

ACTIVE MOBILITY BILL: LIBERALISING THE USE OF PERSONAL MOBILITY DEVICES ON PUBLIC PATHS

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I. INTRODUCTION

The *Active Mobility Bill* [*Bill*]¹ was drafted in response to the Ministry of Transport's stance that cycling and the use of personal mobility devices (PMD) complements our public transport strategy, particularly for first-mile and last-mile trips to bus interchanges or MRT stations, and for short trips within towns.²

This article will discuss the government's efforts to promote safe cycling and use of PMD on public paths³ through regulatory levers under the *Bill*. I will not discuss the tightened regulation of electric bicycles as such regulation was proposed as separate amendments to the *Road Traffic Act*⁴ instead.

II. ACTIVE MOBILITY BILL

The *Bill* was read in Parliament for the second time in January this year.⁵ It seeks to establish public paths for walking, cycling and regulate the use of these public paths. Walking, cycling and use of PMD – collectively referred to as forms of Active Mobility – are viable alternatives to

¹*Active Mobility Bill* (No 40 of 2016, Sing)

²*Parliamentary Debates Singapore: Official Report*, vol 93 (11 March 2015)

³Public path refers to a path declared under clause 6 of the *Bill* for use by members of the public as a pedestrian-only path, a footpath; or a shared path and excludes unformed or unsurfaced paths and green verges.

⁴(Cap 276, 2004 Rev Ed Sing)

⁵*Parliamentary Debates Singapore: Official Report*, vol 94 (10 January 2017)

driving that can move us closer to a car-lite nation, while contributing to a more liveable, pleasant and sustainable urban environment.

Once passed into law this year, selected PMD that comply with the prescribed technical criteria will become legally allowed on public paths when used in a safe manner, governed by a set of rules and codes of conduct. This includes skateboards, electric scooters and hover-boards. PMD, which are unregistered vehicles, cannot be used on the roads. This is reinforced by the enactment of express provisions in the form of new sections 5A and 5B in the *Road Traffic Act*⁶ that prohibit the use of PMD on roads and when towed by a motor vehicle. Nonetheless, PMD can be used in limited instances on roads such as to avoid an obstacle on a footpath or when crossing a road.

To accommodate the ageing population in Singapore, wheelchair users and those riding a mobility scooter would be legally allowed to do on any paths used by pedestrians. The Active Mobility Advisory Panel (AMAP)⁷ did not recommend to introduce physical criteria for motorised wheelchair or mobility scooter as these devices are used primarily by persons with disabilities as their sole means of transport and typically do not travel above the average jogging speed.

Complementing the Government's enforcement efforts to ensure safe sharing of public paths, the *Bill* enables LTA to empower volunteers under the Active Mobility Patrol Scheme to obtain personal particulars of individuals suspected of committing an offence for subsequent investigation by LTA. The *Bill* also stipulates stiff penalties for reckless riding behaviour, sale of non-compliant devices and modification of devices. For instance, riders found to be riding recklessly can be liable to a fine of up to \$5,000 or imprisonment for up to 6 months, or both. In situations of accidents or crashes, the driver of a vehicle or PMD who fails to offer assistance to

⁶ *Supra* note 4.

⁷ The Active Mobility Advisory Panel comprises of 14 members representing the key stakeholder groups such as seniors, youth, grassroot leaders, cyclists, motorists and users of PMD, led by Parliamentary Secretary Associate Professor Muhammad Faishal Ibrahim, to consult the public and develop a clear set of rules and code of conduct, so that public paths can be shared and used safely and harmoniously by the different user groups.

the victim and report the accident can be liable to a fine up to \$3,000 or imprisonment for up to 12 months, or both.

A. *When used safely and responsibly, bicycles and PMD offer great convenience and benefits*

In cognizance of the paramount importance of protecting users of public paths against dangerous conduct by a minority of reckless users, the *Bill* legislates control and usage measures recommended by the AMAP.⁸ The *Bill* requires all cyclists and PMD users to observe a speed limit of 15km/h on footpaths and 25km/h on shared paths. Furthermore, a device cannot be used on public paths if it:

- (1) is heavier than 20kg;
- (2) is wider than 70 cm; or
- (3) has a maximum speed that can exceed 25 km/h.

This is because such devices have a high propensity for serious accidents. Typically, accidents happen not because a non-compliant device is used, but rather the device was used in a reckless manner without due regard for the safety of others. To this end, the AMAP has recommended a list of rules and code of conduct,⁹ designed to be simple and easy to apply while balancing the needs of the different users. The key rules include requiring the parties to stop to render assistance and exchange personal particulars when involved in an accident to deter “hit and run” incidents, to equip devices with lights visible from the front and back and to switch them on during hours of darkness to ensure visibility, to disallow cycling against the flow of traffic and more than two bicycles to cycle abreast on smaller roads to balance against slowing down motorist traffic.

The Code of Conduct is a set of documents issued by LTA or other persons to provide practical guidance to the use of public paths without creating any enforceable legal right.

