

Legalising rental e-scooter trials - Questions

Your details

Name: *Tony Campbell*

Email: *t.campbell@mcia.co.uk*

Responding:

on behalf of an organisation

Organisational details

Your organisation's name is? *MCIA*

E-scooter definition

Is the proposed e-scooter definition suitable for you?

No

Why?

MCIA submitted a discussion document (The Route to Tomorrow's Journeys: L0-A and L0-B Micromobility Regulation Discussion Document) to the DfT (mcia.co.uk/en/the-route). The document contains proposals for two different e-scooter categories; L0-A and L0-B. The L0-A category matches many elements within the definition proposed by the DfT, however the maximum speed proposed by MCIA is 15.5mph. This is comparable with other vehicles such as pedal cycles and e-bikes.

In addition, MCIA disagrees with the maximum continuous rated power motor of 350W in the proposed definition. A maximum continuous rated power of 250W would be comparable to EAPCs which is where the vast majority of the other comparisons are made in this document. MCIA would like to know how the proposal for 350W was reached, is it based on research, or is it to suit the likely providers of hire / rental e-scooters?

In the MCIA discussion document referred to above, the L0-B category proposal has a maximum continuous rated power of 500W, but within our proposals there is far more rigorous vehicle standards for higher powered vehicles.

MCIA feels this must be continuous rated power, not peak power, which is not defined in the consultation.

Maximum speed limit

In your opinion the maximum permitted speed for e-scooter trials should be:

15.5 mph

Why?

From a safety perspective, e-scooters should be able to keep pace with the traffic that they are mixing with. Pedal cycles and e-bikes are capable of doing 15.5mph, and the power should progressively reduce with speed, cutting out entirely at 15.5mph as is the case with EPACs.

Maximum motor power

In your opinion should a maximum motor power be included in the definition?

Yes

Why?

For reasons of safety for both riders and other road users, e-scooters should have a maximum continuous rated power output, that is consistent with e-bikes. E-bikes will be sharing the road, cycle lanes and other priority measures with e-scooters in numerous settings.

High powered, very light weight vehicles pose additional dangers, as they may accelerate much faster than the user anticipates, exacerbating any control issues that novice riders may have.

*It is important that maximum continuous rated power output provisions should be accompanied by **strict anti-tampering** measures to prevent users from increasing the power and top speed. While this may not be an immediate issue for e-scooter rentals, if future plans are to include a private ownership model, it will be essential.*

Please ensure that the requirements for 'maximum peak power' and 'maximum continuous rated motor power' are understood – it has not been made clear in this consultation. All the MCIA suggestions and comments relate to maximum continuous rated power, as per the E-bike requirements and not maximum peak power (which can be several times greater than continuous rated power for short periods).

In your opinion is the suggested limit of 350 Watts maximum motor power appropriate?

No

Why?

As mentioned above, MCIA strongly feels that maximum continuous rated power is sufficient at 250W for a lower capacity e-scooter for reasons of safety. MCIA strongly urges the Government to adopt the maximum continuous rated power, technical and user provisions outlined in industry proposals for micro-mobility, which have been provided to DfT for consideration.

Regulatory changes

To what extent do you agree or disagree that, for the trials, we should change the regulatory requirements to:

•allow e-scooters to be used by any full licence holder?

See below

•allow e-scooters to be used by any provisional licence holder?

MCIA feels that riders should be identifiable and that a licence of some should be required (provisional as a minimum).

MCIA notes that at present provisional licence applications for both A and B category vehicles are only being accepted for key workers and urges Government to reopen the application process as soon as possible.

•remove the requirement for a motorcycle helmet and instead recommending cycle helmets?

*PTW users have been subject to regulations enforcing the use of helmets since 1973. The recommendation on the use of a cycle helmet is not sufficient. **Use of a cycle helmet should be mandated.***

•allow e-scooters on roads (except motorways)?

