

Pedestrian Footpath Safety - E-Scooters and Bicycles

Tuesday, 1 March 2022

The Committee - Pre-Council Discussion Forum

Strategic Alignment - Thriving Communities

Program Contact:

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Public

Approving Officer:

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EXECUTIVE SUMMARY

At its meeting on 14 December 2021, Council requested that we provide advice on the legal powers available to the City of Adelaide (CoA) to monitor and moderate the behaviours of people riding e-scooters and bicycles on footpaths, particularly in relation to the safety of people walking/working on footpaths.

This report provides a summary of the actions that CoA could take in relation to managing people using e-scooters and bicycles on footpaths in the city.

The following recommendation will be presented to Council on 8 March 2022 for consideration

That Council

1. Notes the information included in this report and the options available to Council in relation to the safe use of e-scooters and bicycles on footpaths.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p>Strategic Alignment – Thriving Communities</p> <p>A safe, affordable, accessible and well-connected city for people of all ages and abilities, and all transport modes.</p> <p>Healthy and resilient communities.</p> <p>Safe and welcoming community spaces.</p>
Policy	Not as a result of this report
Consultation	Ongoing consultation with the Department for Infrastructure and Transport and other Councils regarding e-scooter operations.
Resource	Not as a result of this report
Risk / Legal / Legislative	Council has a responsibility to provide a safe environment for all road/path users.
Opportunities	Opportunity to improve the safety and experience for people using city streets.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. At its meeting on 14 December 2021, Council resolved the following in relation to pedestrian footpath safety:
'That Council:
Requests the Administration provide advice to the February 2022 meeting of Council about the legal powers available to it to monitor and to moderate the speed and behaviours of people who ride scooters and bicycles on City of Adelaide footpaths, including potential actions Council might implement to increase safety for pedestrians on footpaths, in particular children and the aged, as well as hospitality workers who wait on tables for outdoor cafes and restaurants.'
2. At its meeting on 14 September 2021, Council resolved the following in relation to the trial of e-scooters in the city:
'That Council:
 1. *Notes the outcomes of the E-scooter trial and that the trial is considered to have been successful.*
 2. *Approves the continuation of the E-scooter trial and the expansion of the boundary to include the shared path on the northern side of Wakefield Road to facilitate travel between the City of Adelaide and City of Norwood, Payneham and St. Peters.*
 3. *Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport noting the success of the trial, requesting approval to extend the trial for a further 12 months, and supporting the inclusion of E-scooters in the Australian Road Rules.*
 4. *Notes that the Administration will review and amend the permit conditions as necessary to ensure E-scooters in the City of Adelaide are operated as safely and efficiently as possible, with a specific focus on delivering the appropriate placement of E-Scooters while not in use, such as designated E-scooter parking bays.'*
3. Discussions between CoA and e-scooters providers are underway to ensure e-scooters within the city are operated as safely and efficiently as possible, including trialling initiatives that will ensure the appropriate placement of e-scooters when not in use.

Strategic context

4. Council's Strategic Plan 2020-2024 sets out a series of priorities and actions to achieve our vision for Adelaide to be the most liveable city in the world. Transforming the ways we move around is listed as one of our Strategic Priorities.
5. The Strategic Plan includes 'Thriving Communities' as an overarching outcome, and the creation of a city that is welcoming, inclusive and accessible to all, which includes:
 - 5.1. Safe and welcoming community spaces.
 - 5.2. A safe affordable, accessible, well-connected city for people for all ages and abilities, and all transport modes.
6. One of the actions of the Strategic Plan is to work with the State and Federal Governments to future proof infrastructure for emerging modes of transport, and trial smart, sustainable forms of public transport.

Summary of the issue

7. It is understood that there have been a number of complaints from members of the public relating to collisions or near-misses between people on foot and people riding e-scooters/ bicycles on footpaths.
8. Council records show that in in 2021 there were seven complaints related to a collision or near-miss with an e-scooter riding on a footpath, and two complaints related to a bicycle being ridden on a footpath
9. Data from the e-scooter operators notes that there are, on average, eight incidents a month relating to injuries, near-misses or collisions.
10. It is acknowledged that many collisions or near-misses of this nature may go unreported.

E-Scooters

11. E-scooters are an emerging mode of transport that have become popular in cities around the world. They provide a sustainable option for short journeys or the first/last leg of a longer trip when combined with another mode (such as public transport).

