

Position paper on e-Scooters or Powered Transporters



The NMC draws together the UK's motorcyclists' representative national organisations, which covers a wide spectrum of motorcycle use from road riding, green road riding, heritage motorcycling, motorcycle sport, motorcycle safety, the motorcycle trade and the insurance service sector. The collective membership of these organisations and its numerous affiliates, approaches 100,000 individual motorcyclists. The NMC's mission is to work together to help assure a positive and sustainable future for motorcycling

Summary Position

The National Motorcyclists Council supports the regulation of e-scooters (also known as Powered Transporters). Regulations should be evidence-led, considering mobility, safety (rider and product) and e-Scooters as part of the evolution of the entire two-wheeled market. Regulation should cover the following areas:

- Construction standards
- Where they can be used
- Who can use them
- Vehicle identification
- There should also be a consideration of safety equipment
- Improved resources are needed for enforcement of new regulations

The level of training that may be necessary also needs to be properly discussed and determined.

The NMC calls on the Government to establish an 'e-Scooter Task Force, which brings together those stakeholders with an interest or, or would be impacted by new regulations. The Task Force would be tasked with shaping regulation and actions in other areas, such as enforcement.

Regulation should not be attempted until the current DfT sponsored e-Scooter rental trials have been fully evaluated and a report with recommendations is published.

New regulations must not disadvantage motorcycle users, particularly in the areas of casualty data, where there is a danger that e-Scooter casualties may become confused with motorcycle related casualties.

Regulation will need to strike a balance which does not have the unintended effect of killing a potential regulated market at birth if the global manufacturers see compliance for a small UK market in global terms as being too onerous compared to continuing to import non regulated product as 'toys'.

Discussion

eScooters have become widespread during the last five years within our towns, cities and other public spaces. Currently the only legal way to use an e-scooter on the public highway is by renting one from an approved e-Scooter loan programme. But the illegal use of private e-scooters on our roads and pavements is widespread and commonplace.

In July 2020, the Government announced e-scooter trial rental schemes in England. These schemes are now operating in 31 areas, involving around 23,000 e-scooters. The rental schemes are being monitored by the Department for Transport (DfT) which has said that it wants to introduce legislation to legalise the use of private e-Scooters. They have said that they will use the trials to provide evaluation and evidence, but the trials have now been extended to November 2022 – and so far no reports have been produced.

Given the issues involved, plus a disparity of views on the matter, the NMC does not see how it will be sensible or reasonable to create new regulations before the trials have been fully evaluated and a report with recommendations is published.

It is very clear that the explosion in e-Scooter use is due to this form of ultra-local transport being attractive, low cost and a convenient way of getting around urban spaces in particular. But there now needs to be a proper debate on what regulations may be appropriate and proportionate, given that strong concerns about safety have emerged, both for riders and also related to product safety.

New regulations must not disadvantage motorcycle users, particularly in the areas of casualty data, where there is a danger that e-Scooter casualties may become conflated with motorcycle related casualties. As part of this, better tools are needed for the police in recording incident data from eScooters, so that such incidents are no longer recorded as ‘other vehicle’ (reported by TfL).

It seems clear that given the wide range of issues to consider and the sometimes-contradictory data which is emerging on e-Scooter safety, the NMC calls on the Government to establish an ‘e-Scooter Task Force, which brings together those stakeholders with an interest or, or would be impacted by new regulations. The Task Force would be tasked with shaping regulation and actions in other areas, such as enforcement.

This is why at this stage, the NMC retains an open mind about the ‘granular’ detail of the regulations that are required, preferring to develop a more detailed position in some areas as evidence continues to emerge. That said, the NMC recognises several positive proposals made by bodies, including industry, dealers, safety organisations and NMC member organisations. The challenge will be to create an approach which establishes common ground between various viewpoints, plus supporting evidence, to create regulation which is proportionate.

The NMC is not opposed to e-Scooters. Some designs are innovative two wheeled local transport and there is potential for e-scooters to be a positive part of the future of the wider two-wheeled market if regulated to the proper level. There is potential for e-scooters to attract new riders and encourage the natural progression to motorcycles as part of a vision for Future Transport which should be looking to the entire two-wheeled sector to provide alternative, not just cycling and e-Scooters, to provide a private transport alternative to the car.

That said, both rider and product safety are paramount. There are already well tried and tested techniques for safety training and safety equipment on the marketplace. These can be adapted for different vehicle types. Regulation will also need to address worrying incidents that have been reported relating to overheating batteries, fires and design/build quality.

