



Consultation Process - Powered Personal Transporters (PPTs) - (eScooters, Segways etc) - should their use be legalised?

Background

The use of vehicles such as electric scooters (eScooters), Segways, electric skateboards (sometimes referred to as 'hoverboards'), powered mini-scooters, electric unicycles and electric bicycles (not pedal assisted) on our roads and in 'public places' is becoming more common as a means of personal transport and are now being collectively classified as "**Powered Personal Transporters**" or "**PPTs**". Because such vehicles are not easily defined in law, their regulation, particularly in terms of safe usage, varies considerably from country to country.

The notable upsurge in the number of eScooters used and available for hire in many of the main cities in Europe and the US has focused recent discussions regarding their numbers, collisions, how and where they can be used and by whom, and the criteria in respect of the vehicles themselves. A number of main cities have recently introduced controls to restrict their numbers (in respect to on-street hire) and in even in some cases imposed a ban on their use.



eScooter

In Ireland, such vehicles are classified as mechanically propelled vehicles (under road traffic legislation). Despite many claiming that the legislation is somewhat 'grey' in its interpretation, their use on public roads and in public places is clearly prohibited. Such an approach is also taken in a number of other countries, including the UK.

Section 3 Road Traffic Act 1961

"mechanically propelled vehicle" means, subject to subsection (2) of this section, a vehicle intended or adapted for propulsion by mechanical means, including—

- (a) a bicycle or tricycle with an attachment for propelling it by mechanical power, whether or not the attachment is being used,*
- (b) a vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical,*

but not including a tramcar or other vehicle running on permanent rails.

NOTE: subsection (2) deals with vehicles that are substantially damaged (i.e. not relevant to above definition in the context of this consultation process)



As a mechanically propelled vehicle (MPV), the use of PPTs requires that they are covered by insurance, are taxed (motor tax) and their 'driver' holds the appropriate driving licence for the category of vehicle. Penalties are provided under road traffic laws (including fixed charge notices, penalty points, court fines and possible detention of the vehicle by An Garda Síochána) for not being in compliance with these requirements.

Electric Unicycle



Due to the nature of PPT vehicles themselves, it is currently not possible to tax or insure them and, therefore, they are not considered suitable for use on a public road or in a public place.

In considering whether or not to amend existing legislation to deal with the emergence of PPTs on our roads, the Minister for Transport, Tourism & Sport, Mr. Shane Ross, requested the Road Safety Authority (RSA) to conduct research into the use of eScooters (and similar vehicles) in other countries and the implications for the interaction of such vehicles with other vulnerable road users, along with other 'normal' vehicular traffic so as to inform the Department when giving consideration as to whether or not to 'revisit' the definition of a mechanically propelled vehicle. The RSA commissioned TRL (Transport Research Laboratories) Ltd. to carry out this research on behalf of the Authority.

Both the RSA and TRL have recommended that the legislation be amended, but with significant caveats being applied. Those caveats include the promotion of the use of helmets and other protective equipment, the need to provide training for the operators of these vehicles and clarification as to who can legally use the vehicles (including age restrictions and possible licence requirements) – a copy of TRL's report can be found [here](#).



Segways & Segway 'Hoverboard'





Electric Skateboard



Electric Mopeds/Bikes

Recognising that the reviewers encountered significant difficulties in carrying out their research due to a lack of robust evidence being available at this time, the Minister has decided to initiate a public consultation process to investigate, from a purely Irish perspective, the conditions under which eScooters and such vehicles might be legalised.

To assist the Department's consideration of the proposal, we are conducting an eight-week consultation process. All interested parties are invited to provide their views to the Department as part of this process. The consultation is also being brought directly to the attention of a range of stakeholders with a particular interest/responsibility for road safety.

It would be helpful if respondents set out the reasons for views expressed and to provide evidence that may be relevant in support of those views.

If you would like to make a consultation submission, please do so by sending a submission to ppt@dtas.gov.ie with "PPTs Consultation" included in the subject line, by CoB Friday the 1st of November 2019.