12. CoA is currently collaborating with the State Government to trial e-scooters within the city and North Adelaide. Based on the information currently available, it is considered that this trial is successful. The e-scooter trial was the subject of a report to Council on 14 September 2021.
13. The current trial only allows shared e-scooters that are operating subject to a business permit issued by Council to be ridden within a designated area. Personal e-scooters (i.e. those owned personally, not run by a commercial operator via our permit system) are not currently legal to use on streets and footpaths.
14. The road rules that apply to the use of shared e-scooters include the following.
15. Riders:
 - 15.1. Must be at least 18 years old.
 - 15.2. Must wear an approved bike helmet.
 - 15.3. May ride on footpaths and shared paths unless otherwise prohibited.
 - 15.4. May ride on a road only when crossing or to avoid an obstruction for up to 50 metres. If road travel is required, riders:
 - 15.4.1. Must travel less than 50 metres along the road I avoid the obstruction.
 - 15.4.2. Must keep as far to the left side as possible.
 - 15.4.3. Must obey any traffic signals.
 - 15.5. Must not ride on a road:
 - 15.5.1. With a dividing line or median strip.
 - 15.5.2. Where the speed limit is greater than 50km/h.
 - 15.5.3. Which is one-way with more than one marked lane.
 - 15.5.4. If otherwise prohibited.
 - 15.6. Must not ride in a bike lane or bus lane.
 - 15.7. Must use a warning to avert danger.
 - 15.8. Must have proper control at all times and ride with due care and reasonable consideration for other persons.
 - 15.9. Must not exceed 15 km/h or a lesser speed if required in the circumstances to stop safely to avert danger.
 - 15.10. Must not ride abreast.
16. CoA has the authority to manage conditions with the operator via the permit. However, Council does not have authority to address or enforce issues with specific individuals using e-scooters if they are breaching road rules while in motion, such as wearing a helmet, speed or perceived 'dangerous' driving. South Australian Police can take enforcement action for any breaches of the Australian Road Rules or offences that may apply.
17. Through the permit conditions, CoA works with the e-scooter operators to manage use of shared e-scooters within the city. This includes utilising the ability to geo-fence e-scooters so that they cannot be used in certain areas of the city at particular times. Currently e-scooters cannot be used in Rundle Mall at any time, or in the City West Declared Public Precinct (as defined by SAPOL) between 6:00 pm to 6:00 am on Fridays and Saturdays.
18. It is possible for CoA to amend the conditions of the permits and add further locations/streets where e-scooters cannot be ridden. Whilst this may improve safety and experience for people walking / using the footpath, it is noted that this may have other impacts such as the reduced attraction of the well-used shared e-scooters as a mode of transport.
19. The road rules state that e-scooters must not exceed 15 km/hr. If CoA is seeking to reduce e-scooters speed limits on all or some streets, the recommended approach would be to request this of the State Government at a broad level, rather than via the operator's permit which would create something that is CoA-specific and in conflict to the gazetted max speed limit. A lower maximum speed limit could be set at a permit level for the operator to abide by, however it is anticipated this would cause confusion and challenges for compliance monitoring.

20. As noted in the report to Council on 14 September 2021 (Link 1 view [here](#)), the National Transport Commission (NTC) has recently published an amendment to the Australian Road Rules to include personal mobility devices, including e-scooters. Whilst these national rules are currently a model law with no legal effect, the South Government may choose to incorporate them into the road rules (with or without amendments).
21. If this were to occur, Ministerial approval would no longer be required for the operation of e-scooters, and all devices, including shared mobility and privately owned devices, will be legal for use on public roads in every jurisdiction across the state. Under this circumstance, privately owned e-scooters could not be geo-fenced to prevent them from being ridden on specified city streets/precincts.
22. At this stage, without knowledge of how or when the road rules may change, it is not possible to determine how CoA could respond to best manage the use of e-scooters on our streets.
23. It is noted that e-scooters are also being trialled in other Australian cities, with different rules applying, including in Victoria where shared e-scooters can be ridden on bicycle lanes, shared paths and lower speed roads (up to 50 km/hr). E-scooters are not to be ridden on footpaths in Victoria. Any changes to the legislation to change the rules relating to where e-scooters can be ridden in South Australia would be determined by the state government.

