



BARRIERS TO THE SAFE OPERATION OF MOTORISED MOBILITY DEVICES

NATIONAL TRANSPORT COMMISSION
DISCUSSION PAPER

RAA SUBMISSION

December 2019



INTRODUCTION

RAA welcomes the opportunity to provide comment on the National Transport Commission's (NTC) discussion paper focussed on mobility devices.

RAA is South Australia's largest membership organisation, representing the interests of more than 750,000 South Australians. Through our diverse range of motor, home and travel products and services, we interact with our members in a range of ways that provide unique insight into the services and public policy settings South Australians want and need.

RAA has had a trusted advocacy role in transport and mobility for more than 115 years. We undertake a range of activities to identify, report on and advocate for safer, more effective mobility for all road users and pedestrians. RAA aligns its transport advocacy with the following three themes:

- Safe – A safe mobility system can be defined as a system that not only achieves, but outperforms, national and international safety benchmarks.
- Accessible – To have a cost efficient, convenient and reliable transport network as an essential part of personal mobility.
- Sustainable – Sustainable mobility encompasses the needs of current and future generations, and considers financial, societal and environmental factors.

RAA, through its community education programs has for a number of years provided comprehensive information on the selection and safe operation of motorised mobility devices (MMDs), in particular, on the recommendations, guidelines and legislation surrounding their use. It is also an authorised retailer.

The discussion paper poses two questions concerning proposed changes to the maximum permitted mass of MMD's on footpaths and their classification as pedestrians. RAA's response and recommendations are provided below.

QUESTION 1 - Do you agree with aligning the maximum unladen mass with the Australian Technical Specification or is there a more appropriate response to overcome the regulatory barriers identified?

Feedback received by RAA during the presentation of our community education programs on MMDs highlights that users are confused around the current restrictions regarding where and how these devices can be legally used. For example, most users believe they should use the footpath regardless of the classification of their device. Further, our observation is that those that do use the road are doing so out of convenience, rather than in order to comply with current requirements.

The current law states that devices not capable of travelling over 10km/h and have an unladen mass of not more than 110kgs are classified as pedestrians and therefore must follow the laws pertaining to pedestrians. While MMD's capable of speeds exceeding 10km/h can only be used on the footpath if they don't travel at more than 10km/h and do not exceed the unladen mass of 110kgs, the fact that they can

RAA would therefore support the proposed changes to unladen mass limits to align with the Australian Technical Specification, thereby removing the different requirements within the legislation for devices of different mass.

The proposed increase in permitted mass may render some devices unsuitable for use on some public transport where a current gross mass of 300kg applies. For this reason, RAA supports the proposed labelling system for MMDs that will assist the purchaser in selecting a device that complies with the mass and dimensional limitations that apply to public transport.

RAA considers that the speed limit of MMDs classified as pedestrians should remain at 10km/h for the safety of users of these devices and importantly that of other pedestrians. As identified in the discussion paper, increasing the speed by only 5 km/h would make a considerable difference to the kinetic energy with the consequent risk of serious injury to pedestrians sharing the footpath.

RAA Recommends:

The removal of the limited unladen mass to align with the Australian Technical Specification.

That the current maximum permitted speed limit for a motorised mobility device used on footpaths and other pedestrian environments should remain at 10km/h.

QUESTION 2 - Do you agree with the proposed pedestrian classification? Is it appropriate that all MMD operators are required to follow the pedestrian road rules?

RAA supports the classification of all users of MMDs as a pedestrian providing that where the device is capable of exceeding 10 km/h that it must not travel above this speed. Research into the range of devices currently on the market shows that very few claim to have a top speed over 10km/h, however there are older models that are capable of speeds greater than 10km/h. If the device has the ability to exceed the limit, the onus will be on the user to ensure that they do not do so although in practice this is difficult to gauge without use of a GPS device.

We support the proposal to seek an amendment to the Australian Design Rules to allow all users of MMDs to be classified as pedestrians and be therefore required to abide by the rules applicable to pedestrians, irrespective of the speed capability of the device. Not only is the inclusion of a definition within the ARR for these devices supported, it is recommended that that under the broad heading of MMDs, consideration also be given to having separate definitions for devices commonly known as mobility scooters and motorised wheelchairs.

The two devices are quite different in their design and by defining them in the ARR would separate them from the recreational scooters as defined in ARR 244(a) that are quite different in their use, design and requirements. The retail industry has taken to incorrectly calling these mobility devices 'scooters', despite the fact that ARR 244(c) prohibited 'motorised scooters' from being used on roads or road related areas in this state. That prohibition was removed in February this year to enable the introduction of e-scooters. Defining MMDs in the ARR as proposed, would address the current inconsistencies between retail/consumer language and the legislation.

RAA Recommends:

That MMD users be classified as pedestrians, with the caveat that users must not travel more than 10 km/h.