

Transport for NSW

# ESA Working Group – Electric Scooter Trial Recommendations Report

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*March 2020*

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## Introduction

The NSW Government supports transforming personal mobility and boosting active transport. By 2056, two thirds of people in NSW will be living within 2km of an urban centre and devices such as electric scooters and other similar technologies have the potential to move people out of single occupant cars for first mile and last mile trips, freeing up capacity on the roads for people who need to travel further. The appeal of these devices is that they are faster and require less physical effort than walking or cycling and people can use them for longer trips and over more difficult terrain, even with a lower fitness level.

Thanks to the advancements and cost reductions in GPS and battery technologies, electric scooters have become increasingly affordable, catalysing the rapid global expansion of both commercial and individually owned electric scooters particularly with the introduction of rental services in the US in late 2017. Since early 2018, Transport for NSW (TfNSW) has been approached by several operators of shared electric scooter services, local councils and individuals to allow a trial of electric scooters in NSW.

Safely realising the potential benefit of electric scooters and other similar technologies requires a holistic approach that considers infrastructure, the road environment and people's behaviour while balancing the mobility needs of the community. TfNSW has established the Electric Scooter Advisory (ESA) Working Group, consisting of key community stakeholders, to consider these issues and provide guidance and recommendations relating to the consideration of electric scooter trials in NSW.

The purpose of this report is to provide an overview of the advice put forth by the ESA Working Group to Transport for NSW in consideration of an electric scooter trial in NSW.

## Existing regulatory framework

Under *Motor Vehicle Standards Act 1989*, all motor vehicles imported or sold in the Australian market must meet minimum standards for safety as defined by the Australian Design Rules (ADRs), except in circumstances where an exemption has been granted by the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD).

Electric scooters can be sold and imported in Australia under the Federal *Motor Vehicle Standards (Road Vehicles) Determination 2017*, which outlines classes of vehicles that are deemed not to be road motor vehicles for the purpose of the *Road Vehicle Standards Act 1989*. These are often referred to as 'non-road' vehicles. However, there are currently no safety standards that apply to electric scooters for use on the road and their use is subject to state or territory legislation.

In NSW, any vehicle with a motor is classed as a motor vehicle under the *Road Transport Act 2013* and must be registered for it to be used on NSW roads unless it is specifically exempt from registration. Motor vehicle drivers must also be appropriately licenced unless they are exempt. Motor vehicles which have been exempt from registration requirements include motorised wheelchairs, drive-on lawn mowers, golf carts, and power assisted pedal cycles within defined performance limitations. Such motor vehicles can be lawfully used subject to specific conditions, for example a motorised lawn mower can travel on a public road as long as the vehicle weighs no more than 250kg and is used solely for cutting grass.

The main purpose of vehicle registration is to ensure that a vehicle meets minimum safety standards and allow for the identification of a vehicle and its registered operator, who has a responsibility to ensure the vehicle is safe and compliant with these standards when used on NSW roads. Registered operators are also liable for certain offences such as parking offences and camera-detected offences. Under NSW road transport law it is a requirement for the registered operator to ensure a motor vehicle continues to comply with roadworthiness requirements through its lifecycle as well as having a compulsory third party insurance policy.

In NSW, electric scooters are motor vehicles but cannot be registered as there are no applicable safety standards, in this case the Australian Design Rules (ADRs) for them. They also have not been exempt from registration requirements and are therefore prohibited from being used on NSW roads and road related areas like footpaths and shared paths.

Additionally, under the NSW Road Rules 2014, electric scooters would be considered a motor bike, which is defined as a motor vehicle with two wheels. Unless exempted, electric scooter riders would be subject to specific licensing requirements and road rules applying to motor bike riders if they were allowed to be used on NSW roads.

Consequently, any trial or use of such devices on road or road related areas in NSW would require exemptions from existing licensing and registration requirements, certain road rules; and have appropriate insurance as CTP insurance is currently not available.

## **Electric Scooter Advisory Working Group**

The Electric Scooter Advisory Working Group (ESA) was established in February 2019 to provide TfNSW guidance and recommendations around policy, regulatory and other relevant issues that may impact on road safety relating to proposals for electric scooter trials.

