

Transport Operations (Road Use Management—Road Rules) (Personal Mobility Devices) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 217

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

Transport Operations (Road Use Management—Road Rules) (Personal Mobility Devices) Amendment Regulation 2018

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*

Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

Increasing the variety of personal mobility devices available for use in Queensland

Personal mobility devices (PMDs) are small electric devices designed to carry one person. They are mainly used for commuting short distances or for recreation.

Currently, Queensland legislation allows PMDs to access road-related areas (for example footpaths and nature strips) if they have two wheels on a single axis, are self-balancing, propelled by an electric motor, are speed limitable to 12km/h and are no more than 850mm wide. The current definition describes devices such as a Segway. There are now a range of other devices available with many similar performance characteristics to a Segway. The policy objective of the amending regulation is to increase the variety of devices that can be used in Queensland while continuing to provide appropriate safety requirements.

Amendments to rules applying to PMDs

Amendments are being made to a number of the rules applying to PMDs to ensure they remain appropriate to regulate the increased variety of devices that may be available in Queensland.

Protection of vulnerable path and crossing users

Paths and crossings are shared by a variety of users with differing levels of vulnerability. Two new offence provisions are being introduced that are aimed at protecting more vulnerable users, such as pedestrians, when they are sharing paths and crossings with PMD users.

Achievement of policy objectives

Increasing the variety of personal mobility devices available for use in Queensland

The amending regulation changes the description of vehicles that are prescribed to be a PMD for the purposes of the definition of *personal mobility device* in schedule 4 of the *Transport Operations (Road Use Management) Act 1995*.

The change means that a PMD will be defined by reference to maximum dimensions, mass and speed. PMDs will also need to have good stopping ability, and have no sharp protrusions, which will provide safe device standards while also providing greater flexibility for both manufacturers and users. This will mean a broader range of PMDs will be permitted, including single wheeled, two-wheeled and three-wheeled devices such as those shown in the figures below.



The revised specifications for a PMD will also be more responsive to future innovative devices which may become available on the market as new technology emerges.

Changes to rules applying to PMD users

The maximum speed at which a PMD may travel is being increased from 12km/h to 25km/h. This increase in maximum speed recognises the role that PMDs can play in moving people between transport hubs and final destinations without the need to rely on cars. It also aligns with the allowable speed for other devices such as a pedelec bicycle, which is also allowed on footpaths.

PMD users will now be allowed access to local roads. These have a speed limit of 50km/h or less, do not have a dividing line or median strip and are not multi-laned one-way roads. PMD users will be required to keep as far to the left side of these road as is practicable and will not be able to travel more than two abreast. There will be no restriction placed on riding on local roads at night, provided that the PMD user or the PMD displays appropriate lighting and reflectors.

The requirement that PMDs have a working warning device, such a bell or a horn, is being removed. This is because such devices can be impractical or unsafe when attached to certain types of PMDs. This is particularly the case if the PMD is self-balancing and is operated without the person using their hands.

PMD users will be prohibited from being towed by another vehicle. They will also be prevented from holding onto a moving vehicle or riding within two metres of the rear of a moving motor vehicle continuously for longer than 200 metres.

Other rules applying to PMD users remain unchanged. For example, users must wear a helmet, be at least 16, or at least 12 if supervised by an adult. They must obey 'No PMD' signage, must not carry passengers, nor use a mobile phone or drink liquor while using the PMD.

To appropriately incentivise safe use, changes are also being made to ensure that the infringement notice fines for offences committed by PMD users align with the severity of the offence.

Protection of vulnerable path and crossing users

Paths and crossings, such as pedestrian crossings, are shared by a variety of users who have differing levels of vulnerability. New offence provisions are being introduced that are aimed at protecting more vulnerable users when they are sharing a path or crossing with PMD users.

PMD users must travel at a speed and at a sufficient distance from a pedestrian or wheelchair, wheeled reactional device or wheeled toy user so they can, if necessary, stop safely to avoid a collision with these more vulnerable path and crossing users.

Existing rules prevent bicycle riders and wheeled recreational device users travelling along a part of a separated footpath designated for use only by pedestrians. An amendment will ensure that PMD users are likewise prevented from using the part of a footpath designated for use only by pedestrians.

Consistency with policy objectives of authorising law

The amendments to the Queensland Road Rules are consistent with the main objectives of the *Transport Operations (Road Use Management) Act 1995*, including in particular, the objectives of providing for the effective and efficient management of road use in the State and improving road safety.

Inconsistency with policy objectives of other legislation

The amendments are not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the amendments is to allow an increased variety of PMDs that can be used in Queensland while continuing to provide appropriate safety requirements.

The cost of implementing the amendments is minimal and will be met from existing resources.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Local Government Association of Queensland, Brisbane City Council and the City of Gold Coast Council, the Royal Automobile Club of Queensland, the Pedestrian Council of Australia, the Motor Accident Insurance Commission (MAIC) and PMD tour operators and retailers have been notified of the proposed amendments.

The Pedestrian Council of Australia (the Council) expressed concern about the potential risk to pedestrians from PMDs being on footpaths. However, PMD users are currently allowed to share paths with pedestrians under the Queensland Road Rules.

In response to the concern raised by the Council, the Department of Transport and Main Roads (TMR) advised that allowing PMD users to travel on footpaths at speeds of up to 25km/hr recognises their role in moving people efficiently from a transport hub to their destination. TMR also highlighted that road owners will, under the existing road rules, continue to be able to restrict the use of PMDs on specified paths by use of appropriate signage.

TMR also advised the Council that the amendments introduce offence provisions which are aimed at ensuring that pedestrians and wheelchair users are safe when sharing paths and crossings with PMD users. These new provisions will mean that PMD users will be required to travel at a speed and at a sufficient distance from a pedestrian or wheelchair user, so they can stop safely, if necessary to avoid a collision. Holistically, the rules provide for safe interactions on paths and crossings.

It should also be noted that an existing rule prevents bicycle riders and wheeled recreational device users travelling along a part of a separated footpath designated for use only by pedestrians. To further protect pedestrians, the current amendments will ensure that PMD users are likewise prevented from using this part of a footpath.

The public will be informed of the changes through information on the Queensland Government website, Join the Drive, media releases, and social media.

In accordance with The Queensland Government Guide to Better Regulation, TMR consulted with the Office of Best Practice Regulation (OBPR), Queensland Productivity Commission. OBPR considers the proposal would not benefit from further analysis under the guidelines.