****

**NDA submission on the Draft Road Traffic and Roads Bill 2021**

**March 2022**

The National Disability Authority (NDA), is an independent statutory body that provides information and advice to the Government on policy and practice relevant to the lives of persons with disabilities. We have a role to assist the Minister for Children, Equality, Disability, Integration and Youth in the co-ordination of disability policy. We work through our Centre for Excellence in Universal Design to promote the universal design of the built environment, products, services and information and communication technologies so that they can be easily accessed, understood and used by everyone, including persons with disabilities.

We note the current draft Road Traffic and Roads Bill 2021 (the Bill), and specifically the amendments and insertions related to Powered Personal Transporters (PPTs). The NDA welcomes and supports legislation on the use of PPTs in Ireland. It is noted that ensuring both pedestrian and cycling spaces remain safe and inclusive for people with disabilities will largely rely on regulations accompanying the legislation.

The NDA advises that legislation and regulation of PPTs should consider the following key elements:

* Ensuring consultation with organisations of people with disabilities and older people.
* Safeguarding the social inclusion and participation of people with disabilities through
  + Maintaining the safety and amenity of footpaths
  + Maintaining and encouraging the safety and amenity of cyclepaths
* Preventing avoidable disability and injury through setting regulations and requirements for PPT use
* Ensuring sufficient data collection to inform responsive future legislative or regulatory amendments

Each of these elements is discussed more fully below.

# Consulting people with disabilities

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) aims to ensure that countries uphold the rights of persons with disabilities and facilitate their full social inclusion. The UNCRPD states that in

“decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations” (Article 4.3)

The Committee on the Rights of Persons with Disabilities highlights that in relation to the term ‘representative organisations’ in the above:

“Organizations of persons with disabilities should be distinguished from organizations “for” persons with disabilities, which provide services and/or advocate on behalf of persons with disabilities…” and that prior to the UNCRPD “the views of persons with disabilities were dismissed in favour of those of third-party representatives, such as organizations “for” persons with disabilities.”[[1]](#footnote-1)

Organisations ‘of’ persons with disabilities are classified as being those that are led, directed and governed by persons with disabilities, with a majority of members being persons with disabilities.

In this context, the NDA emphasises the importance of ensuring that a diverse range of people with disabilities are consulted on the legislation, and future regulations, if such individuals or organisations have not already provided submissions through the public consultation phase. There are a limited number of organisations of people with disabilities in Ireland (which are termed ‘Disabled Persons Organisations’ (DPOs)) however several can be found listed as part of the DPO Coalition and include the Voice of Vision Impairment, Independent Living Movement Ireland, Irish Deaf Society, As I Am, and the National Platform of Self Advocates.[[2]](#footnote-2) While it may be useful and necessary to consult with service organisations (organisations ‘for’ people with disabilities) in such a limited DPO landscape, the NDA advises that it is vital for inclusion to ensure that DPOs are consulted and not only service organisations.

In seeking the input of persons with disabilities, through organisations either ‘of’ or ‘for’ people with disabilities, the NDA suggests that it may be useful to particularly seek input from those that may be affected by changes in use of cyclepaths or footpaths. Walking and cycling are important options not just for transport but also for physical and mental health, and the NDA notes that some people with disabilities may be vulnerable cyclists or pedestrians, or be more affected by increased risks on cyclepaths or footpaths. Some groups that may have specific needs in this area, in addition to wheelchair users and blind persons which the committee is aware of, include people that are deafblind, those with intellectual disabilities, older people with mobility, frailty or cognitive impairments, people that are deaf or hard of hearing and people with mental health or psychosocial disabilities.

The NDA strongly recommends that future draft regulations also ensure fulsome consultation with people with disabilities, ensuring public consultation offers a generous response timeframe to enable people with disabilities to contribute, and to seek support to make a contribution if needed. In order to ensure any consultations on the regulations associated with the Bill are as inclusive as possible the NDA recommends taking a universal design approach.

