

**ASIAPACIFIC
MICROMOBILITY
ALLIANCE**

NSW Productivity Commission

ProductivityFeedback@treasury.nsw.gov.au

18th September 2020

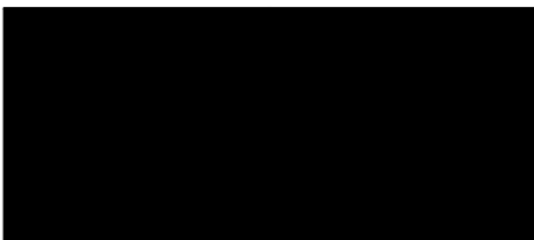
**Mr Peter Achterstraat AM
NSW Productivity Commissioner**

Dear Mr Achterstraat,

On behalf of the Asia Pacific Micromobility Alliance, I submit our feedback on the Green Paper recently issued by the NSW Productivity Commission.

Our feedback is directed explicitly at draft recommendation 4.14 to encourage Personal Mobility Device innovation and use in NSW.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.A short black horizontal redaction bar.A long black horizontal redaction bar.A short black horizontal redaction bar.

Response to NSW Productivity Green Paper by Asia Pacific Micromobility Alliance

About the Asia Pacific Micromobility Alliance

We work across the micromobility industry with share scooter and bike operators, bike and scooter manufacturers, distributors and retailers. We advocate for the approval of electric scooters, electric PMDs and new types of eBikes to enable more people to use sustainable, COVID-safe mobility options. We support their approval as both privately owned and shared mobility transport.

We are strong advocates of safety and want to work with governments to ensure all eMobility vehicles are safe and meet Australian design, import and safety standards. We also support the rights of pedestrians and cyclists and advocate for usage rules to ensure the safety of all road and shared pathway users.

Draft Recommendation 4.14: Regulate to let Personal Mobility Devices fulfil their potential

Revise laws to encourage Personal Mobility Device innovation and use.

Feedback for Consideration

Summary

NSW should immediately approve PMDs for public use in NSW. Over 600 cities worldwide have done so, and many have done so to provide COVID Safe transport options during the COVID recovery period. With more people working from home and more short local journeys, PMD's naturally social distance and provide personal fresh air transport for shorter trips.

More than 10,000 privately owned ePMDs have been purchased in NSW and are being ridden regularly and as responsibly as bikes. Owners/riders are mostly unaware that TfNSW's refusal to recognise a Federally approved vehicle leaves them uninsured in the case of an accident.

We recommend a two-phase approach be taken:

1. Immediate response to support through COVID-19 and COVID-19 recovery
2. A longer-term response following 12 months experience of the COVID recovery trials

Phase 1 - COVID Recovery from October 2020 to 31 October 2021

Recommendations:

1. All Personal Mobility Devices meeting Australian Design Rules/Specifications as defined at https://www.infrastructure.gov.au/vehicles/imports/import_options/orneao.aspx#personalmobilitydevices be permitted to be used in public spaces in NSW
2. Privately owned and shared PMD's can be ridden
3. All devices are to be speed limited to 25 kmh when powered by electric motors
4. PMDs will not be permitted on footpaths
5. PMD's can be ridden on shared pathways, bike lanes and local roads where the speed limit is 50kph or less
6. PMD's can not be ridden on dual lane roads or roads with median strips unless there is a bike lane

7. Unless otherwise mentioned, the basis for regulation shall be laws as they apply to bicycles/ebikes
8. Riders must wear helmets
9. Riders must be at least 16 years of age or 12 with adult supervision
10. Any local government can implement shared mobility trials with any operator(s) who abides by the overall regulations and any specific requirements of the local government.

The [Queensland regulations](#) are simple and other than the proposed NSW regulations 4 above, prohibiting the use on footpaths, could quickly be followed.

Phase 2 - November 1, 2021, onwards

1. Usage, safety and accident data collected through trials be used to determine the appropriateness of initial COVID period regulations.
2. The recommendations of the National Transport Commission into PMD road laws be examined and the NSW regulations adjusted if necessary.

Response to NSW Productivity Green Paper

Response 2 - Re eBikes

I am writing regarding:

Draft Recommendation 4.14: Regulate to let Personal Mobility Devices fulfil their potential

Revise laws to encourage Personal Mobility Device innovation and use.

Feedback for Consideration

I believe the regulations regarding bikes should also be examined as part of an overall "micromobility" review.