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The NMC supports broadly in principle the proposals made by industry for a new domestic Type Approval 'Category L-0' to cover e-Scooter standards for construction and use. This proposal marks a starting point for further discussion about specific requirements. But as these proposals are developed, it must be noted that regulations will need to be made sensitively. e-Scooter manufacture is a global concern, with many products coming from the Far East. An approach will be needed which will ensure that global manufacturers seeking to import products to the UK, are encouraged to invest in compliance.

Regulation will need to strike a balance which does not have the unintended effect of killing a potential regulated market at birth. If manufacturers see compliance for a single and quite small market in the UK as being too onerous, they could view the simpler and less costly option to be continued 'dumping' of poorly made e-Scooters on the UK market as 'toys'. Given how global trade works, simply banning unregulated products may not prove as easy as many may think. For these reasons, the NMC urges the Government to look carefully at developments within the European Union and elsewhere as part of the regulatory development process.

Several organisations, public sector and NGOs, have looked at e-Scooter issues. The section below is a selection of views that have emerged. The NMC feels these will need to be considered as part of the policy development process.

Organisational Views - Safety

PACTS

At a PACTS seminar on the issue on March 24th 2022, the following key points emerged:

- Around 100,000 scooters were sold in 2019, with this increasing to approximately 250,000 since then.
- Several issues have emerged surround safety
- The police do not have the 'tools' to properly record e-Scooter incidents.
- There is a high proportion of head injuries – up to 50% of injury collisions
- 38% of collisions are classed as serious injury events
- 25% of incidents involve fractures.
- 20% involve other road users.
- Comparative safety is also a great concern. Motorcycle serious injuries are around 3.5 per million miles travelled. For e-Scooters, in London this is 9, with this being 3.5 times higher in one area of Northern England.
- Large instability issues are noted for e-Scooters ridden under 14mph.
- The Bicycle Association has estimated that there are 800,000 private e-scooters in circulation - these are all illegal to use on the public highway.
- In terms of enforcement, the Metropolitan Police has seized 3,987 illegally used e-Scooters so far. One 'week of action' saw 500 seized.

RoSPA

A Report by the accident prevention charity, RoSPA, and e-Scooter operator Neuron Mobility, Reached a different conclusion on comparative road safety. The report evaluated UK e-Scooter incident rates in comparison to other forms of transport including bicycles and motorcycles.

- Data showed that e-Scooter collision rates were significantly lower with only 0.66 per million miles travelled, in comparison bicycles were five times more likely to be involved in a collision and motorcycle collisions were nine times higher
- The majority (94 percent) of e-Scooter incidents reported took place in local authorities where there were no e-Scooter rental schemes running.

This final point is important, given this is about illegal usage. However, this will need to be verified in a cross-local authority sense by the final report from the DfT supported e-Scooter trials.

Europe

On April 18th 2022, The European Transport Safety Council drew attention to research from Finland. A Finnish research team investigating e-scooter related injuries reported that their data show a higher rate of e-scooter injuries compared to other transport modes analysed in earlier studies.

The [new research](#) identified 331 patients with e-scooter-related injuries who were admitted to the accident and emergency department in Tampere, a city of some 226,000 people in Finland, between April 2019 and April 2021.

Data from scooter rental companies operating in the Finnish city revealed that e-scooter riders took over 1.8 million trips during that period, meaning there were roughly 18 emergency room admissions per 100,000 rides or 7.3 per 100,000 km ridden.

While comparable figures are scarce, this rate is much higher than previously estimated injury rates for other modes of transport including walking, cycling and motorcycling, the study's lead author, orthopaedic surgeon Aleksi Reito said: "Based on these estimates it seems that e-scooter injuries have higher incidence compared to other modes of transportation." (Euronews).

Organisational Views - Regulation

National Motorcycle Dealers Association

NMC member the NMDA met the DfT in 2021 to discuss e-Scooters. The NMDA seeks a policy approach that benefits the wider two wheeled market. eScooters should be used to attract new riders and encourage a natural progression to motorcycles. The infrastructure to provide training, safety equipment and to register riders is there – it just needs to be utilised properly.

- Compulsory accredited road awareness training for those without full licenses
- Wearing of safety equipment
- Minimum rider age of 14
- Unique identifiers on all e-scooters
- Registration of e-scooters through the RaV portal (vehicle registration)
- An insurance requirement

IAM RoadSmart

In July 2000, NMC member IAM RoadSmart in written evidence to Parliament's Transport Committee said that the safety of vulnerable users must be the top priority when considering legal changes that will encourage the use of e-scooters.