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity.

If you have any queries, please contact:

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Telephone number: (01) 604 1239
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Public Consultation Questionnaire: Powered Personal Transporters (PPTs) - (eScooters, Segways etc) - should their use be legalised?

Please see note in relation to data protection and privacy at the end of this document.

Question 1: What category of stakeholder do you represent (e.g. private, company, organization etc)?

Cork Chamber is the largest business representation body in the South of Ireland. Our membership comprises 1,200 businesses who employ over 100,000 people in the region.

Question 2: Do you think that the use of PPTs should be permitted in Ireland and why?

Yes. They should be regulated to be accommodated into the urban transport landscape as an environmentally sustainable form of transport and should be integrated with our public transport system to encourage their use as a 'last mile' solution.

Question 3: Are there any types of PPTs (e.g. Segways, eScooters, electric unicycles etc) that you think should not be permitted to be used and why?

No. All types of PPTs should be permitted and regulated for as a sustainable and modern form of urban mobility.

Question 4: If the use of PPTs on our roads is to be permitted do you think that they should have some form of identification (i.e. a registration plate/markings)?

No.

Question 5: If the use of PPTs on our roads is to be permitted do you think that users should (a) be of a minimum age (if yes – what age?) and (b) have some form of licence covering their use (e.g. category AM driving licence - mopeds)?

(a). Yes. A Minimum Age 16 should apply for users navigating PPTs in traffic (similar to mopeds and tractors). Children under the age of 16 should, however, be allowed to use PPTs outside of trafficked areas (e.g. playgrounds, greenways and parks). We propose that children under the age of 16 be allowed use PPTs in cycle lanes if accompanied by a responsible adult.

(b). No.

Question 6: If the use of PPTs on our roads is to be permitted do you think that their use should be covered by some form of insurance (i.e. liability cover)?

Yes. However, for rented and sharing PPTs systems it should be the obligation of the rental company/sharing provider to ensure that users are insured.

For private owners of PPTs we propose that personal liability cover is advised to protect users from potential liability costs.



Question 7: If the use of PPTs is to be permitted do you think that can be used on (a) footpaths, (b) cycle lanes (c) bus lanes (d) normal traffic lanes?

- (a) No*
- (b) Yes
- (c) Yes
- (d) Yes

*in general we propose that PPTs be approached in the same way as cyclists, and that users of PPTs must obey the same traffic rules as cyclists. I.e. users should use cycle lanes, bus lanes and traffic lanes. We do, however, suggest that PPTs can be used by children under the age of 15 in non-trafficked areas. As such, their use should be permitted in parks, greenways and play areas.

Question 8: If the use of PPTs is to be permitted do you think that they should be restricted to (i) a maximum speed (if yes - please suggest such a maximum speed) and (ii) only used on roads with a maximum speed limit of (a) 30kph, (b) 40kph or (c) 50kph?

- (i) Yes/ Maximum Speed: 20/25kph
- (ii) (c) max 50kph zones

Question 9: If the use of PPTs on our roads is to be permitted do you think that users should be required to wear (a) protective head-gear, (b) high-visibility clothing (i.e. be mandatory)?

- (a) No
- (b) No

General comment: As expressed earlier, we suggest that PPTs are approached in the same way as cycling. As a country, we should aim to encourage as much sustainable transport as possible, which includes both cycling and PPTs. Requirements such as high-visibility clothing detracts from the appeal of using sustainable transport modes and do little to improve safety. Segregated and safe cycling infrastructure is much more effective in this respect. While we support that users of PPTs are encouraged to wear helmets, this should not be a mandatory requirement. We note that other EU countries require all PPTs and electric scooters to be fitted with reflectors and to use lights at all times and suggest that the same requirement is introduced in Ireland.

Question 10: If the use of PPTs on our roads is to be permitted do you think that users should (a) have some form of training, (b) if so, by who?