Australia and NSW laws related to bikes were primarily written with a mindset of bikes for recreational/fitness use. In 2020, particularly with COVID-19, bikes and new forms of bikes are essential transport vehicles for commuting, local journeys and micro-logistics.

Australia and NSW laws need to be updated to allow bikes to replace more day to day journeys, currently done by cars and other less efficient vehicles.

In Europe, North America, NZ and many other countries, more powerful forms of bikes are allowed, enabling a much greater range of use cases. If we are to provide COVID-Safe car alternatives, bikes need to allow for heavier riders, hilly areas and carrying cargo for micro-logistics. Commuters also want to ride in work attire and not arrive sweaty.

Power restrictions on bikes should be removed and replaced with speed limiting - all bikes can be made this way. The additional power can be used to create greater torque allowing heavier riders to ride at sufficient speed, any rider to climb hills and parents and workers to transport children or cargo in eCargo bikes.

eBikes should also be allowed which do not require pedalling to engage motors.

Speed pedelecs should also be allowed, enabling riders to ride at up to 45kmh as happens in Europe and the USA. These faster ebikes should require motorcycle/moped licences.

As part of this change, NSW should adopt the A, B, C, D categorisation of micromobility vehicles specified in the OECD/ITF February 2020 report, Safe Micromobility. The vehicle categorisation can be viewed here, https://www.eltis.org/sites/default/files/types_of_micromobility_oecd_2.png

Using this approach, Category A & B vehicles should not require a licence, whereas a motorcycle/moped licence may be required for Categories C & D.

It may also be an option to require "lite" registration of all eMicromobility vehicles - bikes included - to ensure they comply with design standards, do not have dangerous components and have not been illegally modified.

There are simple, and cost-effective solutions to achieve this.



Sydney Micromobility Trials

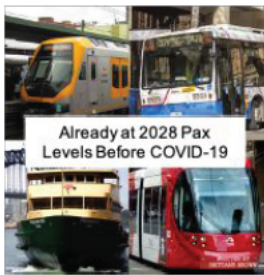
A Micromobility Collaboration Helping Sydney Recover from COVID-19 with Safe, Hygienic and Healthy Mobility

1. Overview

In these unprecedented times of economic uncertainty, Localift/Zipidi approached Australian members of the Asia Pacific Micromobility Alliance to collectively agree to a proposed framework for micromobility use in the Greater Sydney and Newcastle areas. This proposal seeks to facilitate collaboration with governments and communities and fast-track their ability to bring new sustainable forms of mobility to the region.

Coronavirus has had devastating effects on our economies and transport systems but it has also provided the impetus for the industry and government to work together quickly to provide a broader range of mobility vehicles for locals, commuters and local delivery operators.

Mass Transit
Capacity Reduction
due to Social Distancing



Walk or Ride
Safe Social Distancing,
Healthy, Hygienic



Driver -Only Cars Cause Pollution
Pollution Increases COVID-19
Transmission Rates & Severity



In the coming months Australia's public transport capacity will be reduced due to maintained social distancing measures as we become COVIDSafe. With transport systems on the brink of crisis and roads already heavily congested, we cannot afford a shift towards driver-only cars. Many of these journeys will be local and short distance - the ideal environment for all forms of micromobility. Electric scooters, bikes and cargo bikes are key elements for integrated mobility services in cities and the recent COVID-19 transport brief from OECD-ITF titled "[Re-spacing our Cities for Resilience](#)" supports the approach we are recommending.

Beam, Lime and **Localift/Zipidi** have committed to work collaboratively with governments, communities and each other to rapidly expedite shared e-scooter schemes with supportive Sydney Local Government Authorities (LGAs).

Recognising studies in progress by TfNSW and the NTC, the industry will adopt best practice and the directional recommendations emerging to ensure trials occur consistent with likely recommendations.

2. Before and After COVID -19

Coronavirus has shifted the way we work and move around cities.

Public transport, traffic and car use are down significantly with walking, cycling and other forms of new mobility growing rapidly. This has been a positive change in behaviour and as we return to a new normal we should look to the opportunities to improve our mobility options and not revert to our strained pre-COVID transport system.