IAM RoadSmart carried out a survey of over 1,850 web site users and social media followers which revealed that there is a willingness to accept the wider use of e-scooters within strict guidelines. However, this must be tempered by the fact that the vast majority of road users have neither used or interacted with this form of transport yet. Therefore, the government trials are important in signposting the best way forward. While there are still important road safety questions to be answered, two thirds of those who responded to the survey were supportive of e-scooters' wider use, despite the limited experience people have of using them.

The survey revealed that the safety of pedestrians and cyclists is the most important road safety consideration (94%) for formulating new legislation on e-scooters. The safety of car drivers and their passengers was the second priority (84%).

There was strong support for allowing e-scooters in the UK to use cycle lanes and cycle tracks, with 76% of respondents agreeing or agreeing strongly this is the best way forward. Over a third (39%) of respondents were willing to support their use on the road.

But pavements and pedestrian areas are no place for e-scooters according to 67% of respondents. Only a fifth (22%) of respondents supported their use in these areas.

When it comes to the safety of e-scooters and their users, over three quarters (76%) of respondents considered it essential that users wear a helmet and a similar number agreed that insurance should be compulsory (78%).

The majority of those who took part felt that lights, reflectors and independently monitored safety standards of construction were vital if e-scooters are to be treated as a safe transport option. A majority (86%) agreed speed limiters set to around 12 to 15 mph should be fitted to all e-scooters.

Although there were low levels of support for insisting users also hold a car driving licence (21%), there was a widely held view that a minimum age of 14 or 16 was a priority (91%) and over half (58%) favoured a specific test. Registration and licensing were also seen as important by around two thirds of respondents (66%).

Despite the importance of maintaining the safety of e-scooter users and others on the roads and pavements, their benefits to the environment and in reducing pollution were widely recognised. Three quarters (75%) agreed that cleaner air would be a benefit, with a similar number welcoming the potential for less congestion (70%) and a reduction in the use of fossil fuels (70%).

IAM RoadSmart believe that more evidence of the best way to make these changes safely is needed. So the results of Government's trial of e-scooters will be critical and should be given time to be assessed properly before rushing into changes which may put road safety at risk.

MCIA

The Motor Cycle Industry Association are proposing a new category for e-Scooters which would bring them into the current type approval regulatory framework to ensure their safe design and durability.

In their written evidence to Parliament Transport Select Committee in 2020, they noted that there is virtually no legislation for e-scooters at present. The use of e-scooters on the road and pavement is illegal. It will be necessary to make several legislative changes if e-scooters are to be used as a viable transport choice.

The DfT laid out some suggested regulatory standards on Page 24 of their Future of Transport regulatory review. These implied certain technical regulatory areas were under consideration, but MCIA did not feel that these had gone far enough to ensure the safe use of e-scooters.

MCIA have prepared a regulatory standard and proposals for two defined categories of e-scooter with differing power restrictions. The standard would be created via national regulation and linked to UK Type Approval (UKTA). The two categories are:

- L0-A, with a maximum continuous rated power of 250w
- L0-B, with a maximum continuous rated power of 500w

The MCIA does not support the introduction of ad hoc vehicle types being legalised for use on the public highway, unless a framework of sensible and appropriate safety and technical regulation underpins their sale and use. Seeking to 'rush' the process, through the application of only partially thought through provision, is likely to result in unintended consequences, not least in relation to user safety.

The MCIA stated in April 2022 that they will be pushing to ensure any new legislation does not negatively impact on the lower end of the L-Category sector and will be robust enough to ensure their safe design and durability. It should also make necessary provisions for user training, licensing, road insurance and appropriate personal protective equipment (PPE).

PACTS

There is general agreement that the existing situation is unsatisfactory. The unsafe nature of some private e-scooters, and irresponsible use by some, is leading to serious casualties and risks harming efforts by rental operators and local authorities seeking to provide a safe, low-carbon mobility option.

