

Future of Transport Regulatory Review

Call for Evidence

Response by the Motorcycle Action Group

Introduction

The Motorcycle Action Group (MAG) is the UK's leading riders' rights organisation. It is a democratically structured membership organisation with elected area and regional representatives. Policy is formed by the National Committee, which consists of elected regional representatives. MAG has been active since 1973 and has approximately 58,000 full and affiliated members.

Executive Summary

The Motorcycle Action Group welcomes the Future of Transport Regulatory Review as an opportunity to fully review the regulatory system to ensure that balanced and fair systems are used to promote a "cleaner, safer, healthier, greener, cheaper, more convenient, and more inclusive" transport solution for the future.

MAG broadly supports the stated 9 principles that the Government plans to follow, though with some reservations in the area of transition to zero emissions.

The review focuses on three areas: Vehicle requirements, User requirements, and Use on the road.

Vehicle Requirements

MAG believes that the concept of micromobility vehicles as a new vehicle class is baseless and without merit. It does not recognise that existing legislation already adequately covers a class of vehicle of which micromobility are largely a subset. The proposals are seeking exemption from the current applicable legislative requirements. Any relaxation of regulation should be considered equally applicable to existing motorcycles where appropriate. Thus the review must cover existing regulation for motorcycles, particularly <50cc mopeds and potentially 50 – 125cc motorcycles and scooters.

The definition of a micromobility vehicle is given as: "small, usually electric, mobility devices designed to carry one or two people, or for 'last mile' deliveries". This definition could be applied equally to what are currently described as motorcycles. We note the use of "usually electric" applied to motive form, but do not accept the relevance of energy source to the definition of a vehicle class. The term motorcycle in law includes of all forms of powered two wheeled vehicles including conventional mopeds and seated "scooters", irrespective of power source.

The benefits of micromobility are listed as:

- Improved choice and modal shift
- Improved inclusivity
- Environmental benefits
- Reduced congestion
- Integrated journeys

Once again these are all benefits that directly apply to all motorcycles, not just the alleged new group of micromobility vehicles. Indeed the question of improved inclusivity applies more directly to conventional motorcycles and scooters than to e-scooters and other micromobility vehicles that are being considered. The majority of micromobility vehicles which are not currently classed as motor vehicles require the rider to hold a balancing upright standing position for the entirety of their journey. This position is not conducive to stability or control, and will be beyond many with mobility issues whom they claim to assist. We would expect very limited additional opportunity will be provided that is not already covered by cycles, EAPC and motorcycles all of which, by design, are operated from a seated position.

The words motorcycle and motorbike are both contractions of the words motor bicycle. By definition two wheels and a motor. This is exactly what an e-scooter is. If one considers the definition of the word scooter, the dictionary gives us two possible definitions:

1. a light two-wheeled open motor vehicle on which the driver sits over an enclosed engine with their legs together and their feet resting on a floorboard
2. a child's toy consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

Definition 1 is what we at MAG refer to as a scooter. The word engine should, perhaps, be replaced by motor, but regardless of the motive power, the concept is clearly encompassed by the term motorcycle. However the design of e-scooters relates more closely to the second definition. We do not believe that a child's toy is appropriate for use as a general transport solution. The key difference between the e-scooter classed as a micromobility vehicle and the electric scooter which is already classed as a motorcycle is the provision of a seat.

We see no reason to conflate the electric/ICE debate with that of the regulation of micromobility or, to be more precise, motorised two wheelers.

How a vehicle is powered is entirely separate to what a vehicle does. We believe that there is no benefit in conflating the two debates and that it is unhelpful to this consultation for the mode of power to be prescribed.

User requirements

MAG believes that a consistent approach to user requirements must be applied in a proportionate and balanced manner. This review allows opportunity to question current imbalances and application of regulations based on vehicle class as opposed to vehicle use. We are opposed to creation of further imbalance and avoidance of regulation by a false approach to definitions of

vehicle class. User requirements should be based on levels of risk to the operator and other road users, not by the definition of a vehicle class.

