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BCA Position Statement on electric scooters and electric bikes

# Summary

E-scooters and e-bikes are becoming more common in space shared by pedestrians, including pedestrians who are blind or vision impaired. There is a high risk of collisions causing serious injury because e-scooters and e-bikes can move much faster than the pedestrians.

Pedestrians who are blind or vision impaired often cannot detect the approach of e-scooters and e-bikes. The little noise they emit is often masked by ambient street noise.

Pedestrians who are blind or vision impaired have a strongly founded fear that they risk injury from devices passing too closely, too quickly and without warning. This fear arises from the inherent characteristics of the devices, from our experience that riders do not always act safely.

BCA calls for:

* e-scooters and e-bikes to be restricted to 10 kilometres per hour in spaces shared with pedestrians and 25 kilometres per hour on roads
* regulations and technical measures such as geo-fencing to ensure that these restrictions are enforced
* regulations to ensure that devices capable of exceeding these limits are not sold and cannot be modified after sale
* education of riders about safe operation
* offences and penalties for unsafe operation to be created in road traffic regulations.

# Background

In Australia, there has been a significant uptake of e-scooters and e-bikes by the public in some areas. Many Australian cities have been attracted to encourage companies to establish schemes where e-scooters and e-bikes can be hired as a fun and easy way for tourists and citizens to get around. The presence of e-scooters and e-bikes on pedestrian pathways poses a danger for all pedestrians: children, older persons and people who live with disability are endangered by having to share a supposedly safe walking environment with devices that are traveling at high speed, emitting little, or no sound at all.

## What are e-bikes and e-scooters?

An e-bike is an electric bike which has an integrated electric motor which has the function of helping propel the bike forwards when in motion, by providing assistance for the throttle, or pedalling. An e-bike or electric bike generally utilises a lithium battery component or components. An e-scooter is a mobility device that is used standing up and it is powered by an electric motor.

## Where are e-bikes and e-scooters used in Australia?

The uptake of e-scooters and e-bikes has been dictated by the legal position in the various States and Territories. Some state and local governments have given open support to the presence of these modes of transport.

E-bikes are allowed on footpaths, except in NSW and Victoria, where only children (under 16 in NSW, under 12 in Victoria plus an adult accompanying) are allowed to ride on footpaths.

# Issues for Australians who are blind or vision impaired

E-scooters and e-bikes have caused significant issues for people who are blind or vision impaired, with advocacy occurring to improve their safety when sharing footpaths with people using such devices. Additionally, reckless endangerment caused by scooter misuse has amplified these safety concerns. The next section will explore issues relating to e-scooter and e-bikes separately.

## Issues with e-scooters

The following issues have been identified relating to e-scooter or powered scooter use compromising the safety of pedestrians who are blind or vision impaired:

* Difficulty detecting e-scooters approaching from behind due to the quiet approach, high speed use (up to 25 km/hr) and a lack of a warning system being used due to either a) riders not using the bell or b) the bell being removed from the scooter by previous users
* e-scooters overtaking from both sides of the footpath
* e-scooters being deposited across pedestrian areas after use causing injury when a pedestrian who is blind or vision impaired trips over it / lack of docking stations for e-scooters to be safely located out of pedestrian areas after use
* e-scooters being used in high-pedestrian areas like the CBD / lack of geo-locking to keep to keep e-scooters from entering high-pedestrian areas like malls, with speed-locking mechanisms to keep speeds below 10 km/hr[[1]](#endnote-1)
* e-scooters blocking tactile guidance systems, traffic lights and walls which are essential for the independent mobility of people who are blind or vision impaired.

Reports of scooter misuse

Reports have been recorded nationally about non-compliance with city scooter rules, including speeding violations. Additionally, use of scooters under the influence of alcohol has increased safety concerns about scooter use.

These reports of scooter misuse amplify the concerns around scooter use more broadly for pedestrians who are blind or vision impaired co-sharing space with e-scooters / powered scooter users. If a scooter user is acting with disregard generally for the people around them or the space they are using, it should not be incumbent on a person who is blind or vision impaired to be hyper-vigilant in avoiding a collision.

