people killed and 3,572 injured in NSW between 2018 and 2022. These figures have not changed significantly over the past 5 years.

Figure 7 **Error! Reference source not found.** shows perpetrators and victims of road violence in the City of Sydney between 2018 and 2022.

Figure 6. Crashes in the City of Sydney area Jan 2018 – Dec 2022.



There are some rules that drivers may not be aware of that make it easier and safer for people to use e-mobility devices.

For example, the Minimum Passing Distance rule in NSW requires a person driving to give a rider they are passing at least one (1) metre of space. For posted speed limits over 60 km/h the minimum passing distance increases to one and a half (1.5) metres. We believe this distinction is arbitrary, and poor design given 60km/h speed limits are above the urban default speed limit. We are not aware of any safety risks from increasing the minimum passing distance, as from observation (a) more drivers are waiting to pass rather than “squeeze” riders’ and (b) because they have chosen to pass at safe locations, they often already provide more than the minimum when it is one metre. The rule is structured to provide exemptions to other rules to allow drivers to provide the minimum passing distance in more situations, when safe to do so – it made legal the safe passing behaviours many drivers were already performing, or were willing to perform.

Standardising the minimum passing distance at one and a half (1.5) metres makes the rule easier to understand, comply with and enforce. The proposed change should result in updated education around the safety benefits of the rule, with particular emphasis on the exemptions provided to enable safe passing across the network. This could form part of a renewed campaign to encourage safer and more courteous behaviour from drivers towards people riding, and walking.

Deterrent theory holds that compliance with road rules relates to the three factors – the likelihood of being caught, the severity of the penalty, and the swiftness of the penalty. We support more general enforcement of driver behaviour.

Red light speed cameras increase safety at intersections. Of the 233 NSW intersections with these devices, only 20 are in the City of Sydney, and only one (1) is in the city centre.

We understand the general approach outlined in the NSW Automated Enforcement Strategy for Road Safety. Because we understand that safety risk involves exposure to risk, as well as evidence of actual crashes, we strongly support the current criteria for selecting locations including as a standalone element (p.16):

*“High movement and place – locations that have a high level of movement as well as a high place value using the NSW Government’s Movement and Place Framework, to help improve the safety of these busy areas, particularly for vulnerable road users. The Movement and Place Framework recognises that streets are not just for moving people and goods – they are also places for people to live, work and spend time.”*

To encourage the growth of EMM, and walking, the NSW Government should investigate the high movement and place areas immediately, and introduce more red light speed cameras where appropriate. We would be willing to support the implementation of this action. The action would complement the existing arrangement where anybody can nominate a location for a camera. (Government leadership on this approach avoids technical staff responding to an increasing number of community sourced suggestions).

The NSW Road Rules are due for review with the current regulation dating to 2014. There has already been significant work at the national level to identify amendments that would

- (a) increase the requirements for vehicle drivers to keep riders safe in different road environments, especially at intersections – such as the give way Rules 72-81, and Rule 111; and
- (b) provide greater ability for riders to ride along roads in ways that increase their safety without creating safety risk for any other road user – such as Rules 33 and 129.

The NSW Government should do a “deep dive” into the Road Rules to ensure they create safe conditions to support growth in people walking and riding.

We would be willing to assist Transport for NSW with a comprehensive review of all road Rules that relate to riding and walking.

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## 4.8. Recommendation #8: NSW Government provide safer conditions through improved EMM user behaviour and compliance

To restore community support for EMM, footpath riding must only be the preserve of people legally allowed to ride on footpaths and EMM devices should comply with government regulations.

### 4.8.1. Recommendations

**Recommendation 8.1.** NSW Government improves compliance with the relevant road rules relating to riding on footpaths.

**Recommendation 8.2.** NSW Government enforce that e-bikes and e-scooters comply with the relevant safety standards, including that e-bikes are not illegally modified to allow the motor assistance to exceed 25km/h.

#### **4.8.2. Background / justification**

Riding on the footpath brings unacceptable impacts to safety and amenity in locations with high levels of walking activity. In main street and city / village centres, delivery riders serving restaurants often exacerbate this issue. People often choose to ride on footpaths to avoid the dangerous conditions on the adjacent road (where there is no separated cycleway).

The NSW Government must improve compliance of road rules relating to riding on the footpath to ensure that the safety risks posed by motor vehicles on people riding are not transferred to safety risks posed by people riding on people walking.

Only NSW Police can act against riders on the footpath and unsafe riding. The City does not have the power to make or enforce road rules governing people riding on footpaths. The NSW Government must enforce that e-bikes, e-scooters and related e-mobility devices are compliant with relevant safety standards.

E-scooters are currently illegal in NSW. The NSW Government is in partnership with several local governments and organisations in trialling the use of e-scooters.



