

**Submission
No 157**

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

Organisation: North Cronulla Precinct Committee

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NORTH CRONULLA PRECINCT COMMITTEE

To the NSW Parliament Inquiry re E-bikes.

I thoroughly agree with the views expressed by Simon Kennedy, Fed member for Cook and the great advances made by Sutherland Shire Council, as recently published recently in the Sutherland Shire Leader.

Coming at it from a different way, I searched the world to see what other countries were doing about the problems presented by the massive growth of e-bikes. Initially, I was alerted by Olympian and local resident Michelle Ford, who also lives in Switzerland. She advised all was sorted and worked well there. I also looked at European Union, and Japan..

The rules for Switzerland were comprehensive, along with the statistics they had compiled, which are very relevant for Australia.

A SWISS RULES FOR EBIKES/ELECTRIC BICYCLES.

Two categories of ebikes

Cyclists on ebikes must stay in bike paths and bike lanes. There are two categories of ebikes:

- slow ebikes (pedal assistance up to 25 km/h)
- fast ebikes (pedal assistance up to 45 km/h)

Fast e-bikes are considered to be motorised bicycles (mopeds). Two-wheelers with a motor power of more than 1000 watts or a maximum speed of more than 45 km/h belong to the <motorcycle> category.

Minimum age and driving licence

- Young people are allowed to ride e-bikes from the age of 14. To do so, they need a category M driving licence (for motorcycles).
- From the age of 16, a driving licence is no longer required for slow e-bikes.
- For fast e-bikes, everyone needs a driving licence - including adults (at least category M).

Ebike equipment

To hit the road with your ebike, you need:

- pumped up tyres (the base fabric must not be visible);
- two powerful brakes - one for the front and the other for the rear wheel;
- two bicycle lamps with stationary lighting – white front light and red rear light;
- a rear-facing red reflector;
- a bell.

For faster ebikes you will also need:

- a rear view mirror;
- a yellow licence plate (and a vehicle registration document).

Slow ebikes with pedal assistance up to 25 km/h

- Slow ebikes do not need a licence plate. (Liability in the event of an accident is often included in personal liability insurance - check with your insurance company).
- You do not have to wear a helmet, but it is recommended.

- You may ride on paths where bicycles are permitted but mopeds are prohibited.
- You may also ride across pedestrian areas marked <bicycles permitted>.

Fast ebikes with pedal assistance up to 45 km/h

- Fast ebikes need a licence plate and an ebike vignette, (identification with a photo and other details) which you must renew annually. You can obtain these directly from your specialist bicycle store. Otherwise you can contact the road traffic office in your canton.
- You must wear a helmet.
- On cycle paths where mopeds are forbidden, you may only cycle with the engine turned off.
- You may only cross pedestrian areas that are marked with <bicycles permitted> with the motor turned off.

Bicycle equipment

To hit the road with your bike, you need:

- pumped up tyres;
- two powerful brakes - one for the front and the other for the rear wheel;
- two bicycle lamps with stationary lighting – white front light and red rear light;
- Two reflectors - front white and rear red.

The bicycle bell is no longer obligatory, but recommended.

Most important rules for cycling

- Bicycles and mopeds are allowed to turn right on red at traffic lights if there is a sign with a yellow bicycle and an arrow. Vehicles coming through a green light and pedestrians have right of way.
- Children younger than 6 years of age are allowed to ride a bicycle on main roads, but only under the supervision of a person at least 16 years old.
- Children up to 12 years of age may cycle on the pavement/sidewalk - **but only if there is no bike lane or bike path. Pedestrians have the right of way.**
- Neither adults nor children are required to wear a helmet, but it is recommended.

Bicycle Insurance

Most insurers have automatically included liability for bicycle accidents in their personal liability insurance. If you do not have liability insurance, you are not insured against for any injury or damage you cause to others in a bicycle accident. Insurance claims like these can be very expensive.

Road & traffic - STATISTICS

Bicycles and e-bikes are becoming increasingly popular. But cyclists and e-bikers have no crumple zone

In contrast to cars and motorcycles, there has been **no decline in serious bicycle accidents** in recent years.