MCIA agrees that e-scooters should be allowed on roads with a speed limit of not more than 30mph. The speed differential on other roads is likely to be too great and user safety will be compromised further.

•allow e-scooters in cycle lanes and tracks?

E-Scooters should also be allowed to use cycle lanes and tracks, but only if they are legally restricted to no more than 250W maximum continuous rated power and 15.5 mph.

•exempt trial e-scooters from vehicle registration?

MCIA feels that while it may not be necessary to register e-scooters used in the trial, given that it is assumed the operators would be expected to track who is using the e-scooter, and when it is being used. However, in longer term considerations of private ownership models, vehicle registration will be essential.

•exempt trial e-scooters from vehicle licensing?

MCIA would not expect an electric vehicle to pay vehicle excise duty although if it requires infrastructure investment, the hire companies should pay for operator licences in order to recover government investments.

•exempt trial e-scooter from vehicle type approval requirements?

MCIA has considerable concerns over the lack of technical regulations proposed, as indicated in our introduction to this section. No definition of product safety has been proposed by the Government in this consultation, which runs contrary to the government's approach to other vehicle types.

Explain your choices.

MCIA has made proposals of considerable depth in the area of e-scooter technical and user regulation in its document 'The Route to Tomorrow's Journeys: L0-A and L0-B Micromobility Regulation Discussion Document' (mentioned elsewhere in this response). The document was prepared in response to the DfT's call for evidence consultation on the future of transport. This lengthier consultation offers an opportunity for a properly considered approach to e-scooter regulation, but it has not yet closed.

Despite assurances from the Government to the contrary, this new consultation on legalising rental e-scooter trials, appears to pre-determine the outcome of the original consultation, without a full and proper discussion about and development of, appropriate regulation.

This will effectively set expectations of what regulation surrounds the wider use of e-scooters, via the types of machine and their use both during and beyond the trials. The making of regulation in this manner, effectively short cutting proper process, is highly unusual, risks unintended consequences and is of considerable concern to MCIA. Consequently, we seek urgent meetings with officials on this matter.

We also note that despite proposing a "loose" technical framework for rental scooters in the consultation, no specific questions have been posed about this to seek views. Indeed, the Government's proposals in this area are a fait-accomplis and this short-circuiting of proper regulation is of great concern. MCIA has proposed a much more robust technical framework in its proposal mentioned above and we urge the DfT to enter discussions with industry to create technical regulation following due process.

MCIA considers it essential that a national type approval scheme for e-scooters is developed to ensure that they are robust, safe and suitable for the public roads they will be operating on.

We cannot 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 provisions, is likely to result in unintended consequences, not least in relation to public safety.

This will also cause confusion about what is and what is not permitted, and will likely result in an increase of illegal use of e-scooters on the road and in cycle lanes.

This could be viewed as legislation set by the rental providers, with commuters being forced to pay a third party to use an e-scooter legally, when it may be more economical to buy their own.

In summary, MCIA feels that the proposals from the Secretary of State are rushed, poorly thought through, and short-circuit proper regulatory processes. MCIA urges the withdrawal of this consultation and accompanying proposal and for the Government to focus instead on the full completion of the process initiated by The Future of Transport Regulatory Review, before taking further action in the area of trials and the technical and user definitions for e-scooters.

MCIA also makes the following observations:

- There is no mention of how robust the evaluation will be to inform the decisions for the future once the trials have been concluded*
- As the only evidence to be gathered is from shared use, how can that possibly inform private ownership model issues once decisions need to be made about the wider use of e-scooters.*
- There is no consultation on how local authorities will be implementing the trials; consistency across the country will be vital if meaningful conclusions are to be drawn*
- MCIA notes that once again, the Government is ignoring small powered two wheelers (electric and other) as mobility options. This is an already established mode of transport which is subject to a wide range of technical and user safety regulation. Commuter and lightweight PTWs are well positioned to be a major part of the future of transport and mobility and are already the favoured option of many.*