An overall increase in injuries has been recorded by Australian medical professionals, including both to the e-scooter users and other pedestrians or bystanders who have been injured by the scooters. The Royal Australian College of Surgeons issued a stark warning to riders, to have concern for their own safety and for the safety of those around them by riding responsibly.[[2]](#endnote-2)

## Issues with e-bikes

The use of e-bikes in shared pedestrian spaces like footpaths has caused issues for people who are blind or vision impaired.

Reported issues are similar in nature to e-scooters:

* E-bikes overtaking from both sides instead of staying to the left and cyclists not slowing down when overtaking, maintaining high speeds
* E-bikes being deposited across pedestrian areas after use causing injury when a person who is blind or vision impaired trips over them
* E-bike users not using a bell to alert pedestrians to their presence when approaching from behind.

Lack of regulatory controls for e-bikes

A pedestrian was killed in 2015 on a footpath by an electric bike that had paperwork purporting to have a 250-Watt motor, however it was proven it had a capacity exceeding this limit.[[3]](#endnote-3)

This issue means e-bikes may be enabled to travel at higher speeds than a user realises, in pedestrian areas, thereby placing pedestrians who are blind or vision impaired using the shared space at even greater risk of injury or death.

# Recommendations

BCA recommends a uniform approach to the legislation and the rules implemented across pedestrian-access, public places in Australia, where e-scooters or e-bikes are not prohibited.

**Recommendation 1**: All states and territories are encouraged to limit the allowable speed of electric scooters to 10 km/hr and motor capacity to less than 200 watts.

**Recommendation 2**: All states and territories are encouraged to introduce geo-locking mechanisms whereby electric scooters are prohibited from entering built-up, busy pedestrian areas like malls.

**Recommendation 3**: All states and territories are encouraged to install a warning device on electric scooters and e-bikes e.g., a bell, without the capacity for these warning devices to be removed or de-activated.

**Recommendation 4**: All states and territories are encouraged to have public advertising campaigns relating to the safe use of e-scooters and e-bikes, both for users and for other pedestrians or bystanders. This would include: adhering to local speed limits for use, staying to the left side when overtaking, indicating through use of a warning device like a bell or calling out when coming up behind other pedestrians, slowing down when overtaking pedestrians, not using scooters or bikes whilst intoxicated or otherwise recklessly using scooters or bikes and storing them safely after use.

**Recommendation 5**: All states and territories are encouraged to introduce a system for the deposit and placement of e-scooters and e-bikes after use in pedestrian areas. This may include introduction of fines for failing to place devices in a safe place at the edge or off the footpath after use.

**Recommendation 6**: All states and territories are encouraged to enforce speed limits for e-bikes being used in shared pedestrian areas. E-bikes speed limits should be capped at 10 km/hr in shared pedestrian areas. Speed limit requirements can be meet by ensuring e-bikes have an auxiliary motor/s that is/are not capable of exceeding 200 Watts (power-assisted pedal cycle) or 250 Watts with pedal-assist (pedelec). An electric bike using the pedelec set-up must have a top, power-assisted speed of 25 km/hr, but it must not be used at this speed in pedestrian areas.

**Recommendation 7**: All states and territories are encouraged to ensure that e-bikes that are purchased and imported from outside Australia undergo strict regulation checks to ensure that the maximum allowed Watts are not exceeded, and top speeds cannot be exceeded.

**Recommendation 8**: All states and territories are encouraged to enforce regulations relating to e-scooters and e-bikes with penalties imposed if they are breached.

1. Hincliffe, J. (2019, 21 January). Lime scooters causing stress for Brisbane’s vision impaired community. *ABC Radio Brisbane*. Retrieved from <https://www.abc.net.au/news/2019-01-21/lime-scooters-cause-issues-for-vision-impaired-residents/10731510> [↑](#endnote-ref-1)
2. Royal Australian College of Surgeons (2019, 1 March). *Surgeons warn of injury risks from Lime Scooters* [Press release]. Retrieved from <https://www.surgeons.org/news/media-releases/2019-03-01-surgeons-warn-of-injury-risks-from-lime-scooters> [↑](#endnote-ref-2)
3. Kennedy, E. (2019, 6 November). E-bikes surge in popularity in Australian cities but experts warn of risks. *The Guardian Australia.* Retrieved from <https://www.theguardian.com/lifeandstyle/2019/nov/06/e-bike-surge-in-popularity-in-australian-cities-but-experts-warn-of-risks> [↑](#endnote-ref-3)