In taking a universal design approach to consultation it is recommended that all material pertaining to the consultation be available in a variety of accessible formats. Consultation activity should be delivered in a variety of formats (for example not just through a survey but by using fora such as workshops, and focus groups as well) with multiple avenues for providing spoken and written input. Further information concerning accessible information can be found in the NDAs Code of Practice on the Accessibility of Public Services and Information provided by Public Bodies.[[3]](#footnote-3) This Code outlines the statutory obligations with regards to providing accessible services and information under section 26, 27 and 28 of the Disability Act 2005.

Accessible information is one of the key criteria for universally designed services that should be incorporated into any engagement process. All information (written, spoken, signed and digital) delivered (which includes consultation information), should be universally designed. The NDA suggests consulting the Customer Communications Toolkit for the Public Service - A Universal Design Approach[[4]](#footnote-4) which will help to produce universally designed written, verbal and digital communications that can be easily accessed, understood and used by everyone.

# Ensuring footpath users’ amenity and safety

The NDA strongly supports the prohibition of PPTs on footpaths in order to ensure the safety and amenity of these areas for people with disabilities. The inclusion of a fixed charge offence in regulations, for PPTs travelling on footpaths is important to underpin the safety of these spaces.

As research indicates that PPT journeys are largely used to replace public transport and walking journeys,[[5]](#footnote-5) it can be expected that legalisation of PPTs will increase the volume of PPTs on ‘shared paths’ (paths shared by pedestrians and cyclists). The NDA suggests that this change in traffic mode share on shared paths will decrease the safety of shared paths for many people with disabilities, resulting in unintended exclusion from exercise, socialisation and travel opportunities. We encourage a renewed attention to the separation of pedestrian and cycle paths as a standard approach as a consequence of this legislation. The NDA suggests that PPTs should not be allowed on transport corridors in which pedestrians have priority (such as shared paths).

The NDA welcomes and supports the establishment of speed limits on PPTs, at levels consistent with public safety such as 25km/h or lower. We further encourage regulation to mandate requirements for Acoustic Vehicle Alerting Systems (AVAS) similar to those required at EU level for electric and hybrid vehicles, to ensure pedestrian safety.

Regulation of PPTs should also ensure that, unlike cycles, they can only be parked in designated bays. Experience in other jurisdictions indicates that PPTs can present an injury hazard to footpath users, particularly those with low vision, due to failure to park PPTs in a manner that leaves the footpath clear.

# Ensuring cyclepath users’ amenity and safety

Increased use of PPTs that are restricted to use on cyclepaths can be expected to increase both the volume of traffic and the average speed of traffic on these paths. It can be expected that higher average speeds in cycle paths users would increase the risks for vulnerable or unpredictable cyclists or PPT users, such as may be the case for many people with disabilities. The NDA advises that passage of the Bill into law warrants renewed attention to ensuring the continuity and safety of cycle path networks across Ireland according to universal design principles, to ensure cycling remains an inclusive option and physical activity is encouraged for all.

# Preventing avoidable disability and injury

While death rates for PPT users are similar to those for cyclists, the NDA notes that PPTs are associated with a significantly higher risk of injury. A recent OECD report lists hospitalisation rates for PPTs as approximately six or more times that of cyclists.[[6]](#footnote-6) It is a concern for both PPT users and pedestrians that some such injuries may result in, or exacerbate, temporary or permanent disabilities. Studies note that despite this high existing injury rate, injuries involving PPTs are also likely to be highly underreported.[[7]](#footnote-7) Legislation and regulation of PPTs must aim to prevent such injuries wherever possible through measures such as those previously recommended i.e. PPT prohibition from footpaths, speed limits, parking requirements, and device requirements such as AVAS.

While the NDA has suggested a number of ways to regulate PPTs to promote the safety and inclusion of people with disabilities in public places, we would highlight a critical consideration that experience in other jurisdictions indicates that restrictions on PPT use in legislation and regulation are difficult to enforce and are often rarely enforced.[[8]](#footnote-8) For this reason, development of Ireland’s legislative instruments should consider how to ensure the safety of people with disabilities and PPT users on the assumption that enforcement will rarely occur. Some options to promote compliance in PPT use include mandatory requirements for sellers/hire companies of PPTs to provide information indicating that they must not be ridden on footpaths or over a particular speed limit, dedicated active mobility enforcement officers,[[9]](#footnote-9) or increased education on the rules of the road through cycling programmes for children in schools as they approach the age that PPT use and independent travel becomes more common.