Bikes on footpaths

24. People are allowed to ride bicycles on footpaths in South Australia, regardless of the age of the bike rider.
25. People riding on footpaths must adhere to the Australian Road Rules (South Australia), which include the following in relation to cycling:

250 – Riding on a footpath or shared path (part)

(2) *The rider of a bicycle riding on a footpath or shared path must—*

- (a) *keep to the left of the footpath or shared path unless it is impracticable to do so; and*
- (b) *give way to any pedestrian on the footpath or shared path.*

253 – Bicycle riders not to cause a traffic hazard

The rider of a bicycle must not cause a traffic hazard by moving into the path of a driver or pedestrian.

26. Bike riders must not ride on footpaths to which a 'No Bicycles' sign applies. Council has the authority to install 'No Bicycles' signs on footpaths within the City of Adelaide. However once installed, Council does not have the authority to enforce breaches of the signs, this is the responsibility of SAPOL.
27. The following road rule applies to 'No Bicycles' signs:

252—No bicycles signs and markings

(1) *The rider of a bicycle must not ride on a length of road or footpath to which a no bicycles sign, or a no bicycles road marking, applies.*

(2) *A no bicycles sign, or a no bicycles road marking, applies to a length of road or footpath beginning at the sign or marking and ending at the nearest of the following:*

- (a) *a bicycle path sign or bicycle path road marking;*
- (b) *a bicycle lane sign;*
- (c) *a separated footpath sign or separated footpath road marking;*
- (d) *a shared path sign;*
- (e) *an end no bicycles sign;*
- (f) *the next intersection.*

28. The speed limit for a someone riding a bike on a footpath is the same as the speed limit on the adjacent road, which, for the majority of city streets, is 50 km per hour.
29. These road rules, involving a 'moving traffic offence' are only able to be enforced by SAPOL officers. Council's Community Safety Officers are not able to enforce rules relating to people riding bikes on footpaths.
30. The State Government provide the following information for people riding on footpaths, [My Licence - Cycling Laws](#)

31. It is considered that people are more likely to ride their bike on the footpath when they believe that the adjacent road is unsafe or inconvenient (such as a one-way street). Improving the safety of our streets and providing more separated bike infrastructure will provide safe spaces for people to ride bikes and improve the safety of people on footpaths, thereby working towards our aim to create a city that is welcoming, inclusive and accessible to all.

Education and information

32. CoA provides information on our website to people moving about the city, [Etiquette when moving about the city | City of Adelaide](#)
33. The information focuses on planning ahead, obeying the road rules and paying attention to surroundings and sharing the space. Specific information is provided aimed at pedestrians, cyclists and drivers and includes written information and short videos to highlight specific issues.
34. We have also installed various informal signs / footpath decals at locations where we have known issues, such as the 'Keep Left', 'Slow' and 'Narrow Path Please Share' path decals that we have installed at specific locations around the city and Park Lands.
35. It is difficult to measure the impact of these education, information and informal signage initiatives.
36. We could review the information currently available on our website and the signage/path decals used and consider whether we could add further information or initiatives that may assist in addressing the behaviour of people riding e-scooters and bikes on footpaths. This is likely to require funding to implement any initiatives that are identified and selected for implementation.

Summary

37. There are existing road rules in place to manage the appropriate usage of e-scooters and bicycles on footpaths – however, unfortunately some users of e-scooters and bicycles do not abide by these rules. Enforcement of these road rules is the responsibility of the South Australian Police, with resources to enforce these rules being prioritised along with other policing matters.
38. Council has the authority to take a number of actions to monitor and manage the use of e-scooters and bicycles on footpaths in the city, including:
- 38.1. Monitor complaints via the e-scooter operators and through our existing communication and record keeping systems
 - 38.2. Installation of 'No Bicycles' signage on footpaths
 - 38.3. Geo-fence the operation of shared e-scooters to effectively 'ban' them for specific streets/locations at certain times of the day
 - 38.4. Implement education/information campaigns to encourage people to do the right thing and obey current laws

DATA AND SUPPORTING INFORMATION

State Government My Licence Cycling Laws

CoA website information – Etiquette when moving about the City of Adelaide

Link 1 – Report to Council – 14 September 2021

ATTACHMENTS

Nil

- END OF REPORT -