Use on the road

MAG believes that micromobility vehicles are clearly defined as motorised vehicles and that the usage of all motorised vehicles must be consistent and fair. To achieve this, all motorised vehicles must be subject to the same regulations in terms of use on the road. We see no justification for the use of any motorised vehicle on pavements except for class 2 mobility scooters which are limited to 4mph.

Question 2.1

Do you think micromobility vehicles (such as those in Figure B) should be permitted on the road? Please explain why

In broadest terms we believe that all motorised vehicles that meet agreed design and manufacturing regulations should be allowed on the road. However, we also believe that the classification of “micromobility vehicles” is baseless.

We would propose that any motorised vehicle with two wheels is defined as a motorcycle and should therefore meet motorcycle design regulations as per the existing Road Vehicles (Construction and Use) Regulations 1986. We note that there may be a case to amend aspects of those regulations, but that any amendments should be applicable to all motorcycles.

A key amendment that we would see as sensible would be to introduce a requirement for all motorcycles to be designed with a ‘three points of contact’ principle. As with working from height regulations, where the three points of contact principle is embedded, we believe that effective and safe control of all vehicles in routine operation requires a minimum of three distinct points of contact between the operator and the vehicle. Hence the self-balancing scooter, electric skateboard and self-balancing unicycle pictured would fail to meet the minimum contact point requirement.

Question 2.2

If you can, please provide evidence to demonstrate the potential:

a. Benefits of micromobility vehicle use.

b. Risks of micromobility vehicle use.

a) As we take the view that motorcycles are manifestly the established and already regulated version of “micromobility vehicles” it is clear that the evidence base from motorcycles is entirely relevant and important.

The principle benefit of motorcycle use is their congestion-busting effect, particularly when encouraging modal shift away from single occupancy cars. The principle evidence supporting this benefit is the TM Leuven Report “Commuting by Motorcycle: Impact Analysis” of 2011, but a similar

study drawing equivalent conclusions was made more recently by Local Transport Projects for the MCIA's "The Route To Tomorrow's Journeys" report.

A reduction in congestion has a significant corollary in reduction of greenhouse gas and air pollutant emissions. These gains were again quantified in the TM Leuven and Air Quality Consultants study for the MCIA "Route" report.

MAG's own analysis of DfT and NAEI data also shows the beneficial impact of motorcycles in terms of air quality and CO2 emissions.

b) Motorcyclists and, by definition, micromobility vehicle users must be viewed as vulnerable road users. It is entirely apparent that current regulation does not entirely mitigate the increased risk of injury and fatalities amongst the users of small motorised vehicles.

It is a source of great frustration to MAG that more resources are not employed in the reduction of motorcyclist casualties.

Motorcycle use, and thus its beneficial contribution, in the UK is on a long, if slow, decline. We would predict that the fate of e-scooters in the current format will be a far more rapid decline and greater numbers of casualties if extreme care is not taken. The current review therefore provides an opportunity for a far wider investigation into a more effective and improved policy and regulatory system for all two wheeled transport that leads to an expansion of the usage of the two wheeled vehicle class coupled with a decrease in casualty rates.

It is clear that whilst there is substantial evidence to establish and quantify the issue of motorcycle safety, it is also abundantly clear that the solution side of the equation has been hitherto neglected. The bizarre asymmetry of interest in cycling has, in our view, directly resulted in great opportunities being missed. The current growth in calls for the new "micromobility" vision is a demonstration that the benefits of motorised two wheeled transport are both tangible and needed. Unlocking those benefits is vital at this point, but doomed to failure if the regulatory debate is confined simply to e-scooters and other trendy fads.

We expect that e-scooters will be granted access to segregated road space designed for cyclists, and would support this position. The question must then be raised, why are other vulnerable road users, using the same class of vehicle, not permitted to benefit from the safety benefits of segregation from larger vehicles? MAG therefore proposes that other powered two wheel vehicles up to a certain performance spec are treated on a level playing field, as there is no safety, logical or moral justification to discriminate against one form of two wheeler in preference to another.

There are numerous examples of the rising accident rates for micromobility vehicles in Europe and the USA, and the first uninsured UK fatality has already sadly occurred.