Pre-COVID

- Congested public transport in peak hours that facilitates transmission of coronavirus and other diseases.
- Around 25% of car trips are below 2 kilometres – these journeys can be taken on bikes or scooters reducing congestion and pollution in roads and cities.
- Cost of road congestion, projected to be \$38.8 billion by the year 2031, up from \$18.9 billion in 2016. *(Infrastructure Australia Report, 2019)*
- Private cars drive 277 billion kilometres each year, the equivalent of 1,000 times from the Earth to the Sun. *(Infrastructure Australia Report, 2019)*
- Private car use represents 64% of all our trips and they are incredibly dirty, representing 46% of all transport emissions. *(Infrastructure Australia Report, 2019)*
- Coronavirus spreads more rapidly with higher morbidity in higher air pollution areas - a return of driver-only cars will increase pollution levels.

Post-COVID

- Future public transport capacity will be reduced to maintain social distancing.
- Public that are cautious of getting on buses or trains will look to other modes of transport and more cars is not the answer.
- Businesses will need vibrant streets filled with residents, commuters and visitors that will stimulate our economies in the recovery period. Micromobility can play a key role moving people around cities in the post-COVID world.
- Greater proportion of local and short journeys where walking, cycling and other forms of new mobility will be the safest, cleanest and most desirable.

3. Transport Landscape is Changing

Micromobility is already being supported actively around the world to encourage a permanent shift to more sustainable, safe and healthier transport options.

- In New York City, eBikes, eScooters, Speed Pedelecs, eCargo Bikes were approved by Mayor Cuomo in April after rejecting their approval earlier in 2020.
- UK Government has brought forward their timeline to allow e-scooter trials as part of its [Future of Transport programme](#).
- Cities like Milan are embracing active transport options by reallocating car traffic street to bike lanes and wider footpaths to accommodate higher active transport levels and social distancing.
- Paris has announced plans to create 650 kilometers of cycleways to promote active transport modes post-COVID.
- Tax and government incentives are being provided to encourage greater ownership and use of micromobility by individuals and businesses:
 - UK increased Cycle to Work Limit to £1,500.
 - Italy announced \$EU500 as subsidy for 70% of bike, scooter, bike and scooter sharing fees.
 - US Act in Senate to provide US\$53/month allowance for commuters using bikes and hopefully scooters. Similar schemes also in Netherlands and Sweden.

[Find out more about how cities around the world are embracing active mobility.](#)

4. Hygiene and Micromobility

Scooters and bikes are naturally socially distanced, cutting down on infection risks for users. Shared use micromobility vehicles are regularly cleaned by operators and additional hygiene measures have been taken since COVID-19. The attached document from Micromobility NZ, including Beam and Lime, sets out the process being followed to mitigate COVID-19 risks.

5. How Government Can Help

Government support can help reimagine safer, cleaner and more connected transport systems for cities in the post-COVID world

- Federal Government can:
 - Implement tax incentives to make micromobility more attractive than private cars;
 - Review and update definitions and criteria for emerging and existing Personal Mobility Devices;
 - Widen vehicle approval and design standards; and
 - Allocate and improve local infrastructure funding.
- State Governments can:
 - Allow an exemption for the use of new e-mobility vehicles;
 - Support local, commuter and micro-logistic journeys on state roads and pathways;
 - Support and encourage trials in LGAs;
 - Develop and implement State infrastructure plans for micromobility;
 - Incentivise use through integration with mass transit ticketing and benefits; and
 - Remove barriers to adoption.
- Local Governments can:
 - Allocate and improve local infrastructure (eg. shared paths and cycle lanes);
 - Use State Government support for pop-up and permanent micromobility lanes;
 - Support and encourage trials in their LGAs; and
 - Provide incentives/remove barriers to adoption.

6. Proposed Sydney eScooter Trials - In this Together

A collaborative trial can bring new mobility options to Sydney much faster than a conventional tender process.

Trial results can be used to determine whether longer-term contracts are awarded, optimal operating conditions and which operators should continue.

Beam and Lime can each commence operations from July 2020 should an agreement be reached with TfNSW and LGAs.

Many LGAs have been involved in discussions and support eScooters trials within their local government area. Our focus is central Sydney and the surrounding Eastern, Inner West and Newcastle and Northern Beaches LGA's.

Region	LGA's	Population
Sydney	Sydney	250,000
East	Randwick, Waverley, Woollahra,	290,000
Inner West	Inner West	200,000
Northern Beaches	Northern Beaches	275,000
Newcastle	Newcastle	440,000

We propose a 12-month trial where all operators are offered equal allocations of scooter licences. If an operator elects to not use all licences, other operators can take them up.