Almost 25 people continue to die every year and around 840 are seriously injured. In addition, there are more and more e-bike accidents. In 2022, **583 people had serious or fatal accidents with e-bikes.**

Older people are particularly at risk because they are particularly vulnerable. For example, people aged 65 and older have a **2.6 times higher risk of dying in a bicycle accident** than those aged 45 to 64. Compared to people under 45, **the risk is 6.4 times greater.**

Danger of being overlooked

Serious accidents while cycling are **43% collisions**. Over **half of collisions** occur at intersections and roundabouts. In only around a third of cases, the main cause of a bicycle accident in collisions is the cyclist himself. In most cases, the other party involved in the collision is responsible - usually drivers.

E-bikes are also easily overlooked on the street. There is also a risk of confusion: bicycles and e-bikes are difficult to distinguish at first glance. This is why other road users often underestimate the speed of e-bikes.

Riding bicycles and e-bikes safely – all road users are required

To reduce the risk of a bicycle or e-bike accident, every cyclist can start with themselves. Good equipment and the right driving behaviour are crucial. But other road users are also challenged - especially those who travel by car.

Of course, the cyclists themselves are also challenged. An important point concerns visibility - so that you are not overlooked.

- Wear bright or brightly colored clothing, ideally a fluorescent vest. Wear additional reflective material at night.
- Hand signals are better recognized at night with reflective elements on the sleeve.
- Switch on the lights at dusk and also in rain and fog - ideally during the day.
- Spoke reflectors or laterally reflective tyres make it visible from the side.
- Check the light and adjust it to avoid glare.

Some important points for specific situations

- Turn: “Look back” and don’t forget to signal your hands.
- Pay attention to right of way: In an emergency, give up your own right of way to prevent an accident.
- In the roundabout: Bicycles are allowed to ride in the middle of the road.
- Driving past: Anyone driving past to the right of a stationary line of vehicles should always remain in the vehicles' field of vision. If it is expected that vehicles will turn right, it is better not to drive past the column.
- Beware of blind spots! At intersections or traffic lights, always wait behind trucks that are stationary, never next to them.
- Overtaking and avoiding: only after looking back and with hand signals.
- Driving one behind the other: Don't get too close.
- Braking: Prevent emergency braking as much as possible by driving with foresight.
- **New from 2021:** Cyclists are allowed to turn right on a red light – provided that the additional sign “Right turns permitted for cyclists” is present at the traffic light. But be careful: bicycles still have to give way to other road users - e.g. B. vehicles coming from the left or pedestrians crossing.

2 ELECTRIC TREND VEHICLES

E-trend vehicles can be divided as follows:

A E-scooter

If e-scooters have, among other things, a frame, handlebars, forks and wheels that are sufficiently strong, they are considered to be in accordance with Art. 18 let. b VTS as **light motorbikes**.

These are vehicles with a maximum engine power of 0.5 kW, a so-called design-related maximum speed of up to 20 km/h that can be achieved without human muscle power - i.e. with pure engine power - and any pedal assistance that works up to a maximum of 25 km/h.

- Minimum age: 14 years
- Driving license: 14–16 years: Cat. M; from 16 years: none
- Helmet: Not required but recommended

- Type approval*: Not required
- License plate: Not required

Electric standing scooter (also Monowheel, Smart Wheel, etc.)

Electric standing scooters are described in [Art. 18 let. d VTS](#) listed. They are defined as single-seat, self-balancing vehicles with an electric drive and a total engine power of no more than 2.00 kW. The engine power is used to a large extent to maintain the balance of the vehicle.

They achieve a maximum design speed of 20 km/h. Among other things, you must have a type approval and be provided with a moped license plate and vehicle ID card.

- Minimum age: 14 years
- Driving license: 14–16 years: Cat. M; from 16 years: none
- Helmet: Not mandatory but recommended
- Type approval*: Required
- License Plate: Required

Monowheels and Smart Wheels are also self-balancing devices and could therefore be considered electric standing scooters. Because they do not currently have a type approval and/or do not comply with the technical requirements, **they have not yet been approved.**

E-skateboard

E-skateboards are not powered exclusively by physical strength. They have no handlebars, are not self-balancing and cannot be described as motorized bicycles due to current legal requirements (regarding technology, performance, features, etc.).

They are therefore neither considered FäG (see article in the legal guide [“Where can I ride my scooter \(inline skates, skateboards, children's bikes ...\) and which traffic rules apply?”](#)) nor as motorized bicycles.