In the absence of vehicle insurance, any micromobility vehicle user will be personally liable for any accident damages but unlikely to be able to pay. The financial burden would then unfairly fall on the other parties or the Criminal Injuries Board. There has already been one UK pedestrian "hit and run" fatality with an illegal uninsured and over-powered EAPC. It is easily foreseeable that without this requirement it will become a common occurrence.

For the protection and reassurance of the public and other road users, we believe private owners and rental hire companies should be required to insure and register their vehicles. To allow enforcement, visible number plates would equally be a requirement.

Question 2.3

If micromobility vehicles were permitted on roads, would you expect them to be used instead of:

Vehicle type	Often	Sometimes	Never
Private vehicles		x	
Taxi or private hire vehicles		x	
Public transport		x	
Delivery vehicles		x	
Cycling		x	
Walking		x	
Other (please specify)			

NB We would rather there was a “Rarely” option. Never is too broad, but sometimes is for many vehicle types probably optimistic.

We would expect that take-up of e-scooters in the format proposed for the upcoming trials would initially come from cyclists, but that this would rapidly decline after the novelty factor of a vehicle that provides no additional benefit wears off. Those with mobility issues are highly unlikely to find a standing position helpful and we would not expect a large take-up from this demographic. Those currently using cars, taxis and public transport who have not already switched to active travel are unlikely to see any additional reason to change their current choices. Motorcyclists are unlikely to see any additional benefit other than a potential de-regulation of a vehicle with similar capabilities. Therefore current users of 50cc mopeds or electric “sit on” scooters are likely to make the switch simply to avoid the additional costs of insurance, tax, mandatory helmets etc. Riders of machines with higher capabilities are unlikely to see any incentive to change their current choices.

Question 2.4

a. In your opinion, which of the following micromobility vehicles should be permitted, if any, on roads, lower speed roads, and/or cycle lanes and cycle tracks?

- All types
- Electric scooters
- Electric skateboards
- Self-balancing vehicles
- Electrically assisted cycle trailer
- Segway
- Other (please specify)

	Roads	Lower speed roads	Cycle lanes and cycle tracks
All types			
Electric scooters		✓	✓
Electric skateboards			
Self-balancing vehicles			
Electrically assisted cycle trailer			✓
Segway			✓
Other (please specify)	✓	✓	✓

NB for Other we are defining conventional motorcycles and scooters of 50cc or less and equivalent electric versions.

NBB We are taking “Electric scooters” above to be referring to stand on e-scooters limited to 15mph. If the 15mph limit is increased to 28mph in line with 50cc scooters, we would include all roads.

b. Please explain your choices for using micromobility vehicles (or not) on roads and/or only lower speed roads, providing evidence where possible.

The defining factor for use on roads or not is the capability of the vehicle to keep up with the flow of traffic. Naturally this needs to be based on the speed of free-flowing traffic, not congested traffic.

As with EAPC’s there needs to be a clear demarcation of types of vehicles based on their speed capabilities. The major utilisation of low speed motorcycles or micromobility vehicles is projected to be within the “last mile”, i.e. the 20mph zones of most conurbations.

The reasons for the establishment of 20mph zones in conurbations is based on safety, lethal impact speeds, and environmental grounds. Lower powered micromobility vehicles/motorcycles limited to 12 - 15mph should only be permitted on roads and cycle lanes within these zones, and not permitted on open roads with a speed limit exceeding 20mph.

Micromobility vehicles/motorcycles with the capability to exceed this speed should be regulated as current motorcycles, and require compliance with the same registration and licensing, insurance and training as other motorbikes. This is necessary on highway safety grounds when mixing with other highway traffic and to protect the public.

c. Please explain your choices for using micromobility vehicles (or not) on cycle lanes and tracks, providing evidence where possible.

