AUSTRALASIAN RAILWAY ASSOCIATION

Association Number A03958 | ABN 64 217 302 489

AUSTRALASIAN RAILWAY ASSOCIATION SUBMISSION

To the

National Transport Commission

On the

Barriers to the safe use of innovative vehicles and mobility devices

Addressing the regulatory barriers to the safe use of MMDs

THE ARA

The Australasian Railway Association (**ARA**) is a not-for-profit member-based association that represents rail throughout Australia and New Zealand. Our members include rail operators, track owners and managers, manufacturers, construction companies and other firms contributing to the rail sector. We contribute to the development of industry and government policies in an effort to ensure Australia's passenger and freight transport systems are well represented and will continue to provide improved services for Australia's growing population.

The ARA thanks the National Transport Commission (**NTC**) for the opportunity to provide this submission to *Barriers to the safe use of innovative vehicles and motorised mobility devices*.

This submission has been developed in consultation with the ARA's Accessibility Working Group which is comprised of accessibility representatives from the following ARA members:

- Department of Planning, Transport and Infrastructure, South Australia (**DPTI SA**)
- Department of Transport Victoria (**DoT Victoria**)
- Metro Trains Melbourne (**MTM**)
- Public Transport Authority of Western Australia (**PTAWA**)
- Queensland Rail (**QR**)
- Sydney Trains / NSW Trains / Transport for New South Wales (**TfNSW**)
- V/Line
- Yarra Trams

For further information regarding this submission, please contact Emma Woods, General Manager Passenger and Corporate Services via ewoods@ara.net.au or 02 6270 4507.

ADDRESSING THE REGULATORY BARRIERS TO THE SAFE USE OF MMDS

1. **Do you agree with aligning the maximum unladen mass with the ATS or is there a more appropriate response to overcome the regulatory barriers identified? Please provide evidence to support your position.**

   The rail industry recognises and acknowledges the importance of ensuring MMDs are accessible for those who require one and that consistency is desirable to facilitate and protect consumers, provide the basis for a more open and competitive market and enable better regulation and compliance monitoring.

PO Box 4608, Kingston
ACT 2604 Australia
T +61 2 6270 4501
F +61 2 6273 5581
E ara@ara.net.au
W www.ara.net.au

From a rail industry perspective, the unladen weight is not the issue, the combined weight of the device and the user is the issue. The *Disability Standards for Accessible Public Transport 2002 (Cth)* (**DSAPT**) apply to public transport operators and providers (which include the ARA members) and their conveyances, premises and infrastructure. Relevantly, section 8.6(1) of the DSAPT, entitled 'Maximum load to be supported by boarding device' states that *'a boarding device must be able to support a total weight of up to 300 kg'*. The boarding device refers to the ramps for customers with mobility devices to traverse the gap between the platform and train or tram. Similarly, electric lifts are utilised for customers using an MMD to board coaches that may replace or support regional rail services. As per the DSAPT and to ensure staff can safely operate these for customers, the ramps and electric lifts utilised by rail operators with mobility needs are built to support a weight of 300kgs. As a result, the rail industry recommends that the focus be on the combined weight of the MMD user and their MMD, specifically a maximum combined weight less than 300kg. The 300kg limit is a DSAPT requirement for accessing public transport irrespective of mobility aid type and therefore will relate to any public transport provider currently reliant on ramps.

Further, a desk-top review of MMDs currently available in Australia identified that a large number exceed the 110kg unladen mass limit, while many, but a lesser number, also exceed a speed of 10km/hr. Therefore, rail questions how proposed amendments to the AAR will ultimately be rolled out nationally.

The rail industry also questions the average weight of 80 kg attributed to MMD users in the NTC analysis. Although we recognise that this is based on Australian averages, the reality is that this figure might not be appropriate for those using MMDs who typically have limited mobility and quite possibly have, by definition, a more than average sedentary lifestyle. As a result, the laden mass of these devices could exceed the 300kg limit, something that will impact the NTC's safety analysis.

The rail industry is of the view that the paper provides limited insights around the potential safety risks involved adopting the proposed speeds of 10km/hr. As per our previous submission, the rail industry is of the opinion that the speed of MMDs around railway stations and platforms and tram stops should be limited to 6km/hr instead of 10km/hr to ensure the safety of MMD users and other patrons. This would align with Rule 39 of the UK Highway Code which stipulates 'walking pace' at 4 miles/hr (or 6km/hr). As railway stations and platforms and tram stops can be heavily populated, it is important that MMDs travel at a lower speed than usual for the safety of all. Further, industry supports the requirement in section 4.3 of the Wheelchairs Technical Specification TS 3695.3:2018 entitled 'Maximum speed' which states that, *'on powered wheelchairs with a maximum speed above 6 km/h, the powered wheelchair control system shall have an operator-controlled switch or speed mode that limits the maximum speed to 5 km/h or less'*. The NTC's January 2019 Issues Paper noted the lack of a nationally consistent approach for innovative vehicles as an issue for the community and industry alike. The same applies for MMDs. Achieving national consistency by adopting the recommendation already in place through the Wheelchairs Technical Specification TS 3695.3:2018 will help provide certainty for the community and industry alike.

The NTC paper confirms the link between speed and safety. As outlined in table two, speed has a significant impact on the kinetic energy of a device. The proposed speed limit of 10km/hr on footpaths should be reviewed and only approved if substantiated with ample evidence about it being safe and appropriate for users and others in the vicinity. Pedestrians do not walk at 10km/hr and walk slower in crowded areas such as train stations and tram stops. If MMDs are classified as pedestrians and moving among pedestrians, the rail industry questions whether is it appropriate to allow them to move at a higher than average speed, when already their mass is increasing the kinetic energy and accentuating

PO Box 4608, Kingston
ACT 2604 Australia
T +61 2 6270 4501
F +61 2 6273 5581
E ara@ara.net.au
W www.ara.net.au

the risks in case of collisions. Given these potential safety issues, the rail industry recommends that the 6km/hr as per the UK or even a 5km speed limit should be investigated/considered as more appropriate.

2. **Do you agree with the proposed pedestrian classification? Is it appropriate that all MMD operators are required to follow the pedestrian road rules? Please provide evidence to support your position.**

   Yes, although this is already the case in some jurisdictions, the rail industry supports that all MMD operators, including those who are controlling remotely, are classified as pedestrians and required to follow the pedestrian road rules.

   As noted above, the rail industry, does not support the proposal for a 10km/hr speed limit, believing this is too fast and could create safety risks for the MMD user and others nearby.

   The rail industry supports that a person/attendant who is assisting a person in an MMD is also recognised as a pedestrian and would therefore be expected to comply with pedestrian road rules.

3. **Any other comments.**

   The use of MMDs does not end on footpaths and therefore the rail industry recommends that the use of MMDs in public spaces is also considered by the NTC. For the safety of the MMD user and others in the vicinity, speed restrictions should apply in these environments too.

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E ara@ara.net.au
W www.ara.net.au