

**Submission
No 172**

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

Organisation: Illawarra Ramblers Inc

Date Received: 16 August 2024

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

(Final) SUBMISSION – FROM THE ILLAWARRA RAMBLERS INC.

About us

The Illawarra Ramblers Inc. ('Ramblers') is an outdoor association interested in walking, cycling and paddling. We were incorporated in 2015 and have been organising cycling events for over 20 years. Our members were early adopters of e-bikes, and more recently have come to ride a variety of sophisticated commercial models.

We have approximately 250 members and offer activities 6 -7 days a week. Our membership is evenly gender based with an average age in the 60s. With cycling there are usually three activities per week. Attendance can range up to 25. We also conduct trips away (three this year), each for a week or more, two of them interstate, again with more than 20 riders. The participation of e-bikes in our cycling activities is around 80% or more, hence our interest in this inquiry. We are an affiliate of Bicycle NSW and, while far from having the most e-bikes of their 35 affiliates, we are among the highest proportion riding e-bikes (**not** mountain e-bikes) on a regular basis.

The bikes we ride are 'street legal' under NSW law, i.e., 'pedelecs' with a maximum motor power of 250 watts*, speed governed to 25 km/h. and only a 6 km/h throttle for walk-mode. The club's cycling activities are insured for third party damage and personal accident through the peak bodies Bicycle NSW and Bushwalking Australia. We also require our e-bike riders to hold membership of (and thus personal insurance through) Bicycle NSW.

Our club rides average 35 kilometres and are almost entirely on shared paths and quiet back streets. To reach a ride event our members either ride along local streets, come by car, or by train to the nearest station. Many of our members do additional riding, be it for journeying to volunteer workplaces, or basic reasons like enjoying visiting family or friends or simply for fresh air. For as long as we enjoy good health our activities add to the economy locally, and on our trips away.

Below we respond to the inquiry terms of reference where we feel qualified to voice an opinion.

Roles of different tiers of government

All levels of government hold responsibility for promoting e-mobility. We see the Commonwealth primarily funding increased infrastructure to encourage e-mobility with stated plans to reduce carbon emissions via increased use of e-mobility devices. The Commonwealth should regulate the import of such devices to comply with laws nationally. The NSW government is responsible for laws and rules on public roads and related spaces, vehicle licensing, public transport, and infrastructure projects and grants. Local Government, though hamstrung financially, should be further encouraged to direct funding, and seek further funds for cycling infrastructure, especially near schools, libraries and sporting fields and other community assets.

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

Community benefits of e-bikes

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

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Below we identify several important ways to realise the increased community benefits and safety of e-bike use, specifically:

- More bike-specific infrastructure (bike only paths and bike lanes) be built in preference to shared-use paths (Commonwealth/NSW/Local). With greater uptake of e-bikes, the capacity of bike paths and in particular shared-use paths is being overstretched to breaking point, particularly since Covid, at holidays and on weekends. Neither pedestrians nor cyclists feel safe on busy shared paths. European countries have opted for segregating pedestrians and cyclists wherever feasible ([Shared paths, the issues.pdf \(victoriawalks.org.au\)](#)).
- Better tourism promotion of cycling and e-mobility destinations. (NSW/Local) By being active, our members, and cyclists in general, actively support local community businesses/retailers adding diversity to the business mix. On trips away we noticeably support other communities’ economies. Our accommodation needs at a destination often exceed 100 bed nights. With add-ons, food, fuel, health needs, entertainment, etc over a 5 night stay our group is likely to inject around \$15,000 into a community. Our preference is to head to Rail Trails. NSW, at state and local government levels needs to wake up to opportunities forgone with groups like us heading off to Victoria and Queensland. Destination NSW should be focussing on inbound tourism opportunities for cycling groups, especially to localities where there already is infrastructure from which multi-day activities can radiate.eg; the Illawarra and Lake Macquarie regions.
- Construction of more and longer distance dedicated bike paths and connecting links between existing pathways (Commonwealth/NSW/Local). E-bikes are suitable for longer journeys than push bikes, but frequently on longer trips bike paths peter out and throw the rider onto unsafe busy roads or footpaths to continue their journey.
- Trains and buses in NSW should be modified to accommodate easier carriage of e-bikes (NSW). Space for bicycles and e-bikes on NSW local train services is very constrained. Carriage by buses of bikes other than folding bikes is prohibited. This contrasts with the situation in Canberra, where each public bus can carry several bikes. NSW should simplify the carriage of bicycles on regional trains by removing the mandate for bikes to be boxed.
- A review and relaxation of the rules governing riding on footpaths (NSW). For some riders, legal e-bikes can substitute for other forms of mobility aid, such as electric mobility scooters (‘motorised wheelchairs’). Under the Australian Road Rules, these are permitted on

footpaths, subject to a speed limit of 10 km/h ([c03.pdf \(aph.gov.au\)](#)), as are child cyclists. In NSW the regulations covering the riding of bicycles on footpaths are more onerous than other states and should be updated. Except in high pedestrian traffic areas (such as retail shopping strips) existing footpaths should be made available for cyclists, (especially seniors, in addition to juniors). As a first step we recommend that senior riders (> 64 years) of cycles and legal e-bikes should be permitted to ride on footpaths, subject to a speed limit of 10 km/h.

