

Submission
No 138

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

Name: Name suppressed

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Partially
Confidential

eBikes and eScooters

Submission on Issues relating to Share-Bike schemes, eBikes and eScooters

I am calling on the government to ban e-bikes and eScooters until legislation can be introduced to protect public safety and introduce licensing, registration and third party insurance.

It is the responsibility of government at all levels to minimise risks to the community they represent, allowing Australians to go about their daily lives in safety.

It was recognised a century ago that legislation was required to protect the public from the misuse of powered vehicles (including vehicles using manual propulsion). So it is disappointing that now, in the 21st century, the government is, every day, turning a blind eye to hundreds of breaches of the laws currently in place. Some of which are leading to serious injury and death.

Examples of laws going unenforced are:

245–1 NSW rule: riding a bicycle negligently, furiously or recklessly

248 No riding across a road on a crossing

249 Riding on a separated footpath

250 Riding on a footpath or shared path

256 Bicycle helmets

262–4 NSW rule: Riding on footpaths prohibited (electric scooters)

There are plenty of other issues not being addressed, such as users riding eScooters two-up.

Near-miss accidents are constantly happening.

Laws are put in place for a reason and ignoring them creates an expectation that they can be broken with impunity.

Recently the Lord Mayor of Sydney issued a letter to residents with regard to share bikes, eBikes and eScooters breaking the law with impunity. Having had a family member run down and seriously injured whilst walking on the footpath I am concerned that the Mayor did not take the opportunity to highlight some of the laws being broken hundreds of times every day in Sydney and call on offenders to comply with the regulations already in place. Negating the opportunity to plead ignorance of the law.

Sydney City Council has washed their hands of responsibility and places the blame for a huge increase in issues related to share bikes, eBikes and eScooters on the state government. Some residents believe there is more the Council can do so it is hoped that some outcomes will present themselves. Council's assertion that they are talking to offenders and that in 10 years there will be more cycleways is not enough to reassure residents who have to daily tango around delivery riders, share bikes and dumped bikes.

The issues I raise below are mainly targeted at share-bike schemes, and eBikes and eScooters but apply equally to traditional bikes, scooters and skate boards.

I am responding to the alarming risks posed by share-bikes, eBikes and eScooters, the lack of legislation and safety measures to mitigate these risks; more importantly given the rising number of accidents, the failure to enforce existing laws.

I have a large portfolio of photos I can provide to illustrate the issues raised. These were taken on just a couple of short walks in the Chippendale, Broadway and Railway Square areas.

Issues affecting Chippendale

I live in Chippendale, one of Sydney's smallest and highest density suburbs. It is also a suburb badly affected by poor share-bike, eBike and eScooter behaviour. The issues I have raised here are based on direct experience in my suburb.

The actual issues vary from day to day but those below are typical, can be verified with photographic evidence and certainly are not isolated:

- Chippendale is an area with precious little open space, so the Mayor's suggestion that we give some of what little we have to commercial operators for parking is particularly galling.
- Near miss accidents are a fact of life in Chippendale every day.
- Many homes in Chippendale open directly onto the footpath. Vehicles on footpaths often give little or no warning of their approach.
- Some footpaths are narrow, blocking them with rental bikes forces pedestrians onto the road.
- There is a significant percentage of older residents, less able to avoid vehicles being ridden dangerously and susceptible to more serious injuries if hit.
- Rental bikes are left blocking access to bus queues,
- Rental bikes are left on the edge of Parramatta Road / Broadway near the bus stops (some have been knocked off and run over).
- Rental bikes are left across the entrance to the pedestrian subway at Railway Square
- Rental bikes are left in verge plantings
- There are always unnecessarily large numbers of bikes left in our streets
- I have attached a photo of three bikes left on the traffic island near City Road.
- Food delivery riders sometimes totally block the footpath at Railway Square
- We have a growing number of young Children in the Inner Suburbs and they are not as traffic-wise as adults. They are prone to running out without looking properly.
- There have already been accidents, who will be liable when the inevitable major accident occurs?
- Chippendale is a recognised thoroughfare for cyclists, including share bike riders and many seem to feel they own the roads with behaviour such as riding on the wrong side of the road (unexpected by crossing pedestrians) and speed past doorways that open directly on to the footpath.

Concerns

If a pedestrian was run down on the footpath by a petrol powered motorbike or motor scooter, and it was then revealed the rider was unlicensed, unregistered and uninsured there would be a public outcry.