The trial will have no future commitment attached - each LGA can review the trials and decide if:

1. Scooters continue with future contracts
2. Which operators will receive any future contracts
3. The terms and operating conditions for ongoing operations

7. Flattening the Curb - What's Required for Trials

Permitted Vehicles

The Federal Government has well-established definitions of Personal Mobility Devices and their required specifications. We support having a National standard and process which already exists. All existing shared-scooter and bike operators already have vehicles which comply and have been imported and operate under these regulations.

Vehicle Operating Conditions

The Alliance proposes the following operating conditions which are consistent with best practice and the directional recommendations of the National Transport Commission;

The NTC considers the best approach to balance mobility and safety would be to permit PMDs which comply with the proposed regulatory framework on footpaths and shared paths at a maximum speed of 10km/h (later corrected to 15 kmh), and on bicycle paths and local roads at a maximum speed of 25 km/h (Option 3; Speed Approach 1).

Description	Operating Condition	Details/rationale
Local Roads	Yes	20-25 kmh
Bike Paths	Yes	20-25 kmh
Shared Paths	Yes	15 kmh
Footpaths	No	n/a
Major Roads	No	n/a
Slow Speed in Designated Areas	Yes	10 kmh
Helmets	Required	
Minimum Age	18	
Accompanied Age	14	
Operating Hours	24 hours	Supports Shift Workers
Data Reporting	MDS & Ride Report	
Parking	A combination of dockless and parking corrals depending on density. Operators will work with LGAs to designate appropriate areas. No-parking areas will be identified and enforced, where possible by geofences.	

8. Flattening the Curb - What's Required for Trials

Insurance

Zipidi is the industry insurance expert and has been working globally with insurers and underwriters. Zipidi recommends the following as appropriate insurance for the trials:

- Public Liability; and
- Personal Accident insurance for riders.

Adding a requirement for rider personal accident issuance is a strong risk mitigant and will provide industry leading insurance coverage. Few cities with shared micromobility schemes have a Personal Accident insurance requirement - Adelaide is one of very few. Including this ensures riders have an appropriate level of cover for themselves should they have an accident which creates a temporary or permanent disability which may prevent them from working.

We do not believe operators should be required to provide compulsory third party insurance ("CTP"). This is related to the rider's liability if they injure a third party or property in cases where they misuse the equipment. Given that this risk relates to the action of riders and is outside the control of operators, it is not an appropriate or insurable risk for operators to take on and would actually remove the onus on riders to ride appropriately. Such insurance products also do not exist for scooters anywhere in the region.

For the purpose of a pilot, we recommend against CTP as it will likely be impossible to obtain. However, operators will continue to educate users on safe riding practices through their individual ride-hire applications. Should any significant third party injury/damage occur, all operators would have the appropriate Public Liability policy and riders may also be covered under their Home and Contents or Travel insurance policies.

9. Safety - Slow is the New Fast

There have been several major reports into safe micromobility since TfNSW began examining the category in 2018. Significant recent reports include:

- February 2020, OECD International Transport Forum, Safe Micromobility;
- November 2019, Polis Network, Macro Managing Micro Mobility;
- October 2019, National Transport Commission Draft Report; and
- September 2019, NACTO Guidelines for Regulating Shared Mobility.

These reports are all available at <https://www.zipidi.fun/reports>

The operating conditions recommended are supported by these reports.

Key and consistent findings from these reports are:

1. Best use areas are Shared Paths, Bike Paths, Local Roads;
2. Top Speed of 25 km/h;
3. Treat them as bikes;
4. Reduce speed limits where bikes/scooters mix with heavy vehicles;
5. Scooter crash rates are similar to bikes, 80% plus of bike/scooter accidents do not involve other vehicles or people. Over 80% of serious bike/scooter crashes involve cars; and
6. Focus enforcement on car drivers who are distracted, drunk or using drugs.

10. Allocation Space to Pedestrians and Micromobility

Many countries and cities around the world are allocating more space to footpaths and micromobility due to COVID-19. Less car use and more local journeys by pedestrians, cyclists and scooter riders are making social distancing difficult as most footpaths and bicycle lanes are narrow or limited.

In the last week Australian States including NSW have announced programs to address this and provide funding for pop-up and permanent projects to widen paths and implement bike lanes.

This will further support short term micromobility trials.

Over the weekend (May 9/10) the UK announced 250 million pounds for more bike lanes as well as bringing micromobility trials forward from 2021 to June 2020.

On 3 May, the OECD's International Transport Forum released a report with recommendations for re-spacing cities and using micromobility as a key mode shift during and post-COVID19.

<https://www.itf-oecd.org/sites/default/files/respacing-cities-resilience-covid-19.pdf>