Membership of the Working Group consisted of key stakeholders including road safety experts, regulators, enforcement, responders, compensation providers and community advocacy groups, namely;

- Transport for NSW
- NSW Police
- NSW Ambulance
- State Insurance Regulatory Authority
- Pedestrian Council of Australia
- Guide Dogs NSW
- NRMA
- Youthsafe
- Bicycle NSW
- Office of Local Government
- Council of the Ageing NSW

Throughout the process of developing recommendations, the ESA Working Group also engaged with local government and industry representatives in addition to conducting desktop studies on the learnings arising from trials in other jurisdictions, including:

- Inner West Council
- Waverley Council
- Randwick Council
- Northern Beaches Council
- City of Parramatta Council
- Bayside Council
- City of Sydney Council
- Canterbury-Bankstown Council
- Liverpool City Council
- Lime
- Bird
- Beam
- Bolt
- Ride App
- Bicycles Online
- Frog
- Uber/Jump
- Neuron Mobility
- Dav City
- Go Flamingo
- Localift

The Working Group's process to develop recommendations can be summarised by Figure 1.



Figure 1. ESA Working Group recommendations development process

## Context and Desktop Studies

At the time of finalising the Working Group's recommendations in December 2019, desktop studies from trials in other jurisdictions had been inconclusive on whether electric scooters effectively address the transport outcome of reducing last mile commute in cars.

Additionally, throughout the recommendation development process, the Working Group observed an increasing number of reports on the adverse impacts of electric scooters in other jurisdictions<sup>1</sup> particularly around electric scooter safety and parking management. Cities, such as Paris<sup>2</sup> and Singapore<sup>3</sup>, who had initially allowed the roll out of e-scooters relatively freely, were responding by introducing tighter restrictions to the operating domain of electric scooters, suggesting that safety concerns had not been sufficiently addressed through the technological advancements of the scooters.

In consideration of a trial of electric scooters in NSW, the ESA Working Group explored the following issues in depth, consulting with local councils and industry experts as it became necessary:

- Operating domain
- Device performance requirements
- Safety of operators and other road users — for both scooters in use and parked
- Compliance and enforcement
- Insurance implications
- Data collection requirements
- Communication requirements

## ESA Working Group Outcomes

Electric scooters and other similar technologies may have the potential to transform personal mobility, facilitating first and last mile journeys and freeing up capacity from our congested roads. Rapid innovations in technology will make it difficult to manage and enforce how each and every type of mobility device is used. If they are permitted, space will inevitably need to be shared and it will be TfNSW's responsibility to define the appropriate ways to do so effectively.

Currently in NSW, there is also limited legislation to control businesses deploying shared devices on public land or roads. A separate consultation process and significant legislative change would be required to achieve any higher level of control over the use of public land for deploying shared assets like shared electric scooter services. Other jurisdictions for example a permit system; requiring the implementation of a complex and costly enforcement regime where local governments, other government land managers and road authorities would all have a role to play.

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<sup>1</sup> Hawkins, A.J. (2019). *Electric scooter use results in 20 injuries per 100,000 trips, CDC finds*. [online] The Verge. Available at: <https://www.theverge.com/2019/5/2/18526813/scooter-electric-injury-austin-cdc-study-head-helmet> [Accessed 2 Mar. 2020].

<sup>2</sup> Crellin, F. (2019). Paris clamps down on electric scooters as law of the jungle rules. Reuters. [online] 24 Jun. Available at: <https://www.reuters.com/article/us-france-paris-scooters/paris-clamps-down-on-electric-scooters-as-law-of-the-jungle-rules-idUSKCN1TP1ZV> [Accessed 2 Mar. 2020].

<sup>3</sup> Westcott, B. (2019). *Singapore joins France in banning e-scooters on sidewalks*. [online] CNN. Available at: <https://edition.cnn.com/travel/article/singapore-e-scooter-ban-intl-hnk/index.html> [Accessed 3 Feb. 2020]

As it stands, local governments would largely be unable to regulate the deployment of shared electric scooters beyond a trial aside from the ability to impound devices under the *Impounding Act 1993*; however this Act is currently under comprehensive review through to mid-2020. TfNSW is also only currently able to regulate their deployment through a Ministerial exemption order and any future regulatory changes would need to consider the future regulatory environment that these services should operate under.

