

Vision Australia Submission: Consultation on options for regulated dimensions of Personal Mobility Devices

Submission to: Queensland Department of Transport and Main Roads

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# Introduction

Vision Australia is providing this submission to the consultation on options in relation to the ‘Regulated Dimensions of Personal Mobility Devices (PMD’s)” to highlight our strong opposition to the proposal. If the proposal outlined in the consultation discussion paper is implemented in its current form, we believe that it will have a significant negative impact on the safety, wellbeing, and independent mobility of people who are blind or have low vision. As such, it may well constitute a breach of the human rights of people who are blind or have low vision as asserted in the UN Convention on the Rights of Persons with Disabilities and also in the Queensland Human Rights Act. In our response to Discussion Question 3 below, we list a number of risk mitigation measures that must be introduced as part of any changes to the dimensions of PMDs.

**Discussion Question 1:** **Are u aware of any further information that would support this analysis? For example, any research into the safety of devices that currently fall outside of the definition of a PMD in Queensland?**

In 2018 Vision Australia commissioned research by Monash University to study the impact of electric/hybrid vehicles and bicycles on the safety of pedestrians who are blind or have low vision. A key and alarming finding was that 35% of respondents had been involved in a collision or near-collision with an electric vehicle. Just as disturbing was the effect on people’s mental and emotional wellbeing: 75% said that the introduction of electric vehicle technologies had reduced their confidence to leave their houses to walk around outside.

The key issue is that electric vehicles are silent, especially at low speeds, so people who are blind or have low vision cannot hear them when crossing roads or walking through car parks and across driveways.

The findings from this research formed the evidence base for our systemic advocacy campaign to make acoustic vehicle alerting systems mandatory on all electric vehicles in Australia. The consultation undertaken by the Commonwealth Government in 2023 has achieved this result.

By 2021 there was growing concern in the blind and low vision community about the sudden and seemingly disorganised and unregulated proliferation of e-scooters, e-bikes and other e-rideables on pedestrian footpaths. We received reports of people being injured through collisions or falling over e-scooters that had been carelessly left across footpaths. We decided to conduct further survey research to get a more detailed understanding of how these new forms of e-mobility were impacting our community.

We received 121 responses from people who are blind or have low vision of all ages and from across Australia to the survey that we designed and made available for six weeks during September and October 2021.

Almost 40% of respondents said that they left their houses to walk on footpaths less often now that e-rideables are proliferating. One person said:

“They are far scarier now and cause anxiety. Have nearly been hit on the Southbank walkway in Brisbane with a fast-moving scooter”

Another respondent said:

“It is not safe using footpaths as riders go very fast and have the attitude they have right of way when on the path”

Even when blind or low-vision pedestrians used footpaths, almost 90% said that they felt less safe because of e-rideables. This comment sums it up:

“I do not choose to go to Brisbane now as I feel I would not be safe in the city or visiting museums or the art gallery or just enjoying the environment, Southbank, riverside etc.”

62% of people responding to our survey said that they had been involved in an accident or near-miss with an e-scooter or other e-rideable. This comment is typical:

“E-scooter came around a corner and collided with me. I fell, my [Seeing Eye] dog yelped because I yanked the lead accidentally as I fell, and the scooter rider just rode off. I was not badly injured, but nobody checked. I limped about 2 km home and felt very upset. Nothing police or council are prepared to do about it”

63% of survey respondents said that they had tripped over an e-rideable left on the footpath. One person also said:

“They block footpaths and force my Seeing Eye Dog and I to go onto road to get around them which is more dangerous”

And a final comment:

“They seem to drop them where they like without consideration for pedestrians. I've trodden on more than a few”

53% of respondents said that the near-silent operation of e-rideables was the biggest factor in making them unsafe for blind or low-vision pedestrians, while 31% said that the speed of travel was the most significant safety issue.

**Discussion Question 2: For each issue (length, width and wheel size), what is your preferred option and why? Are there any viable options that haven’t been considered?**

“Section 15A of the QRR provides that for a device to be considered a PMD it must be no more than:

1,250mm in length by 700mm in width; or

700mm in length by 1,250mm in width; and

 1,350mm in height. “

We do not support the proposal to increase the maximum length and width of PMD’s that are permitted in Queensland.

As noted in the discussion paper, a comparison of PMD dimensions across all Australian States shows that

“There is no clear consensus across Australia, although where

states have regulated a maximum length, no one has yet prescribed a length of more than 1,250mm.”.

Consequently, the implications and risks of permitting larger dimensions of PMD’s are not well understood.

If this proposal were to be implemented it would make Queensland the only jurisdiction in Australia to diverge and increase the current length of e-scooters, placing Queenslanders who are blind or have low vision in the unfortunate and unacceptable position of being the first in Australia to experience the impact of a larger, wider vehicle in the event of a collision. Similarly, they would also be amongst the first to have to navigate the risks of larger and wider obstructions on footpaths and pedestrian walkways posed by abandoned e-scooters.

