

Submission
No 177

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

Name: Name suppressed

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Partially
Confidential

E-mobility submission to parliament - changes to road rules

Essential for safety

1. Change road rules relating to give way (rules 72, 73, 74, 75, 80 & 81 and also 64 & 65,) to append “any pedestrian” with “or any rider of a bicycle or a personal mobility device” exactly as per the Queensland road rules*. It was a proposed rule change in the 2021 NTC ARR amendment package 14.
2. Change road rule 129 Keeping to the far left side of the road, "(2) this rules does not apply to the rider of a motor bike" append "or bicycle or personal mobility device", as proposed in the 2021 NTC ARR amendment package 14 to improve safety.
3. Change road rule 111 Entering a multi-lane roundabout, by adding an exemption to subsections (2)(b), (3) and (5) as per the Queensland road rules.

To facilitate on street bike share parking

4. Change road rule 166 Application of [Parking] Part to bicycles – “This Part does not apply to a bicycle that is parked at a bicycle rail or in a bicycle rack **or designated bike parking area.**”

Essential to fix untenable anomalies

5. Change road rule 33 (making a right turn): 33 (3) (b) "turns into the left of the centre of the road the driver is entering, unless the driver is entering a one-way road" by appending “or unless the rider of a bicycle can safely make the turn into a bicycle path or shared path”
Reason: Currently you can only legally turn into a road, to the left of the centreline. But a rider may be turning into a nearside (right of centreline) bicycle path or shared path. Currently illegal to, for example, travel south on Kent Street cycleway and turn right into King Street cycleway, which is the design intent. Or south on Belmont Street into Huntley Street cycleway.
6. Change road rule 254 – bicycle being towed to reflect the actual intent of the rule, by specifying “motor” vehicle: “(1) A person must not ride on a bicycle that is being towed by ~~another~~ **a motor** vehicle” and (2) "The rider of a bicycle must not hold onto a **motor** vehicle...". This is so that it is not illegal for a parent to tow/push their child.
7. Change road rule 148 Giving way when moving from one marked lane or line of traffic to another, to specifically include bike lanes, so that it is clear drivers must give way to bicycles travelling in the bike lane they are entering.
8. Remove road rule 250-1 Minister can Gazette footpaths where cycling by children under 12 is prohibited. Unaware of it having ever been used. It would be unsafe to force children under 12 (such as 10 years old, or under) to cycle on the road since TfNSW says children under 10 are not even allowed to cross the road without holding an adult’s hand. Rule 252 already covers “No bicycles” signs which have the same effect.
9. Change road rule 141 Passing on the left to add the word “already” to provide more clarity, to “(2) The rider of a bicycle must not ride past, or overtake, to the left of a vehicle that is **already** turning left and is giving a left change of direction signal”. Otherwise “turning left” is interpreted by some as including future tense.
10. Change road rule 141 Passing on the left to provide the corollary for (2) which stops a bicycle rider passing to the left of a turning car, so that a driver about to turn left also cannot pass a bicycle rider and immediately pull left. Add new section (2)(A) "(3)

A driver must not overtake a bicycle and turn left without five seconds of using the left indicator after making the pass". This is consistent with road rule 46 which says that a driver must give a change of direction signal for long enough to give sufficient warning to other drivers and pedestrians and in 46(3) specifies 5 seconds.

11. Change road rule 92 Traffic lane arrows to add an exemption "(3) this rule does not apply to the rider of a bicycle or personal mobility device" because drivers usually expect people riding to stay in the left hand lane, which may have a left traffic lane arrow, but there may be no safe opportunity to move into the right hand lane.
12. Change road rules in Division 2 Keeping to the left to add an exception to allow drivers to park on the right hand side of a one way road which has a contra-flow bicycle lane or allows contra-flow cycling. Examples exist on Kelly Street Ultimo (contra-flow lane) and Wells Street Redfern (contra-flow by signage) for example, where technically the cars parked on one side of the road may be breaking the road rules.

Desirable to fix anomalies/include e-mobility/improve safety

13. Change all road rules in Part 15 Additional rules for bicycle and personal mobility device riders by including personal mobility device along with bicycle, modelled on the Queensland road rules.
14. Change road rule 248 to allow riders of bicycles and personal mobility devices to use unsignalised pedestrian crossings, modelled on the Queensland rule.
15. Remove road rule 255 Riding too close behind since there is no equivalent rule for motor vehicles to not drive too close to the car in front for any distance and could make it illegal to ride in heavy traffic. Not required.
16. Remove road rule 247 Riding in a bicycle lane, as the rule is impracticable and dangerous, and misunderstood and misapplied even by police (they regularly apply it on a bicycle path, where it doesn't apply). It encourages riding in the door zone, the most dangerous part of the road.
17. Change road rule 71 Giving way at a give way sign "(1) A driver approaching or at a place ...with a *give way sign* or give way line must give way in accordance with this rule." by adding that they must approach at a speed that enables them to give way, to make it consistent with rule 81 "(1) A driver approaching a pedestrian crossing must drive at a speed at which the driver can, if necessary, stop safely before the crossing. (2) A driver must give way to any pedestrian on a pedestrian crossing."
18. Change road rules 67 & 68 stopping at a stop sign/line to add an exemption for bicycle riders if they can safely give way (known as an "Idaho stop" which research has shown increases safety. It reduces exposure in the intersection as momentum isn't fully lost).
19. Consider changing road rule 248(2) to allow bicycle riders to cross a signalised crossing using the green pedestrian light if there are no bicycle crossing lights, to save TfNSW money and time on the rollout of the bike network across Greater Sydney, especially for shared paths in areas of low walking and cycling.
20. Change road rule 256 so that bicycle helmets for adults are only compulsory on roads where the speed limit is 50km/h or more, so that helmets are optional for adults on bike paths, shared paths and low speed roads. On a 2 year trial basis with a sunset clause.
21. Change road rule 48 Giving a right change of direction signal – append "(5) this rule does not apply to (a) the driver of a tram..., or (b) the rider of a bicycle making a hook turn" with "or (c) the rider of a bicycle if the road conditions make it unsafe to indicate" since a steep downhill grade and/or uneven surface can make it unsafe to take a hand off the handlebars and off the brake.
22. Change road rule 291-1 NSW rule: engine of stationary vehicle to be switched off "(1) The driver of a vehicle that is stationary must switch off the vehicle's engine so far as

may be necessary for the prevention of noise.” Append with “or air pollution” or remove the noise reference, to improve the safety around schools due to poor air quality from idling parents.

Other changes to improve safety for e-bikes and micro-mobility

23. Change section 135 (definitions) of the Road Transport Act 2013 for “detectable traffic offence” - add “(e) footpath or bicycle path offence” and add new definition for “footpath or bicycle path offence”, to enable automated camera enforcement to be extended to offences such as stopping on a footpath or bicycle path, just as is already possible for stopping or driving in a bus lane.
24. Review traffic offence fines to make fines consistent with the level of danger from the offence to others.
25. Using the change to rule 64 (giving way at a flashing yellow traffic arrow at an intersection), change the TfNSW signals standards/practice to enable use of flashing orange to improve traffic signal operation at cycleways in appropriate locations, modelled on the Queensland experience.