- (a) No.

Question 11: If the use of PPTs on our roads is to be permitted do you think that it should be left to local authorities to decide whether or not to regulate their use in their respective functional areas?

No. Regulations should be national to minimise confusion, ensure consistency of application, and to encourage usage.

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Please provide any other comments relating to the use of PPTs that have not be address above

Thank you for the opportunity to engage in this consultation.

As stated at the outset of this submission, it is the view of Cork Chamber that PPTs should be regulated to be accommodated into the urban transport landscape as an environmentally sustainable form of transport. This view is supported by our members. According to our latest Economic Survey from Q3 2019, 79% of responding businesses support legislation for e-scooters and e-bikes, whereas only 7% oppose.

In addition, we believe that it should be an objective of the State to integrate PPTs with our public transport system through e-scooter/e-bike sharing systems as a 'last mile solution'. E-scooter sharing system providers should work with local authorities to create systems that work for Irish cities. Ireland has the opportunity to put regulations in place now, before any sharing systems arrive, to put the structures in place for a successful integration. The report requested from RSA shows that with the appropriate safety guidelines, e-scooters can be a positive addition. DTTAS should take note of this. We also suggest that lessons are learned from other European cities in terms of preventing cluttering of the urban environment by requiring sharing systems to include designated docking stations.

We regret that some of the rhetoric used in this consultation document implies that e-scooters are a danger to the urban transport environment and to other road users, rather than an opportunity to promote more sustainable commuting in the urban environment. E-scooters are a new, innovative, clean and exciting development in urban mobility and it is our view that their use should be encouraged across Ireland, albeit within a regulated environment. They are growing in popularity across Europe and overall, we hope to see as few barriers as possible to encourage PPT use (e.g. age restrictions, high-viz clothing, training, insurance or helmet requirements).

We note that other EU countries require all electric scooters to be fitted with reflectors and to use lights front and back at all times and suggest that a similar requirement is introduced in Ireland.

In addition, we propose that an overall approach is taken to PPTs as is towards cyclists. This would mean that e-scooter users can use both cycling lanes, bus lanes and traffic lanes.

We believe that similar drink/drugs driving limits should apply to PPT users as all other road users.

Finally, we highlight that if there is a failure from the Department of Transport to take advantage of the opportunity posed by e-scooters to add an environmentally sustainable form of urban transport to the cityscape, it will reflect poorly on the department's commitment to delivering on climate action objectives.

Responses to this consultation are subject to the provisions of the Freedom of Information Act 2014 (FOI) and Access to Information on the Environment Regulations 2007-2014 (AIE). Confidential or commercially sensitive information should be clearly identified in your submission; however, parties should also note that any or all responses to the consultation are subject in their entirety to the provisions of the FOI Acts and are likely to be published on the website of the Department of Transport, Tourism and Sport.

If you consider that any part of your submission would be subject to any of the statutory exclusions under that Act please so indicate in your submission, specifying under which exemption you believe the content should be excluded.

Respondents should be advised that by responding to the public consultation, they consent to their name being published online with their submission. The Department will redact personal addresses and personal email addresses prior to publication.

We would draw attention to the Department's privacy notice and data protection policy: The Department [of Transport, Tourism and Sport] processes personal data for purposes associated with the administrative functions of the Department and to fulfil legal obligations. The Department only retains personal data for as long as it is necessary to perform our role in relation to the purposes for which the personal data was originally obtained and/or to comply with our obligations under applicable law.

The Department has developed a Personal Data Retention and Disposal Policy that outlines the period of time for which all personal data stored and processed within the Department is retained. The Department may disclose your personal

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data to other organisations in certain circumstances, where lawful. Where your data is transferred outside the Department we take steps to ensure adequate protections are in place to ensure the security of your information. Full details can be found in the Data Privacy Notice, which is available on www.dttas.gov.ie or in hard copy upon request.

Department of Transport, Tourism & Sport

1 September 2019