Early observation from pilots in other jurisdictions has suggested that riders of electric scooters prefer to utilise cycling infrastructure when available, however, in absence of the infrastructure will choose to ride on footpaths<sup>4</sup>. Additionally, National Cycling Participation Survey 2019 has identified a series of government actions to encourage bicycle riding, such as more cycling lanes, better connections between cycling paths and bicycle parking. It is expected that similar infrastructure support is likely to be required for the uptake of electric scooters and other similar devices in NSW.

Operators of shared electric scooters have shown hesitation towards self-enforcement of trial conditions, particularly with regards to rider behaviour, due to the competitive nature of the industry, while also citing limitations in technological capabilities. As such, the enforcement of trial conditions would lean heavily on local police and their resources.

For any electric scooter trial, 'off the shelf' insurance products would likely need to be amended to ensure there is no coverage or benefits gap between an operators' insurance policies and that compensation which would be available to a person if injured or killed by a registered vehicle (that is, via the NSW CTP scheme). Given the highly specialised nature of such a product, oversight from the State Insurance Regulatory Authority (SIRA) would likely be required. Standardisation of appropriate insurance products could be considered beyond a trial.

The trial recommendations have been developed by the ESA Working Group in absence of Australian Design Rules for electric scooters. However, the group has highlighted that prior to any trial there must be further investigation in establishing evidence based vehicle specification baselines to ensure sufficient capabilities in areas such as visibility, speedometer accuracy, braking and manoeuvrability within the prescribed trial operating domain.

In addition to developing recommendations for both Operating and Trial Location requirements, the ESA Working Group has also defined what success would look like for an electric scooter trial.

The Working Group also conducted analysis on a trial involving privately owned electric scooters. The outcome of this analysis is detailed in the section "Private e-scooter use" below.

## **Recommendations for Electric Scooter Trial Conditions**

In the absence of Australian Design Rules and safety standards that apply to electric scooters, the ESA Working Group has provided the recommendations specifically for an electric scooter trial in NSW based on the constraints of exempting existing legislation and the following assumptions:

- That the trial would be limited to electric scooter shared services (not privately owned scooters)

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<sup>4</sup> Portland Bureau of Transportation. (2018). *2018 E-scooter Findings Report*, [online] Available at: <https://www.portlandoregon.gov/transportation/article/709719> [Accessed 3 Feb. 2020]

- That the performance capacity of the electric scooters would be greater than 10km/h
- That any trial would be independently evaluated

These recommendations should be treated only as guidance for a trial; being used to inform any future change to policy. There also remains significant investigation required around vehicle design and performance including size, weight, manoeuvrability, speed and power capabilities, and the resultant kinetic energy and safety risk.

The Operating Requirements and Trial Location Criteria below have been extracted from the Recommendations for Trial Conditions detailed in Appendix 1.

## Operating requirements

Parameter	Trial Requirement
<b>Trial duration</b>	6 months with consideration for an additional 6 months
<b>Licensing</b>	Users must have a drivers' licence valid in NSW (minimum Provisional); age restriction in line with licensing (min. 17)
<b>Identification</b>	Each scooter must have a clearly visible unique identifier
<b>Passengers</b>	Passengers are not permitted
<b>Helmet use</b>	Riders must wear an approved bicycle helmet
<b>Maximum power output</b>	300 watts
<b>Maximum speed</b>	Capable of up to a maximum of 20km/h on roads or bike lanes/paths and only allowed to travel at a maximum of 10km/h on shared paths
<b>Use on roads</b>	<ul style="list-style-type: none"> <li>• Must not be used on roads with: <ul style="list-style-type: none"> <li>- Speed limit greater than 50km/h</li> <li>- Multiple lanes in direction of travel</li> </ul> </li> <li>• Must be ridden as near as practicable to the left hand side of the road</li> </ul>
<b>Use on footpath</b>	<ul style="list-style-type: none"> <li>• Not permitted</li> </ul>
<b>Use in bike lanes/bike paths</b>	<ul style="list-style-type: none"> <li>• Permitted (preferred over shared paths)</li> </ul>
<b>Use on shared paths and zones</b>	<ul style="list-style-type: none"> <li>• Permitted</li> <li>• Max. speed of 10km/h</li> <li>• Must give way to pedestrians</li> <li>• Keep left</li> </ul>
<b>Parking</b>	Scooters are to be parked in 'bays' as defined by Council
<b>Operator density</b>	Min. 2 competitive Operators in each trial area
<b>Geofencing system</b>	Trial boundaries, no-go zones, slow speed zones
<b>Use at night</b>	<ul style="list-style-type: none"> <li>• Scooter use will be prohibited at night (between sunset and sunrise)</li> </ul>



