

**Submission
No 207**

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

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Submission to NSW Parliamentary Inquiry into e-mobility

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Thank you for this opportunity to comment on measures needed to support the increase in e-mobility which we are experiencing, which is inevitable, and which should be encouraged. My views below are based on my experience and knowledge from working in the field for over 25 years including from studies of world's best practice overseas.

Governments should be doing everything they can to encourage Active Transport and e-micromobility to achieve mode shift away from private motor vehicles (even EV ones). This should be the overall goal.

The benefits are massive: for climate, for road safety, for public space, for equity, for family economics (cost of living) and for public health, mental health and social wellbeing.

However, there is some danger in adding e-scooters to the mix before solving the existing problems of contention for footpath space and the safety issues arising from that contention. The social licence is already wearing thin, and it could set micromobility backwards if there is a serious backlash.

Therefore, it is essential that governments act immediately to put the measures in place to support large scale uptake of e-mobility

Recommendations

NSW Government:

- 1) Provide *serious* funding for Active Transport/micromobility infrastructure - fit for construction of a serious transport mode network! A ten-year program of at least \$300 million a year for council projects and \$300 million a year for state government agency projects (including by TfNSW on state roads, as well as for Place Management NSW and other state agencies).
- 2) Set and report on targets for kilometres of separated cycleways constructed each year. Tie it to executive remuneration, since the existing target of 100km over 5 years in the NSW Active Transport Strategy is not yet on target.
- 3) Complete the necessary steps to put Sydney and other NSW Active Transport networks on the National Infrastructure Priority List and work with the Commonwealth Government to expedite Commonwealth funding.
- 4) Scale up a delivery program, based on the Easing Sydney's Congestion program or other effective and efficient mechanism to deliver TfNSW cycleway projects.
- 5) Develop a program to support local governments to efficiently and effectively deliver Active Transport projects.

- 6) Ensure projects by TfNSW and local governments use separated paths, rather than shared paths, by reallocating road space, to minimise conflict with people walking. As our population ages, we cannot afford to be now building infrastructure that will discourage walking into the future.
- 7) Provide half-funding for active transport staff in councils (as is done for Road Safety Officers) to help councils build capacity for delivery and associated programs.
- 8) Introduce a school bicycle education program with the aim of ensuring all children in NSW are taught bike handling, road rules, shared path courtesy and traffic skills.
- 9) Implement widespread 30km/h speed limit in neighbourhoods – anywhere micro-mobility will be used where separated facilities are not provided and there are people walking (particularly with aging population). This is the only way to quickly supplement the lack of separated infrastructure across the state, to minimise conflicts with walking.
- 10) Remove travel time savings from project benefit calculations in the TfNSW and NSW Treasury guidance and assurance processes.
- 11) Introduce public annual reporting of TfNSW project compliance with the Road User Space Allocation Policy (RUSAP) and Positive Provision Policy (PPP), tied to executive remuneration, since, despite NSW Government’s good efforts so far, this is still a major problem with some people in TfNSW.
- 12) Review TfNSW technical directions, guidance, manuals and policies to be consistent with the RUSAP and fit for the purpose of encouraging active transport and micromobility.
- 13) Include Sydney Trains and NSW Trains into the RUSAP (since they own access roads and land that is necessary in some parts of the state’s network), or introduce a separate policy applying to the rail authorities.
- 14) Review traffic signals policies and practices to encourage AT/micromobility, including:
 - a) Employ an additional person in the Traffic Signals team who is dedicated to Active Transport reviews and improvements. They would pro-actively upgrade the TfNSW signal assets where a pedestrian or bicycle crossing is missing, or where safety improvements for walking, cycling or e-mobility are needed. For example, the TfNSW traffic signals in south Newtown where Angel and Alice Streets meet at King Street, there is no lantern for the bikes coming from Angel Street because it is a ‘closed’ road (but a bike route), and no safe and intuitive lantern to guide people riding from Alice to Angel Streets. This is a safety hazard on a state road and state asset on the border between two councils. Fixing a safety hazard like this should not rely on councils allocating resources to apply for TfNSW funding to upgrade a TfNSW asset. It is inefficient.
 - b) Implement more “rest on pedestrian green” (like at Bourke/Campbell intersection near Taylor Square) at traffic signals in places where ped volumes are high, consistent with the RUSAP. An immediate suggestion for implementation is on Darling Drive between Darling Harbour and the Goods Line where the long gaps in any traffic and high pedestrian traffic lead to high non-compliance which is a safety risk when others seen and follow suit.

- c) Revise the traffic signal teams' rules, policies and practices which are blocking improvements for AT. For example, TfNSW staff allege there is a "rule" against allowing bikes a right turn at Wilson Street into Erskineville Road, whereas motor vehicles are thought competent to turn right when safe to do so. This mean there is no legal riding connection between the City of Sydney and Inner West Council bike networks.
- 15) Review of road rules (see full list of recommended road rule changes in Appendix A) to:
 - a) Encourage Active Transport by improving amenity and consistency
 - b) Give more priority to AT, consistent with RUSAP
 - c) Remove the inconsistencies between micromobility and cycling with walking
 - d) Remove unintentional anomalies (and absurdities)
 - 16) Introduce widespread e-bike leasing trials to improve uptake of e-bikes, especially in areas of transport disadvantage and where the combination of cost-of-living and car dependency is hurting families.
 - 17) Regulate bike share companies, to limit the number of operators and the number of bikes; set and enforce minimum standards for the operators; use a reliable data platform of bike share operator data to enforce the permit conditions.
 - 18) Enable the share bike operation data to be shared with local government to aid monitoring of conditions in local areas.
 - 19) Regulate food delivery platforms so that minimum conditions can be imposed, such as minimum training requirements, safe routing, removal of unsafe time limits on riders, PPE, and safe and legal equipment.

Federal government

- 20) Remove the current restrictions on private use for e-bikes for fringe benefit tax (FBT) exemption, in line with motor vehicle rules.
- 21) Remove travel time savings from project benefit calculations in the ATAP guidelines and other project assessment processes.
- 22) Encourage and support Active Transport Network infrastructure projects for Infrastructure Australia's National Infrastructure Priority List.
- 23) Support the national shift to 30km/h in neighbourhoods.
- 24) Enforce safety standards on imported e-bikes, e-mobility devices and batteries.
- 25) Review safety standards for heavier and larger motor vehicles to prevent, or at least strongly disincentivise dangerously large vehicles from household use.
- 26) Remove existing incentives for oversized motor vehicles, to improve road safety.

Local governments

- 27) Build staff capacity for delivering the bike/e-mobility network infrastructure and associated programs.
- 28) Allocate sufficient budget to develop infrastructure and programs.
- 29) Implement 30km/h speed limits in neighbourhoods.
- 30) Set an annual target for separated cycleway construction.
- 31) Implement an e-bike fleet for staff trips in councils with an area of approximately 30km² or less, and program to support its use.

I would be happy to answer any questions or provide more information on any of these recommendations.

Fiona Campbell

Appendix A – recommended road rule changes

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 (eg. [Rule 72](#)). (These rule changes were proposed 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.
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.**”
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.
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, non-road-rule changes to improve safety for e-bikes and micromobility

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.