As the graph in the discussion paper illustrates, longer devices tend to be capable

of faster speeds. Therefore, it is likely that permitting an increase to the length and stability of the devices will encourage riders to increase speed, despite laws in place restricting speeds to 25kph and 12kph on footpaths and shared pathways. The act of enabling, and potentially inadvertently encouraging, increased speed compromises the safety of our community. It stands to reason that the impact of a larger vehicle at greater speed heightens the risk of injury or death to pedestrians who are blind or have low vision.

Due to the silent nature of e-scooters, people who are blind or have low vision are inherently disadvantaged and treated less favorably than sighted pedestrians as they are unable to see or hear where these moving vehicles are or take pre-emptive measures to avoid them.

“The current maximum dimensions were informed by a range of factors. The main safety considerations were to ensure devices were suitable for use in available space on footpaths and public transport.”

Since that time, the space available on public footpaths has not increased nor has the space available on public transport. Therefore, the safety considerations underpinning current regulated dimensions should remain unchanged.

Longer and wider PMD’s which are parked incorrectly or abandoned across footpaths and shared walkways would exacerbate the existing risk of PMD’s as obstacles and trip hazards as experienced by pedestrians who are blind or have low vision. Longer and wider PMDs would also

present as a greater obstacle and tripping hazard on trains, particularly on crowded and busy services. Passengers who are blind or have low vision would face particular difficulty and disadvantage while boarding, accessing seating or standing, and disembarking if forced to maneuver around even longer footplates and wider handlebars.

**Increase in absolute length v increase in wheelbase length**

The discussion paper proposes “As an alternative to regulating a PMD’s absolute length, PMDs could be measured by wheelbase measurement, which is from axle to axle. “

“a shift to a 1,100mm wheelbase would result in an approximately 95mm increase in the absolute length of devices.”

However, as noted in the discussion paper the same relationship between an increase in absolute length and speed applies to increased wheelbase length and speed. Notably “The average top speed of devices with a wheelbase of 1,100mm or less is 50km/h.”

Therefore, regardless of which approach is considered, pedestrians who are blind or have low vision face the same increased risk of a PMD which is capable of greater speeds, and they would suffer a greater impact in the event of a collision.

**Options being considered by TMR**

1. Length:

We advocate for TMR to choose Option 1(a), being:

“Retain the status quo -maximum absolute length of 1,250mm “

TMR’s interim preference Option 1 (c “Shifting to a maximum wheelbase of 1,100mm will present a greater risk to pedestrians who are blind or have low vision. The following disadvantages listed for this option are too great for our community, being:

 Legalises more higher-speed devices, noting some devices that are already legal are already capable of similar speeds.

 Potential to cause more obstructions when parked on paths and transported on public transport.

 Greater potential to accidentally pick up small electric vehicles such as small electric motorbikes.

1. Width:

We advocate for TMR to choose Option 2(a), being:

“Retain the status quo -maximum width of 700mm “

TMR’s interim preference Option 2(b) Increase maximum width to 750mm will detriment the blind and low vision community. The following disadvantages listed for this option are too great, and therefore completely unacceptable, for our community, being:

 Could marginally increase conflicts with pedestrians or other road and path users, in particular vulnerable users such as children, seniors and people

with a disability.

1. Wheel Size

We do not have a position on TMR’s interim preference Option3(a) to not prescribe a minimum wheel size. It does not appear to have an effect on pedestrians.

**Discussion Question 3: If any changes were made to maximum PMD dimensions, do you foresee any implementation issues? What are these and how might they be avoided?**

Implementation of the proposal to increase the dimensions of PMD’s must incorporate a range of stringent and properly enforced measures designed to mitigate the increased serious risks posed to pedestrians who are blind or have low vision and other vulnerable members of the community. These risk mitigation measures must be co-designed with the disability community, but, at a minimum, must include the following, which all leverage currently available technologies:

* Limiting the proposal to devices that operate commercially, which will lead to more effective regulation, enforcement and monitoring;
* Requiring an Acoustic Vehicle Alerting System (AVAS) on all devices covered by the proposal;
* Requiring pedestrian-avoidance technology on all devices covered by the proposal;
* Requiring “anti-topple” features on all devices covered by the proposal to minimise the risk of poorly parked devices across the footpath;
* Requiring capabilities for any device covered by the proposal to be remotely manoeuvred into a safer location if it is parked inappropriately.

At the same time, there must be a renewed emphasis on the enforcement of speed limits and proper and safe parking. Finally, there must be greater medium- and long-term planning for more options allowing PMD’s to use separate lanes from pedestrian footpaths and adequate parking infrastructure.

# About Vision Australia

Vision Australia is the largest national provider of services to people who are blind or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision or have a print disability, and their families.

Vision Australia service delivery areas include:

* Registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment;
* Assistive/Adaptive Technology training and support;
* Seeing Eye Dogs;
* National library services, early childhood and education services and Feelix Library for 0–7-year-olds;
* Employment services;
* Production of alternate formats;
* Vision Australia Radio network including a national partnership with Radio for the Print Handicapped;
* NSW Spectacles Program; and
* Government advocacy and engagement.

We work collaboratively with governments, businesses and the community to eliminate the barriers our clients face in making life choices and including fully exercising their rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation.

Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision as well as they support, they require to fully participating in community life.

We have a vibrant Client Reference Group, comprising of people with lived experience who are representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.