<b>Insurance</b>	Operators are responsible for AUD\$20m public liability insurance, insurance for personal injury and third party injury that is equivalent to the policy and benefit structure as compared to CTP insurance, and third party property insurance.
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>Non-compliant riders will be subject to penalty infringement notices for breaching applicable road transport law exemptions; penalties to reflect light vehicle penalties where feasible.</li> <li>Operators must legally own scooters and have business registered in NSW for Police to request personally identifiable data</li> </ul>
<b>Data</b>	Operators must provide de-identified trial data, dashboards and operating reports as requested by TfNSW; MaaS data specifications

### Trial Location criteria

Parameter	Trial Location Criteria
<b>Parking bays</b>	Must be able to support sufficient scooter parking bays without overwhelming existing infrastructure
<b>Shared paths</b>	Must meet NSW Road Rules 2014 signage requirements and Austroads design requirements verified by the local council
<b>Roads</b>	<ul style="list-style-type: none"> <li>Must not have gaps in the network that forces riders to break trial requirements</li> <li>Free from light-rail tracks</li> <li>Upgraded stormwater grates</li> </ul>
<b>Bike lanes/bike paths</b>	Ideal environment to operate; location should have a complete network with minimal use on shared paths and roads
<b>Geography</b>	<ul style="list-style-type: none"> <li>Steep hills can be geo-fenced to prevent usage</li> <li>Councils can direct Operators to remove scooters from known high risk areas outside of operating hours e.g. near waterfronts</li> </ul>
<b>Parking Monitoring</b>	<ul style="list-style-type: none"> <li>Operators will have on-ground teams to respond to complaints and scooter 're-balancing' but Councils would be required to conduct adhoc monitoring of parking and issue appropriate notices</li> <li>Councils will have powers to impound scooters that are not removed within the agreed timeframes</li> </ul>
<b>Community consultation</b>	<ul style="list-style-type: none"> <li>Required to be part of a communications plan and conducted prior to a trial</li> </ul>
<b>Transport outcomes</b>	<ul style="list-style-type: none"> <li>Within ~2.5km of a transit hub or destinations (home/work/universities)</li> </ul>

### Measures of Success

<b>Category</b>	<b>Measure of Success</b>
Safety (rider)	Scooters have at least a comparable if not better level of safety with other active transport modes
Safety (pedestrians and other road users)	Scooters are not adversely affecting peoples feeling of safety and willingness to walk
Suitability of operating domain	Electric scooters are able to operate safely within the trial operating domain
Replacement of car trips	Scooters are replacing trips undertaken in cars

Customer satisfaction	Customers are satisfied with scooter service
Community satisfaction	There is a high level of acceptance for scooters and enjoyment of public spaces is not adversely impacted
Enforcement and Penalties	Enforcement and penalties can effectively deter unsafe behaviour
Enforcement and Penalties	Users are complying with trial conditions
Operator behaviour	Operators are complying with trial conditions
Insurance functionality	Personal injury insurance should possess an equivalent policy and benefit structure as compared to CTP insurance
Environment	Environment and amenity are not adversely impacted

### Private e-Scooter use

The ESA Working Group has conducted an analysis on a trial involving privately owned electric scooters in Figure 2.

It is in the Working Group's view that the potential benefits of conducting a privately owned electric scooter trial is greatly outweighed by the increased amount of challenges. As such, it has not been recommended that an initial trial include privately owned electric scooters at this time.