⁸*Parliamentary Debates Singapore: Official Report*, vol 94 at pages 46-47 (10 October 2016) (Senior Minister of State for Transport Mrs Josephine Teo).

⁹Land Transport Authority, “Walk Cycle Ride: Rules and Code of Conduct”, online: <<https://www.lta.gov.sg/content/ltaweb/en/walk-cycle-ride/rules-and-code-of-conduct.html>>

Examples of the Code of Conduct include to encourage device users to give way to slower-moving pedestrians on public paths, slow down to prepare to stop upon reaching high pedestrian bus stops, either “walk the bike” or “dismount and push” if necessary and to stop before crossing pedestrian crossings at walking speed. Compliance with the rules and code of conduct would ensure a safer and more gracious shared space for all.

B. *Enforcing the new rules to augment public education to promote a culture of path sharing*

Recognising the need for heightened enforcement to encourage compliance and to expedite the cultural shift needed to minimise potential conflicts between path users, the LTA had set up a dedicated team of Active Mobility Enforcement Officers (AMEO). Since May 2016, the AMEO has been patrolling hotspots where many cyclists and PMD users frequent, and have issued advisories to over 860 cyclists and PMD users for unsafe behaviours on footpaths and shared paths, and seized 20 e-scooters users caught riding on roads in the last 6 months.¹⁰ LTA will continue to partner with Traffic Police to clamp down on reckless riding behaviour.

Public education is a key strategy to engage and involve members of the public through a mix of outdoor, online and printed media, including campaigns. Examples include the Safe Riders campaign¹¹ and the Safe Cycling Programme to be progressively rolled out in schools, community centres and foreign worker dormitories¹² to inculcate greater awareness of the new rules and code of conduct. Over 600 volunteers from the grassroots will be given limited enforcement powers¹³ under the Active Mobility Patrol Scheme to support the AMEO’s

¹⁰Channel News Asia, “20 E-scooters seized after users caught riding on roads”, online:<<http://www.channelnewsasia.com/news/singapore/20-e-scooters-seized-after-users-caught-riding-on-roads/3267914.html>>.

¹¹Land Transport Authority, “Press Release: Pledge to be a Safe Rider Today”, online:<<https://www.lta.gov.sg/apps/news/page.aspx?c=2&id=d3491ec2-7f1e-4a1a-95ab-9904196ab1ff>>.

¹²*Parliamentary Debates Singapore: Official Report*, vol 94 (12 Apr 2016) (Senior Minister of State for Transport Mrs Josephine Teo).

¹³ The enforcement powers include documenting photo and video evidence and obtaining personal particulars from suspected offenders.

enforcement and public outreach efforts.¹⁴ Retailers of PMD have also been educated on the criteria for devices that can be used on public paths and the consequences of selling non-compliant devices.¹⁵

C. *When conflict happens between path users*

Close to the hearts of many is what is the recourse should their loved ones be involved in an accident with an errant cyclist or PMD user. In the landmark case of *PP v Lim Choon Teck*,¹⁶ Lim collided into a 69 year old woman as he was cycling along a narrow pavement at an “unsafe speed” with his view obstructed by a signage board and could not stop in time when he realised that the victim and her husband were approaching the bus stop from the walkway connected to a block of flats. The District Court sentenced him to an imprisonment of 8 weeks. In another case, a 53 year old housewife was hit by an electric scooter and remained unconscious in the hospital.¹⁷

A point of contention in the *Lim Choon Teck* case was that the defendant had no third-party insurance. Apart from criminal prosecution where the court will consider compensation to be paid to the victims in accidents involving bicycles or PMD, the victims can also obtain remedies by initiating civil lawsuits or through private settlements. Responding to suggestions for mandatory third-party insurance, Senior Minister of State for Transport Mrs Josephine Teo explained that such schemes are not only ineffective given the broad range of cyclists and PMD users, they are also onerous and costly for the vast majority of users who behave responsibly and safely. Even cities with a strong Active Mobility culture, like Amsterdam and Copenhagen, have not moved towards mandating device registration or insurance.¹⁸ Nonetheless, frequent cyclists and PMD users are encouraged to buy third-party insurance which is available in the market.¹⁹

¹⁴*Supra* note 5.

¹⁵*Supra* note 8.

¹⁶ [2015] SGHC 265, [2015] SLR 1395.

¹⁷Straits Times, “Woman still unconscious after e-scooter accident”, online: <<http://www.straitstimes.com/singapore/woman-still-unconscious-after-e-scooter-accident>>.

¹⁸*Supra* note 8.

¹⁹*Supra* note 5.

III. CONCLUSION: A CHANGING LANDSCAPE

We have seen cyclists and pedestrians co-exist harmoniously in the same space in densely populated cities like Tokyo and Amsterdam. 37% of all trips in Tokyo are made on foot or on bicycles, compared to 17% in Singapore today.²⁰ Singapore should strive to emulate Tokyo's success by tapping on our people's civic mindedness and consideration for others. This would go towards making Singaporean an attractive walking and cycling city.

²⁰*Supra* note 8.