Where can I drive what now?

E-monowheels, smart wheels and e-skateboards may not be used on public traffic areas due to the lack of type approval and/or non-compliance with the technical requirements.

E-scooters are treated the same as bicycles with regard to traffic regulations ([Art. 42 Para. 4 VRV](#)). You are allowed to drive on public traffic areas. Anyone traveling with such a device must use the cycle paths or cycle lanes, if available ([Art. 46 para. 1 SVG](#)). Drivers may only use traffic areas **designated for pedestrians** if there is an additional “Cyclists” sign ([Art. 64 Para. 6 SSV](#)).

What is a public transport area?

Traffic areas are public if they are open to an undetermined group of users. Examples (list not exhaustive): sidewalks, pedestrian zones, cycle paths or streets. The parking lot of a shopping centre is also considered public. Further information regarding the distinction between public traffic areas and private roads is available.

E-bikes and e-scooters also have to have lights on during the day

So all e-bike riders in Switzerland must ride **with lights on during the day** - regardless of whether they are riding a slow (up to 25 km/h) or fast (up to 45 km/h) e-bike. The lights must be firmly attached to the bike. The obligation applies to all public transport areas.

The regulation also applies to electrically powered small vehicles such as e-scooters. The [Federal Roads Office \(FEDRO\)](#) provides further information on this .

Speedometers to be fitted to fast e-bikes. After April 1, 2024, fast e-bikes may only be **put into circulation with a speedometer**. Fast e-bikes that are already in use **must be retrofitted** with a speedometer by April

1, 2027. Anyone who then drives without a speedometer can be fined 20 francs. This is to ensure that the maximum speeds, particularly in 20 km/h and 30 km/h zones, are adhered to. Anyone who exceeds the maximum permitted speed can be fined 30 francs.

CONCLUSION OF SWISS RULES AND INFORMATION - Lessons to be learned for all countries grappling with a very complicated situation.

B JAPAN 2023 CHANGES TO RULES.

[According to the road traffic law](https://www.japantimes.co.jp/news/2023/01/24/national/laws-involving-electric-bikes-japan/#:~:text=According%20to%20the%20road%20traffic,turn%20signals%20and%20a%20registration.), electric bicycles should not be able to provide motor assistance to go beyond 24 kilometers per hour for safety reasons. If it does, the bicycle should be classified as a motorbike, which requires drivers to have a license, license plate, brake lights, turn signals and a registration".
<https://www.japantimes.co.jp/news/2023/01/24/national/laws-involving-electric-bikes-japan/#:~:text=According%20to%20the%20road%20traffic,turn%20signals%20and%20a%20registration.>

C EUROPEAN UNION – Motor output **maximum 250W and motor cuts off after 25km/h** and rider relies on pedalling. E-bikes **exempt from licensing must weigh no more than 30kg. Riders must be at least 14 years old.**

D OTHER CONSIDERATIONS FOR AUSTRALIA TO CONSIDER

The community have been reporting many incidents to the North Cronulla Precinct Committee. A lady who takes her blind husband for a walk at dusk to reduce glare into his eyes, was terrorised by 2 bikes trying to see who could ride closest to her. She had to hold on to her husband on her other side. A Kurnell woman was hit from behind by an illegal E-skateboard and catapulted head first to the pavement, breaking her arm and injuring her shoulder and hand. A 3 year old with his mother on a shared path was hit by a fast moving e bike, dragged along and incurred a broken leg. These cases could have easily ended with a much worse outcome. Other walkers have reported close calls.

Pedestrians should have right of way on pedestrian paths. Pedestrian paths need to be protected and clearly marked. Signs should be clearly marked on the path itself so a bike about to enter can see its pedestrians only. Only bikes allowed should be for very young children learning to ride non electric bikes, under the supervision of a carer.

Councils need to fast track infrastructure for E bikes. Bike paths need to be constructed for (slow) legal e-bikes. Fast e-bikes need to be licensed and ride on roadways like a motor bike.

Infrastructure needs to be upgraded for parking of bikes at stations and key destinations.

IN CLOSING the community greatly values the efforts of all levels of Govt to solve the problems causing much concern for the safety of pedestrians, particularly our elderly pedestrians, who have much to fear from unregulated and illegal use of this equipment on, what was, our safe footpaths.

Marilyn Urch, President

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