PROs	CONs
Potentially less risky rider behaviour; e.g. doubling up, greater helmet use	Greater administration efforts required to acquire any data and build the case for electric scooters
No vandalism	Difficulty in imposing registration and insurance
Fewer parking issues	Cannot geofence trial boundaries or prevent riding beyond trial zones
Rides are focussed on transport rather than joyrides	Difficult to implement riding curfews
	Lack of connectivity for users on dedicated cycling infrastructure
	Compliance relies solely on police and council
	Greater complexity in regulatory exemption
	Enforcement of vehicle standards difficult – particularly with maximum power and speed requirements
	Registration/number plate requirements would increase complexity in the current legislative environment

PROs	CONs
	Crash data entirely dependent on witness or rider reporting
	May unintentionally permit other types of privately owned motorised devices
	Higher chance of vehicle modification
	At risk of overwhelming litigation system if vehicles are not registered
	Cannot rely on technology to apply speed limits

Figure 2. Privately owned electric scooter trial analysis

## Appendix 1

### R1 - Age

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Exemption order will only apply to riders 17+ for the first phase of trial

### R2 - Passengers

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No passengers permitted; electric scooters to be exempted are to be designed for a single rider only

### R3 - Licence

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Rider must have a drivers licence that is valid in NSW.

Operators are responsible for ensuring that registered riders possess a drivers licence valid in NSW

### R4 – Parking responsibility

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Operators' responsibility to ensure that the scooters are parked in bays where they will not obstruct pedestrians. Road rules must be abided when collecting and deploying scooters, and Operators will be liable to any breaches.

Councils will have power to enforce and monitor this through the Impounding Act.

Parking bays must meet accessibility guidelines and Councils are responsible for defining the appropriate areas. Parking bays are not to be located on the road.

Each device must have clear contact details for the public to contact the Operator directly.

## **R5 – Helmet use**

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Approved bicycle helmets must be worn when riding electric scooter

Operators will be required to take all reasonable steps to ensure riders are provided with and wear an approved bicycle helmet fitted with reflectors while riding.

Observational studies will be conducted throughout trial to evaluate rider compliance with helmet use, which will affect Operator Performance.

## **R6 – Alcohol or Drug use**

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Operators to have strategies in place to prevent riders from using electric scooters under the influence of alcohol or drugs

Riders will be subject to same rules as motorcyclists in relation to drug and alcohol use

## **R7 – Towing**

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Rider must not tow any other vehicle, not hold onto the back of or be towed by another vehicle.

## **R8 – Mobile phone use**

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Riders must comply with existing laws regarding mobile phone use in motor vehicles.

## V1 – Maximum power output

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300 watts

## V2 – Maximum speed

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20 km/h on road-related areas, bicycle lanes and bicycle paths. 10km/h on shared paths

Operators will be required to limit maximum speed of scooters to 20km/h and provide rider communication for maximum speed of shared paths

## V3 – Vehicle identification

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Electric scooters must be clearly branded by operator; each scooter must also have a tamper-proof unique identifier in an intuitive location as well as contact details visible to non-riders printed on the vehicle.

## V4 – Vehicle standards, definitions

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Standing kick-scooter powered by electric motor designed for use by a single person.  
*Further investigation required.*

## V5 – Vehicle lights

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Must have a working white front light and red rear light.  
Lights must be on when scooter is hired.

## V6 – Cyber security

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Operators must ensure that electric scooters have not been compromised or hacked at all times. Risks, mitigation measures, crisis protocols and communications to be a part of the Safety Management Plan that must be approved by TfNSW prior to a trial. TfNSW reserves the right immediately and suspend operations at any time.

## **V7 – Vehicle warning sounds**

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The operator must ensure that the scooter is fitted with a working bell, horn or similar warning device.

## **TE1 – Use on road**

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Not to be used on roads with speed-limits greater than 50km/h or multi-lane roads. Must be ridden as far practicable to the left.

## **TE2 – Use on footpath**

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Not permitted

## **TE3 – Use on shared paths**

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Permitted with maximum speed of 10km/h. Riders are to follow the same rules as cyclists

Trial locations must meet mandatory signage requirements.

## **TE4 – Use in bike lanes**

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Permitted - electric scooters must use bike lanes where available unless impractical

## **TE5 – Use at night**

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Not permitted for initial trial phase

## TE6 – Weather restrictions

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Electric scooters are to be disabled for hire by the Operator in adverse weather conditions.

## TE7 – Trial location

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Trial boundaries will be defined in the exemption.

Trial location must be geo-fenced by the Operator.

Multiple testing locations will be considered to maximise learnings. Factors for considering a location may include network availability, use cases, council and police capabilities, geographic and social suitability.

## E1 – Riders

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Non-compliant scooter riders will be subject to the applicable infringement consequence based on the Declaration Order.

TfNSW to determine a regulatory model that reflects infringement severity and to provide Police with true definition prior to a trial.

