

Submission
No 210

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

Name: Name suppressed

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Partially
Confidential

SUBMISSION TO THE PORTFOLIO COMMITTEE NO. 6 – TRANSPORT AND THE ARTS

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

I am delighted this inquiry into the use of e-scooters, e-bikes and related mobility options has been established because their use has significant impact on the community. My submission specifically addresses sections (a) to (d) in the Terms of Reference. I have used the collective term 'e-mobility devices' to apply to 'e-scooters, e-bikes and related mobility options' and the term 'e-riders' to refer to users of e-mobility devices.

a. Role of three levels of Government

Consistency of the rules and regulations related to e-mobility devices and e-riders throughout NSW is essential to avoid confusion and complexity. Therefore the role of developing and managing the regulatory framework related to the use of electrified active transport options be assigned to the level of the State Government. No Local Government or other bodies should be granted powers to amend these regulations and regulations. However State Government could delegate some aspects monitoring and enforcing compliance with the rules and regulations to Local Government authorities (eg penalising e-riders for using e-mobility devices on footpaths and pedestrian only areas).

I submit to ensure consistency, accountability for all matters related to safe electrified active transport options, including developing and managing the regulatory framework for the use of e-mobility devices and regulation of e-riders within NSW, be assigned to the level of the State Government.

b. Reform of the regulatory framework

As early as 2017 when the bike lanes and cycle ways were being introduced, the Sydney of City Council issued pamphlets (eg "Safety Tips around the Cycle Network") and the Roads and Traffic Authority of NSW (www.rta.gov.au/roadsafety/bicycles) published information that clearly described the road rules and regulations with which cyclists need to comply. Sadly, these rules and regulations are not obeyed. Even when dedicated bike lanes are provided, many cyclists continue to ride illegally on the footpath. Currently in Williams Street, Sydney and other areas where dedicated cycle ways are provided, some cyclists will not cross over the road to the bike lanes and continue to ride on the footpath. This illustrates the significant problem of trying to protect the safety of the community and pedestrians. A regulatory framework is worthless if it is not enforced and if there are insufficient penalties for non-compliance.

A quick web search of current research into the safety of unpowered cycling compared with use of e-mobility devices confirms the increasing seriousness of injuries from electrified active transport options. This increase is attributed partly to their greater speed and weight, and their use in crowded areas. In 2024 when the use of e-mobility devices is increasing significantly it is very important the regulatory framework is effective in helping to prevent injuries and accidents. Prevention of injuries to pedestrians and legitimate users of footpaths needs to be given special attention. Their safety largely depends on the behaviour of the e-riders and the characteristics of e-mobility devices. Pedestrians do not choose to use e-mobility devices but they are detrimentally affected by their inappropriate use. Community safety must be protected by a robust, reformed regulatory framework.

I submit the regulatory framework give priority to ensuring the safety of pedestrians and non-users of e-mobility devices by:

- 1. assigning clear legal accountability to a single authorised body within the NSW State Government**
- 2. enforcing adherence to all rules established by the State Government for all e-riders**
- 3. prohibiting riding on footpaths and pedestrian areas by all users of mobility options, with the exception of disabled persons who depend on small e-mobility devices**
- 4. proscribing penalties for excessive speed, dangerous behaviour and other breaches of safety by e-riders**

5. **establishing real-time monitoring (eg use of CCTV cameras) in areas where e-riders are endangering vulnerable pedestrians (eg near hospitals, schools, transport hubs)**
6. **requiring e-mobility devices to be identifiable (eg with a unique clearly visible registration number) as is the case of other motorised vehicles and e-bike rentals in Sydney)**
7. **establishing an effective reporting system for complaints against e-riders to a body with powers to resolve issues and impose penalties for breaches**
8. **monitoring adherence with regulations**
9. **reporting annually to State Parliament, publishing the number and cause of injuries, the number complaints and outcomes, and proposing amendments if required.**

c. A community perspective of the utilisation and impact of e-mobility devices

As the impacts of the types of e-mobility devices differ, I have separated my comments into the following two sections.

1. e-Scooters and mobility options where e-riders stand while in motion (eg e-skateboards).

i. Safety and injuries

Although statistics for other types of e-mobility devices where e-riders stand while in motion was not available to me, the number and type of injuries reported for e-scooters is significant. Research in Australia confirms doctors and hospitals are reporting increasing numbers of serious e-scooter injuries related to their use. The Royal Melbourne Hospital spent \$1.9 million treating 256 patients admitted with e-scooter injuries in the 12 months up to January 2023. Queensland statistics compiled by the Jamieson Trauma Institute related to presentations at emergency departments reported e-scooter injuries increased from 691 in 2021 to 1,273 in 2023.

ii. Danger to Pedestrians

The behaviour of many e-scooter riders adversely affects and often endangers the community. There is a significant threat to safety. These observations also apply to other mobility options where e-riders stand while in motion.

Some e-scooter riders are inexperienced and unable to safely share footpaths, cycle lanes and streets with other users. Many ignore existing prohibitions (eg for those over the age of 12) to ride on footpaths. Many e-scooter riders refuse to allow right of way to pedestrians on shared paths. Pedestrians with poor hearing or sight and the less mobile unable to move quickly are at particular risk. When e-scooters speed they do not allow for sudden unpredictable changes of direction by pedestrians, especially by young children.