Regulation should also consider the potential to promote the safety of PPT users through setting requirements equivalent to cycles on the need for lights, signalling etc. In addition requirements such as mandatory helmets and indicator lights may need to be considered for PPTs specifically. It is of interest to note that some European countries with similar PPT speed limits to that which Ireland proposes (25km/h) are moving to require helmets on PPTs in 2022 due to the injury rates experienced.[[10]](#footnote-10) Similarly, the Danish national police traffic centre reports that signalling traffic movements with one hand while on a PPT can cause dangerous situations due to the increased difficulty of keeping balance on PPTs while riding one-handed.[[11]](#footnote-11) Requirements for built-in indicators that can be operated while keeping both hands on the handlebars have been suggested as a remedy to this.

# Ensuring sufficient data for future legislative responses

While there are a wide range of studies on injuries in PPT users, and less commonly, on injuries caused by PPTs, it is also apparent that consistent widescale data is not easily available. In addition, regulation of PPT use appears particularly prone to revision in other jurisdictions, after unintended negative consequences and injuries arising from PPT use become clear. In this context the NDA advises the committee to require the collection and reporting of statistics on accidents and injuries involving PPTs by relevant bodies from the outset, including the collision culpability by vehicle type, road user status of the injured party (pedestrian, PPT user, cyclist, motorcyclist, motor vehicle driver), and injury/fatality. This data is essential to both establish the adequacy of the initial legislation/regulation and to pinpoint where future improvements may be necessary to optimise safety and inclusion.

The NDA is happy to meet with the Committee to discuss this submission, and to work with relevant drafting bodies to assist. We encourage an approach that optimises safety and inclusion for people with disabilities and vulnerable users on footpaths and cyclepaths.

1. General Comment 7 UNCRPD <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en> [↑](#footnote-ref-1)
2. DPO Coalition Ireland <https://www.wheel.ie/notices/introducing-coalition-disabled-persons-organisations-dpos-ireland> [↑](#footnote-ref-2)
3. <https://nda.ie/good-practice/codes-of-practice/code-of-practice-on-accessibility-of-public-services-and-information-provided-by-public-bodies-/> [↑](#footnote-ref-3)
4. <https://universaldesign.ie/products-services/customer-communications-toolkit-for-the-public-service-a-universal-design-approach/> [↑](#footnote-ref-4)
5. The proportion of escooter trips reported to replace car or taxi trips varies from 8% to 50% with European cities studied occupying the lower ends of that scale currently. Internationally, only in USA were more than 28% of escooter journeys replacing car journeys. <https://www.itf-oecd.org/sites/default/files/docs/safe-micromobility_1.pdf> [↑](#footnote-ref-5)
6. The ITF collated estimates for hospital admission rates for various modes of transport: • shared standing e-scooters: 29 per million trips in Austin, Texas (United States) and 62 in Auckland (New Zealand) • bicycles: five to ten per million trips in the United States, four in France and one to two in Germany <https://www.itf-oecd.org/sites/default/files/docs/safe-micromobility_1.pdf> [↑](#footnote-ref-6)
7. In Germany, new research from a hospital in Essen found that hospitalisations after e-scooter crashes were not reported to the police 74% of the time. <https://etsc.eu/several-countries-tighten-e-scooter-rules-as-german-study-finds-huge-underreporting-of-injuries/> [↑](#footnote-ref-7)
8. <https://fersi.org/wp-content/uploads/2020/09/FERSI-report-scooter-survey.pdf> [↑](#footnote-ref-8)
9. Such as in Singapore, where the Transport Authority added a new function to its smartphone app allowing users to report inconsiderate use of micro-vehicles, and in 2017 had a team of 24 active mobility enforcement officers to deter reckless riding. <https://www.itf-oecd.org/sites/default/files/docs/safe-micromobility_1.pdf> [↑](#footnote-ref-9)
10. <https://etsc.eu/several-countries-tighten-e-scooter-rules-as-german-study-finds-huge-underreporting-of-injuries/> [↑](#footnote-ref-10)
11. <https://www.thelocal.dk/20190722/electric-scooters-dangerous-to-users-when-driven-legally-danish-police/> [↑](#footnote-ref-11)