## E2 – Operators

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Operators will have a trial agreement with TfNSW and Council. Any breach of trial agreement may result in termination.



## E3 – Drivers and other road users

Drivers are still subject to the current rules regarding inappropriate behaviour towards other road users. No new rules will be applied to them.

Vandalism of scooters is an offence and can be enforced by the police.

## E4 – Private e-scooter use

This trial is open to the use of shared electric scooters provided by operators with a trial agreement with TfNSW only. These scooters must be clearly identified.

There will be clear public messaging that the use of private e-scooters will be subject to penalties.

## D1 – Incidents

Operators are to report incidents as per TfNSW guidelines, which will be defined in trial agreements.

Additionally, TfNSW will work with Police and health industry to verify number of reports. Appropriate report coding will be identified and guidelines developed to ensure data is sufficiently disaggregated.

## D2 – Road surface

Along with the incident data, it will be beneficial to collect information of the associated road surface or surface of use and conditions to capture any correlations.

There are existing codes used for crash data reporting to be investigated to maintain consistency.

## **D3 – Insurance claims**

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Operators are to report all claims made. Additionally, TfNSW to work with insurance companies to capture the complete picture of claims made.

## **D4 – Customer and community feedback**

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Base customer experience survey to be provided by TfNSW to Operators.

Operators to collect a measure of customer satisfaction using surveys.

Complaints to be captured by TfNSW, Councils, Police and Operators.

TfNSW will create a webpage dedicated to collection of trial feedback.

## **D5 – Utilisation**

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Operator to provide real time information on utilisation; either through a dashboard or other predetermined format (e.g. as heat maps) in addition to weekly reports to Councils and TfNSW

## **D6 – Pricing**

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Fair pricing will be determined by the market; there must be at least 2 operators to create competition.

Pricing strategies will be assessed in the tender evaluation process to favour operators who display social equity (e.g. concession pricing), as well as those that incentivize or punish rider behaviour

## **D7 – Reporting specifications**

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All Operator data is to be provided in real time on a dashboard, de-identified and according to the MaaS data specifications. For trial purposes, this data should be open and publishable by Councils and TfNSW. Regular reporting requirements to be defined in RFP.

## D8 – Privacy

Operators must manage data according to Australian Privacy Principles. All data provided as part of requested reporting must be de-identified to align with the Privacy and Personal Information Protection Act 1998 applicable to NSW government entities.

## D9 – Trip replacement

User surveys provided by the Operators, Council and TfNSW will be evaluated to understand:

- a) electric scooters replacing trips in vehicles
- b) attitudes towards public transport as a result of the availability of the electric scooters

## D10 – Evaluation criteria

An independent evaluation will be conducted on a trial with research questions around:

- |                                 |                                      |                                    |
|---------------------------------|--------------------------------------|------------------------------------|
| a) safety;                      | e) trip replacement                  | h) impacts on high risk groups and |
| b) transport viability options; | f) customer and community perception | i) unintended consequences         |
| c) the business model ;         | g) compliance with legislation       |                                    |
| d) clustering density;          |                                      |                                    |

in the context of existing and future infrastructure that may support electric scooters.

## D11 – Behavioural data

The ability to capture behavioural data can be assessed in the tender evaluation.

## D12 – Operator performance

Operator performance for the trial will be measured by:

- |  |  |                                      |
|--|--|--------------------------------------|
| a) number of complaints                                  | incidents  | f) reporting quality and punctuality |
| b) parking obstructions and number of scooters impounded | d) response and resolution times to incidents and TfNSW/Council requests | g) helmet availability and use.      |
| c) number of safety                                      | e) Fleet maintenance quality   |                                      |

## **O1 – Trial duration**

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6 months with consideration for an additional 6 months extension (12 months total).

## **O2 – Fleet size**

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Fleet size will be capped initially based on trial location size; increases to fleet size may be requested monthly, at TfNSW discretion and dependent on utilisation rates and operator performance

## **O3 – Account identification**

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Operator is required to have mechanisms in place to ensure that riders are 17+ and possess a drivers licence valid in NSW.

Operator must have a presence in NSW for Police to request data.

Operators to be penalised if an offence is non-fineable due to mismatch of rider and account holder.