Some overseas cities (eg in the United States) have banned the use of e-scooters due to the danger to pedestrians and number and seriousness of injuries.

iii. Harm from the ownership of e-scooters

A large number of fires have been caused by the spontaneous ignition or explosion of the batteries used to power e-scooters. This has endangered lives and property, especially when e-scooters have been stored or located within apartment buildings or indoor parking areas.

I submit all e-mobility options which require the user to stand while in motion, including e-scooters be banned in the State of NSW.

2. e-Bikes

i. Safety and injuries resulting from the use of e-bikes

Channel 9 on 8 February 2024, reported more than 500 e-bike riders presented to emergency rooms in NSW in the last 2 years. Sixteen percent of these patients attended St Vincent's Hospital in the Sydney Central Business Area (CBD). Studies from other researchers confirm injuries tend to be more severe than cycling accidents because the e-bikes are heavier and faster.

ii. Danger to pedestrians from e-bikes

The behaviour of e-bikers riding in pedestrian areas endangers the safety and security of the community, especially children, the less able-bodied and the elderly. The e-bikes are generally silent and their path is unpredictable.

iii. Crowding

Many urban areas in NSW are congested especially during business hours. The use of e-bikes on footpaths especially when ridden at speed poses a high risk to pedestrians in crowded city areas.

In the Sydney CBD crowding includes visitors and tourists discharged from large cruise liners who gather in groups throughout the city. e-Bikes on footpaths create an additional risk of injury.

iv. Inadequate enforcement of rules and regulations

While e-bikes may be a viable form of transport for some users, their use can create problems and risk for many others in the community. Effective consistent, enforcement is required. In the Sydney CBD, despite the high number of dangerous incidents experienced by pedestrians, I rarely see the NSW Police enforce the regulations and issue fines to offenders. I do understand the Police have many important duties but the dangerous behaviour of some e-bikers needs to be controlled for the safety of the community.

I submit the rules and regulations applying to e-bikers, cyclists and other non-pedestrians be properly enforced and penalties imposed for breaches.

d. Opportunities to improve safety for users and the community

As well as providing the opportunity to ban all e-mobility options which require the user to stand while in motion, including e-scooters, reform of the regulatory framework needs to address issues related to e-bikes.

1. Hire of e-bikes

The available of e-bikes for hire is particularly detrimental to the community because:

- i. many renters are inexperienced or have not previously ridden an e-bike
- ii. many renters may not be aware of NSW road rules and regulations related to the use e-bikes
- iii. e-bike renters in the Sydney CBD tend to ride on footpaths and may ride in groups even in very overcrowded areas like Circular Quay, Barangaroo, Haymarket and George Street.
- iv. e-bike renters may be tourists who are not used to the pedestrian movements with the crowded Sydney CBD and do not know the location of cycle lanes
- v. rental e-bikes are left on footpaths creating obstacles for pedestrians, endangering people with poor mobility and low vision and blocking access for wheelchair users
- vi. rental companies do not quickly remove abandoned e-bikes that litter the street and e-bikes are too heavy for most people to move.

I submit that due to the danger to pedestrians from their use and dispersal, e-bike rentals be banned in the State of NSW.

2. The use of e-bikes for commercial purposes

The use of e-bikes by delivery riders is particularly dangerous. Many of the delivery e-bikers tend to be impatient and sometimes aggressive as they rush to meet deadlines, real or imagined.

I submit users of e-bikes for commercial purposes must:

- i. pass a riding course prior to commencement of their employment and hold a 'licence' that can be shown to an enforcement officer on request**
- ii. use an authorised e-bike with a large identification number painted on the e-bike frame**
- iii. be penalised for infringing the rules and regulations (including riding on footpaths and in pedestrian areas) and be banned from riding e-bikes for repeat breaches of rules and regulations related to the use of e-mobility devices.**

3. Identification of e-bikes

It can be difficult to identify offenders who breach the rules and regulations because the e-bikes are not identifiable. Other motorised vehicles are issued with a numberplate or have identification clearly visible. Rental e-bikes are clearly marked with a unique number inscribed on the frame. It would be feasible to require all e-bikes to be issued with a unique ID prior to sale or use in public areas in NSW. This would require a centralised on-line database to be established that would automatically issue the ID when the serial number of an e-bike is entered into the system. If required, details of the owner could be added. Although this proposal obviously requires further consideration, the use of an ID would not only assist with enforcement it could help owners recover stolen e-bikes.

I submit consideration be given to providing identification on all e-bikes used within NSW

4. Additional enforcement powers

Enforcement of the rules and regulations is a key issue for ensuring the safety of users and the community regarding the use of e-bikes. To assist the NSW Police, I suggest some enforcement powers be delegated to Local Government. Some Local Government authorities already have powers to impose fines for various offences within their areas. For example, Sydney Council Officers issue fines for parking offences. They use digital photographs as evidence and carry electronic devices to record the offence and issue fines. They are clearly visible on the streets and carry identification and authorisation for the powers and duties they undertake. There are many other precedents for the State Government delegating enforcement powers to Local Government authorities.

I submit consideration be given for the State Government to delegate power to Local Government authorities to enforce rules and regulations related to the use of e-bikes within NSW and to issue offenders with penalties for breaches.

If there are any queries related to this submission, please contact me.

16 August 2024