Once again the defining factor needs to be potential for speed differentials. Given that cycle lanes and tracks are designed to permit - and even encourage - cycle speeds up to and beyond 20mph, it is illogical to prevent small motorised vehicles restricted to a maximum of 28mph or less from benefiting from the safety benefits of segregation. All vulnerable road users are placed at higher risk when forced into closer proximity with larger vehicles. Preventing them from benefiting from segregated lanes simply on the basis of propulsion method, when they pose no additional risk to other users in that lane, is illogical. We accept that the nature of vulnerability differs at higher speeds, but at low speed the vulnerabilities of cyclists, motorcyclists, e-scooterists etc are exactly

the same, regardless of exact vehicle specifications. All vulnerable road users travelling at low speed should be afforded, and given access to, the same protections.

d. What impact do you think the use of micromobility vehicles in cycle lanes and cycle tracks would have on micromobility vehicle users or other road users?

As previously suggested, provided that potential speed differentials are managed there will be no adverse impacts on other road users. Conversely, the micromobility vehicle users will benefit from the segregation in the same way that cyclists do. We again state that micromobility vehicles should commonly be defined as motorcycles. Any motorcycle or otherwise described micromobility vehicle designed to exceed 28mph would clearly have potential to create unacceptable speed differentials with cyclists, and would thus not be supported.

Question 2.5

Mobility scooters and pedestrian operated street cleaning vehicles are already permitted on the footway. Should any other micromobility vehicles be permitted to use the pavement or pedestrian areas? If so, which types of devices should be permitted and in what circumstances?

MAG believes that there is no justification for allowing any form of motorised vehicle, including EPACs, to use pavements or pedestrian areas. MAG additionally believes that pedal cycles should only be allowed to travel at walking pace on pavements and in pedestrianised areas.

Question 2.6

a. What do you think the minimum standards for micromobility vehicles should be?

b. Should different standards be set for different types of micromobility vehicle?

Please provide evidence.

- a) MAG believes that all micromobility vehicles and indeed EPAC's and pedal cycles should meet minimum standards equivalent to those for mopeds. Any wheeled vehicle should be fit for use on the road, constructed and maintained to a level that does not place the user or any other road user at risk. It is clear that motorcycle design standards applied to 50cc mopeds are well below the commonly seen vehicle design. Mopeds, for example, are not legally required to have lighting, mirrors or indicators but, to our knowledge, all modern 50cc mopeds do have these sensible safety features. The current standards for motorised vehicles do, therefore, already allow leeway for some of the lesser standard suggested for micromobility vehicles, though we do not see a benefit from neglecting to use such features in the design of safe vehicles.
- b) We see no sense in different design standards for micromobility vehicles to begin with, so a further dilution of standards for subsets of a subset of one vehicle class to be of no value.

Question 2.7

Are there other vehicle design issues for micromobility that you think we should be considering? Please provide examples.

We would draw your attention to our previous comments about three points of contact in our answer to question 2.1

Question 2.8

In your opinion, what should the requirements be for micromobility users with regard to:

User requirements	Like EAPCs	Like mopeds	Other requirements (please provide details)
Vehicle approval		✓	
Vehicle registration and taxation		✓	
Periodic vehicle testing		✓	
User driving licence		✓	
Insurance		✓	
Helmet use	✓		
Minimum age		✓	
Speed limits		✓	

If you believe regulating micromobility vehicles like EAPCs or like mopeds would be problematic, please explain why.

Without vehicle registration and consequent identification and responsibility, people will continue to flout the law, and be a risk to the general public. Although presently illegal, they have already proved popular with the younger generation for various socio-economic reasons.

This is the generation most at risk, in that it can lead to a general disrespect for law and order, and potentially increase crime.

If these vehicles are classed as a form of motorcycle with the same applicable laws then there are, in fact, no problems in regulating their use. Notwithstanding this, the Motorcycle Action Group was formed in 1973 principally to oppose the introduction of the mandatory helmet law for motorcycles. Our position on this subject remains unchanged, and is based upon freedom of choice not compulsion.

We do not dispute the use of helmets by choice, but it is a fact that the design, range available and fit mandated by legislators and manufactures' will not suit everyone, nor are they automatically safer. A bad fit or design is as dangerous, or more so, than none at all.

Our position is that if helmets are to be mandated, they should be mandated for all road users. We fully support the education of all riders in the use of crash helmets, but to criminalise failure to use a crash helmet for a single road user group but not for other, similar, users is rejected.