We note that many states allow bicycles on footpaths. As advised by NRMA Insurance: in Queensland it is legal to ride on some footpaths; in the ACT it is legal to ride on footpaths; and in South Australia, Western Australia and Tasmania it is legal to ride on footpaths except where specified by signage.

Our members use their e-bikes for many social activities. Unless a cyclist's home fronts a cycleway/shared path, to reach destinations such as railway stations, libraries, pools, shops, clubs and cafes they will need to ride on a road. This entails varying degrees of safety risk from busy traffic, heavy vehicles, narrow lanes etc. Riding on the footpath significantly reduces these risks. This would reduce car use, increase fitness and enable effective use of current infrastructure.

- More focus on secure bicycle parking facilities. A basic standard needs to be set for the roof covering and protection (CCTV?) from theft of a standard \$5,000 bicycle. Such an investment should not be rained upon let alone stolen! We encourage public and community organisations, such as licenced clubs, to provide convenient locations to keep bikes in view/stored and safe. NSW, local government and community grants could assist.

Regulating illegal e-mobility vehicles

Safety is our highest priority. We are quickly progressing with training our ride leaders to meet Bicycle NSW accreditation standards.

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

Riding of private e-scooters, e-skateboards, and throttle-driven and overpowered e-mopeds is illegal on public land in NSW. Yet all are encountered on public roads and paths on a daily basis, often ridden by minors with scant regard for road rules, helmet laws, safe speeds, path etiquette or public safety. We have grave concerns about the unregulated use of unsafe e-bikes ridden on roads, often without helmets, at night with no lights and much too fast. The proliferation of "fat bikes" which do not require riders to pedal is also a problem. They are mostly ridden by teenage children below licensing age, often with pillion passengers. Many of these vehicles are capable of speeds in excess of 45-50 km/h and fall into the category of e -mopeds which require a compliance plate and a license to ride. Such riders are a risk to themselves but also the rest of the community.

Being illegal, none carry any form of public liability or accident insurance. Members of our walking fraternity have expressed fears of walking on shared paths because of illegal high-speed e-bikes. They are a valid form of transport for delivery riders etc, but they must be appropriately regulated and policed.

There is an obvious problem in enforcing or regulating illegal equipment. Lumping e-bikes and e-scooters together seems to make those of us on legal pedal assisted bicycles guilty by association.

Either the current laws must be enforced effectively, or a new regulatory regime developed. Our place is not to propose a specific regulatory regime for currently illegal e-mobility vehicles since our members do not ride them. We do however recognise that some form of a tiered system of regulation and even licensing may emerge from the current inquiry.

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

Bicycle NSW in their submission to this inquiry also propose a possible system of categories and a timetable for phasing out illegal vehicles.

Whatever the outcome of the inquiry, we are strongly of the view that currently legal low power pedelecs should not be subject to licensing and should continue to be treated like pedal cycles under NSW and Australian traffic laws. Requiring a licence to ride low-power pedal assisted e-bikes would imply a that licence be required for all bicycles. High-power e-mopeds should be banned from footpaths, shared paths and bike paths and permitted (if at all) only on roads

For use on roads we recommend an increase in the speed restriction on these legal e-bikes to 32 km (about 20 mph), as is the case in New Zealand and much of the United States. Legal e-bikes are at a disadvantage when compared to illegal e-mopeds and e-scooters, but legal e-bikes cannot even match the speed readily achievable by a fit rider on a push bike. The current speed restriction of 25 km/h is unsafe when riding an e-bike in traffic on busy roads. This is an important safety issue when riding on roads where there is a large difference in speed with other road users. The weight and resistance of an e-bike makes it difficult to pedal faster than 25 km/h for long. Typically non e-bike road bike riders ride faster and when riding in a group it is difficult to keep up with riders on road bikes. **On shared paths however, we believe safety for cyclists and pedestrians is compromised if power cut out takes place in excess of 25 km/h.**

Maximum mandatory and advisory speed limits should be posted on shared paths and bike paths, as required, for safety. Stencilled on-track paint signage should be sufficient and affordable.

President