PACTS recommends that the DfT

- takes immediate action to address dangerous and illegal private e-scooter use;
- undertakes a thorough public consultation before making any decision on the legalisation of e-scooters;
- commissions further research; and,

If the Government decides to legalise use of private e-scooters, it should adopt regulations for their construction and use as set out below:

- Maximum possible speed of 12.5mph (20km/h)
- Maximum continuous rated motor power of 250 W
- Anti-tampering mechanisms should be included in construction
- Tampering should be prohibited by law
- Minimum front wheel size of 12 inches (30.5cm) and minimum rear wheel size of 10 inches (25.5cm)
- Two independently controlled braking devices, one acting on the front wheel and one acting on the rear wheel
- Lighting to be mandatory at all times
- Maximum unladen weight of 20kg
- An audible warning device to be mandatory

- Helmet wearing to be mandatory
- Riding on the footway (pavement) or footpath to be prohibited
- Rider age limit of at least 16 years
- Carrying of a passenger to be prohibited
- Drink driving, dangerous or careless riding, and handheld mobile phone use to be prohibited
- In-person rider training and third-party insurance are recommended.

Whatever legislation is proposed, it is important that the police retain their current road traffic policing powers, provisions, and offences in respect of e-scooters.

Transport For London

TfL's contract with London e-Scooter operators enables a trial extension beyond June 2022, and it is their intention that the trial will continue to operate until November 2022.

TfL are working with the Urban Transport Group (UTG) and other UK cities to encourage the DfT, should legislation be brought forward, to set high standards for the construction and use of all e-scooters, and to specify what powers cities will need locally to manage the rental market for micromobility as a whole. At the same time, TfL are exploring the role of micromobility in achieving the Mayor's Transport Strategy, and importantly, London's recovery from the pandemic and commitment to net zero by 2030. The UTG have published these initial recommendations

- Private sector bike, e-bike and e-scooter rental should be viewed as one market.
- The definition and classification of an 'e-Scooter' should be flexible enough to cover relevant future vehicle types or alterations to existing types.
- There should be the correct balance between prescribed minimum standards and outcome-focused requirements for rental schemes as well as construction and use standards.
- Police forces need a common framework and position to support local areas with enforcement and provide clarity for the public across the country.
- Strategic transport authorities are best placed to shape rental schemes to suit local circumstances and priorities.
- Headline levels of controls for cities set during the trials should be retained and built upon in the future. Service continuity
- If legalised, there should be no break in service between e-scooter trials ending and the new legislative framework coming into force.

ACEM

The European Motorcycle Constructors Association (ACEM) believes that micromobility vehicles, as well as all other vehicles, need to operate in a regulatory framework that defines where they can be used, at what speed, after which training, as of what age and in compliance with which design safety rules.

Such rules should include reasonable legal requirements (already in place for other types of mobility products) on specific issues, such as:

- Construction safety (structural integrity and generic requirements for safe use)
- Electrical safety (notably battery-related)
- Maximum speed (pedestrian mode, max. speed mode)
- Maximum power

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- Power-to-mass ratio
- Maximum torque (measurement)
- Lighting performances
- Braking performances
- Anti-tampering

ACEM feels that all separate vehicle systems (brakes, lights, battery etc.) should follow the same regulatory requirements as those set for the whole vehicle.

The European standardisation Committee, CEN TC 354 has finalised its work on a first standard addressing safety requirements and test methods for non-type approved light motorised vehicles for the transportation of persons and goods and related facilities - Personal light electric vehicles (PLEV).

Adopted in July 2020, this standard specifies the safety and electromagnetic compatibility requirements and test methods of the following personal light electric vehicles: without any seating position and/or; electrically power-assisted vehicles and/or; self-balancing vehicles with or without a seating position; which are intended for use on public and/or private spaces and intended primarily for the transportation of one person in an urban environment.

This European Standard is intended to cover all common significant hazards, hazardous situations and events of PLEVs, when used as intended and under conditions of misuse that are reasonably foreseeable by the manufacturer. ACEM believes that the norms that have been drafted, provide an initial response to most of the safety issues related to the design of these products. In particular, the maximum speeds defined in the standard (pedestrian mode 6 km/h, max speed 25 km/h) seem appropriate.

National Motorcyclists Council

May 2022

About the National Motorcyclists Council

The National Motorcyclists Council (NMC) is a coalition of motorcycling representative organisations, which works together on commonly held positions about issues where motorcyclists seek to change or influence government policy. It also researches issues to both inform campaigning and support the individual work of its members.

The NMC's mission:

'Working together to help assure a positive and sustainable future for motorcycling'

The NMC brings together a broad spectrum of representative national motorcyclists organisations. These range from riders campaign groups, to motorcycle sport representatives, off road and green roads interests, motorcycle dealerships and road safety experts.

National Motorcyclists Council members are: The Auto Cycle Union, the British Motorcyclists Federation, IAM RoadSmart, the National Motorcycle Dealers Association, Plantec Assist, the Trail Riders Fellowship and the Vintage Motor Cycle Club



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