Bikes, eBikes and eScooters are capable of causing serious injury and death. This has unfortunately been proven.

They must have some measure of the regulation found necessary for other powered vehicles.

Why is there no limit on the number of rental eBikes left littering Chippendale?

eBikes are not toys, they are every bit as dangerous as mopeds and small motorbikes, so why has the government doubled the allowed power for these unlicensed and unregistered vehicles?

Again share-bikes and eBikes are not toys so why is there no age restriction, if there is a restriction why is it not publicised?

Why is there no mandatory third party insurance for powered vehicles that can cause serious injury or death? Why is there no formal qualification to show that users understand the handling of powered vehicles?

Given the high accident rates recorded it is impossible to understand what influenced the government to double the permitted power of eBikes and eScooters from 250 watts to 500 watts for unregistered, unlicensed and uninsured vehicles?

Glaring issues:

Legislation

Legislation is still playing catch up with eVehicles and there are some glaring issues. For example, the last time I checked there was no minimum age for users of eBikes (there is for eScooters). So even young children can legally ride powerful electric bikes without any knowledge of road rules or the skills required to handle fast moving powerful vehicles. Worse they are free to ride them legally on footpaths.

Licensing

- There's is a requirement for licensing users of eBikes and eScooters. eBikes and eScooters can be fast moving vehicles of substantial mass. They have proven to be lethal.
 - Users must be able to demonstrate an understanding of the law and that they meet minimum requirements.
 - Many riders in industries such as food delivery freely admit (or at least claim) that they not know they are breaking the law by riding on the footpath.
 - All road users must be able to demonstrate an understanding of the road rules.
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Registration

- There is a requirement for registering eBikes and eScooters. Vehicles need to show they are legal, and identifiable when they break the law or cause injury.
 - There are far too many illegal eBikes and eScooters, it is my understanding that it is a simple matter with some eVehicles to increase their speed capability. I have been passed by an eBike on Broadway whilst doing around 40 kilometres an hour, this is an illegal speed.
 - There has been a long standing "blind eye" to bike riders running red lights, bumping pedestrian then riding off and other breaches because the perpetrators cannot be identified.
 - A registration number on vehicles would allow photographic evidence to be provided of offences. Public safety cameras could identify offenders.
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Third Party Insurance

- There is a definite requirement for compulsory third party insurance for eBikes and eScooters. It would make sense for this to be extended all share bike schemes.
- Where studies have been conducted interstate they have identified literally thousands of emergency department admissions. With many more going unrecorded. This is currently a cost being born by the health system.
- For example studies by the RACQ and the Royal Brisbane and Women's Hospital Foundation found over 3,300 emergency admissions in under two years, plus some deaths. This figure has been growing every year since records started to be kept. This did not come near to including all incidents or admissions at non participating hospitals and private practices. Similar trends have been recorded in Western Australia and Victoria. A large percentage were eScooter incidents but included eBikes and figures indicate the general need for education and third party insurance for eBikes and eScooters.

Children and e-bikes

No age restriction currently exists surrounding the use of personal e-bikes on NSW roads. However, children must be at least 14 years old and have permission from their guardians to hire a ride share e-bike, such as Lime.

Children also do not need a licence to ride an e-bike, nor are required to have their e-bike registered. This is absurd, it means children of any age, with no training license or insurance can ride powered vehicles anywhere they want.

Notes:

- Commercial operators should not be prioritised over the safety and amenity of pedestrians and residents.
- There is absolutely no justification for saying food delivery riders have a special case to endanger public safety.
- People have been seriously injured by eBikes and eScooters
- People have been killed in incidents involving eVehicles
- In states where studies have been made they have shown high and growing rates of admissions to hospital emergency departments due to eVehicle incidents.
- In all states health professionals have expressed concerns about the high rates of incidents involving eVehicles and the lack of regulation around them.
- The cost to the health system is being passed on to taxpayers.
- Existing laws are being flaunted and broken with impunity.
- In some areas footpaths are regularly used illegally by fast moving eBikes and eScooters as well as traditional bike, scooters and skateboards
- The police are turning a blind eye to the breaking of existing laws
- New legislation is required to regulate eBikes and eScooters and to protect the wider community (extra legislation is required for eBikes beyond that for traditional bikes)
- Some footpaths that have been deemed mixed use (pedestrian and bicycle) should not be available to eBikes and eScooters. These include very narrow paths (for example parts of the foot way along the Cooks River) and areas of limited visibility.
- No residential footpath should be designated for mixed use.
- The current legislation needs to be expanded to differentiate between eBikes and unpowered bikes, for example whilst there is an age restriction (16 years) for riding eScooters there is no age restriction riding eBikes.
- The allowed power limit for eBikes and eScooters needs to be reduced to 250 watts. This was the previous limit and should not have been increased for unlicensed vehicles. The power increase has effectively created a class of unregistered, uninsured motor vehicle which can be operated by users without the skills to do so, including young children.
- There's is a requirement for licensing eBikes and eScooters. eBikes and eScooters can be fast moving vehicles of substantial mass. They have proven to be lethal. There are existing rules that need to be observed and additional restrictions that need to be implemented for the safety of users and the wider community. Many riders in industries such as food delivery freely admit that they not know the road rules, they merely follow the example of others. For example most are not aware that, as a general rule riding of=n the footpath is illegal.
- There is a requirement for registering eBikes and eScooters. There has been a long standing "blind eye" to bike riders running red lights, bumping pedestrian then riding off and other breaches because the perpetrators can not be identified. This cannot be allowed for powered vehicles capable of serious injury and where compensation may be required. Registration would also show that the vehicle meets legal requirements, currently many do not,
- There is a requirement for compulsory third party insurance for eBikes and eScooters. I am personally aware of a case in Brisbane where a pedestrian was run down on the footpath in

Adelaide street and left unconscious with multiple fractures. There have been more serious injuries, including fatalities.

- Third party insurance is key to protecting our health system and public finances from the inevitable costs due to eBike and eScooter accidents. Studies by the RACQ and the Royal Brisbane and Women's Hospital Foundation found over 3,300 emergency admissions in under two years, plus some deaths due to eVehicle incidents. This figure has been growing every year since records started to be kept. This did not come near to including all incidents or admissions at non participating hospitals and private practices. Similar trends have been recorded in Western Australia and Victoria. A large percentage were eScooter incidents but included eBikes and figures indicate the general need for education and third party insurance for eBikes and eScooters.
- Much heavier penalties should apply to injuries caused by improper use of eVehicles.
- Registration and licensing is essential but fees do not need to be excessive.
- There is currently no regulation of the eBike industry in Sydney, anyone can set up a business and there are more bikes littering the streets in some areas than they have capacity for.
- Bikes are left obstructing queues at bus stops
- Bikes are left blocking footpaths
- In some places eBikes of delivery riders completely block footpaths, eg at Railway Square
- At Broadway bikes have not only been left blocking access to buses but have fallen off the footpath and been run over, creating a significant traffic hazard.
- Proposals to create "hubs" where eBikes could be left are impractical in suburbs like Chippendale where we have precious little public space and none that could be deemed "spare".

The Cost of Doing Nothing

Cost to the Health System

The Health system is already under stress and short of funding studies show the eVehicles are adding significant strain to the system.

The insurance industry has also expressed concern about the cost to workers compensation.

Then there is the human toll.

Rental eScooters

- Thankfully Sydney does not have rental eScooters, I would call on the government to implement a permanent ban on rental eScooters until they can be isolated from traffic and pedestrians and until there is mandatory third party insurance for them.
- Interstate studies have provided alarming statistics with regard to eScooters. A study by the Royal Brisbane and Women's Hospital and the RACQ identified thousands of emergency department admissions. This study only included a small number of emergency departments and no private practices. Victoria has extended its trial of eScooters despite more than 400 hospital admissions and two deaths, it is now facing a backlash from health professionals and the public in general.
- Accidents have already led to the government having to pay medical expenses for victims.

RACQ

RACQ research shows electric scooter crashes are becoming more common and more severe, with presentations to emergency departments across the State increasing every month.

Jointly funded research between RACQ and the Royal Brisbane and Women's Hospital Foundation, conducted by the Jamieson Trauma Institute, showed thousands of admissions over a limited number of hospitals in Queensland and unfortunately some deaths. Studies in Victoria have also shown alarming figures.

Medical experts in a number of jurisdictions have expressed concerns.

Melbourne has been the most recent city in the world to ban hire eScooters despite looking for every opportunity to keep schemes running.

In Queensland RBWH Emergency Senior Staff Specialist, Emergency and Trauma Physician, Frances Williamson, said e-scooter presentations were predicted to overtake presentations from pushbikes by the end of the year.

“In the last six months, 20% of e-scooter crash patients required hospitalisation or operative care for head and facial trauma and 69% needed orthopaedic intervention,” Dr Williamson said.