## **O4 – Geo-fencing**

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Operators will be required to apply geo-fencing to the trial boundaries and must not allow riders to end trips outside of them. Scooters will be required to be slowed safely outside of the geo-fence.

Additional geo-fencing within the trial boundaries can be requested by Council.

Operators to be assessed in a tender process on additional measures to prevent scooters from breaching the trial boundaries.

## O5 – Parking and Incident management

Operators must have an Incident Management Plan approved by TfNSW and Council prior to a trial and will be required to respond to incidents within timeframes as per Impounding Act and any additional schedules provided by TfNSW.

Riders, public and council must be able to simply and accessibly notify relevant Operator for emergencies, incidents or complaints without requiring a registration process. Incidents and complaints must be recorded in a log that can be requested by TfNSW or Council.

TfNSW reserves the right to suspend the trial or an Operator if incidents are not resolved or if there is imminent danger to the public.

Minister has power to rescind MDO at any time for any reason

## O6 – Insurance

Operators will be required to have an appropriate level of insurance. In the case of personal injury, the insurance must cover both the rider and any other person injured by the scooter while it is in operation; and should cover these individuals regardless of fault. This is to be an equivalent policy and benefit structure as compared to CTP insurance. That is, a condition of the trial would be for the operator to ensure that any personal injury policy provides to an injured claimant an equivalent level of cover and claims experience as under a CTP policy.

Operators are responsible for sourcing and buying appropriate insurance products for personal injury, AUD\$20 mill public liability (eg if a person is injured by a scooter which is not in operation) and third party property damage.

It is the Operators' responsibility to communicate insurance arrangements to the rider and provide a single point of contact for claims.

## O7 – Curfew

Electric scooters must be disabled for hire outside of daylight hours as prescribed by TfNSW. Operators must ensure scooters are parked appropriately in the evenings.

Councils may request Operators to remove scooters from specific areas in the evening.

## O8 – Charging and distribution

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Charging and distribution will be the responsibility of the operator. Council may choose to limit operators to a maximum number of scooters in certain areas to prevent overcrowded footpaths.

## O9 – Procurement

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TfNSW will select operators through an EOI process, in which the Council may choose to participate in. This will entail a short procurement process conducted internally within TfNSW.

## O10 – Payments withheld

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NSW Fair Trading will be engaged and informed of trial operators who charge a bond or deposit to ensure that they are appropriately managing the funds and fairly returning the deposits to customers at end of trial.

## O11 – APIs and external apps

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Operators must ensure that external apps that allow unlocking of scooters must also provide any pre-ride checks/prompts or information (e.g. geofencing, trial rules, etc).

## O12 – Fees and permits

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TfNSW will not be providing any funding for this trial. There will not be a permit system in place for a trial and there will be no charge to the Operators to submit EOIs or participate in the trial.

Operators will be subject to Council fees for impounded scooters, including cost to recoup from rivers, ponds, etc.

## O13 – Fleet maintenance

Maintenance to be the responsibility of the Operator. This includes being accountable for the safety and usability of devices.

A Safety Management Plan, including fleet maintenance, will be required from the Operator for the tender evaluation and approved by TfNSW prior to a trial. There must be transparency on the nature and frequency of vehicle checks

Random fleet audits to be conducted by TfNSW or Council on basic scooter functions such as working lights, brakes, kickstand, helmet availability.

## C1 – Rider education

Riders must acknowledge information provided by the Operators and understand their liabilities before using electric scooters.

Operators must provide riders with information regarding trial rules, consequences as well as easy access to basic road rules – this must be approved by TfNSW and Council prior to trial launch.

Operators will be assessed on strategies to provide training to ensure adequate riding capabilities in tender evaluation.

## C2 – Road user education and awareness

TfNSW will publish official rules of the trial and lead a broader campaign to ensure that other road users are aware of the electric scooter trial. In addition to the Council and the Operator, this is also a responsibility of all ESA working group members to pass on this messaging.

## C3 – Communications plan

TfNSW to develop overarching communication guidelines and messaging for the trial - including rider and road user education, use of private scooters, response to and treatment of social or other media.

Operators are responsible for developing community engagement plans in collaboration with local Councils within the provided communications guidelines.

## C4 – Social media

There will be a shared responsibility by all parties to manage their social media channels for adverse commentary.

TfNSW will provide a FAQs sheet to stakeholders to provide guidance and keep messaging around the trial consistent.