

Road Traffic (Amendment) Bill - Submission by Right To Ride

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Dear Sheila

We would like to thank the Committee for the Environment for the opportunity to submit written evidence regarding the Road Traffic (Amendment) Bill.

Right To Ride Right was established in Northern Ireland in 2009 and is formed around its two protagonists Trevor Baird and Dr Elaine Hardy. Right To Ride has a representative base of over a thousand motorcyclists.

Right To Ride's area of expertise is covered by its main objective which is to carry on activities, in particular (without limitation) to promote awareness and understanding of training, environmental road safety and security issues relating to the use of those vehicles classed in law as motorcycles, scooters, mopeds, motorcycle combinations and tricycles and to research and investigate solutions to these topics.

Trevor Baird has been involved in representing motorcycling issues nationally and at a European level through motorcycle rider organisations and globally through a coalition of international rider organisations at UNECE - United Nations Economic Commission for Europe – World Forum for Harmonization of Vehicle Regulations and Working Party on Road Safety.

Elaine Hardy has also been involved in representing motorcycling issues nationally and at a European level through motorcycle rider organisations. Elaine's background is vehicle data analysis and has worked for many years with government agencies especially in the area of vehicle crime research.

As Research Director of Right To Right, Elaine has carried out research projects including an in depth analysis of motorcycle fatalities in Northern Ireland and has presented the findings of her work at major international motorcycle conferences. She is currently working on a similar analysis of pedestrian fatalities in Northern Ireland.

Right To Ride is currently involved in promoting motorcycle safety initiatives in Northern Ireland – Biker NI Safety Card – Ride It Right – First Aid For Riders. In 2009 Right To Ride published "Motorcycling in Northern Ireland – the Rider's Perspective", a document offering the views of motorcyclists as a point of reference for a Motorcycling Strategy in Northern Ireland. Right To Ride is currently a stakeholder on the DOE led Motorcycle Safety Forum and Road Safety Forum.

Right To Ride is willing to be considered to give oral evidence to the Committee.

Right To Ride - Road Traffic (Amendment Bill)

The response by Right To Ride to the Road Traffic (Amendment Bill) concerns itself mainly with the effect that the bill, if introduced in its present form, would have directly on motorcyclists and where we consider necessary, the impact to motorcyclists in relation to other vehicles or their drivers.

DRINK-DRIVING - “The prescribed limit”

Although we welcome the general lowering of drink drive limits we disagree with the different (lower) prescribed limit of alcohol for drink driving offences for a driver who is classed as a specified person.

e.g. provisional licence holder - qualified driver for not more than 2 years - holder of a taxi driver’s licence as compared to a higher level for a driver who is not a specified driver.

The message that this is giving out is that legislation accepts that a driver can “hold” their drink above a certain level.

The road safety message regarding drink driving is - Just one drink impairs driving - any alcohol impairs driving and increases the risk of collision - Never ever drink and drive - Just one drink is excessive.

Every drink increases your risk of crashing, unless you read the small print in the proposed legislation

There should be one level of a prescribed limit of alcohol for drink driving offences.

LEARNER AND NEW DRIVERS

Minimum age for licence: small vehicle

We welcome that the requirements for motorcycle testing regarding age limits and vehicle requirements have been left as required by the recent introduction of the 3rd European Driving Licence regime (January 2013) and CBT (Compulsory Basic Training) February 2012.

We welcome the proposed introduction of a “logbook” to, “record driving lessons, or practice, undertaken by a person in preparation for the practical test, the person’s progress through the relevant approved programme of training and such other information.”

We believe that the relevant approved programme of training using a log book, when formulated should have included particular mention of all vulnerable road users including motorcyclists. This is especially relevant for motorcyclists concerning right of way violations by other vehicles at – Junctions - When Turning Right - When Emerging On to Main Roads - When Overtaking - When Changing Lanes for example.

Approved training courses for motor bicycles

As the committee may be aware the motorcycle CBT syllabus contains five elements, grouped into three modules:

- Module 1 Element A Introduction – theoretical training
- Element B Practical training (touch, balance etc)
- Module 2 Element C Practical riding skills
- Element D Pre road-ride briefing
- Module 3 Element E Practical on-road riding (minimum of 4 hours).

These must be completed to a standard before a learner rider can ride unaccompanied on public roads.

During the CBT, riders receive a log book in which the instructor will record the topics covered and details of the riders knowledge or skills. Once they have reached a satisfactory level in all three modules the instructor will issue the rider with their CBT certificate.

All learner moped and motorcycle riders must complete Compulsory Basic Training (CBT) before they can ride unaccompanied on public roads. Only registered Approved Motorcycle Instructors (AMIs)/CBT trainers are allowed to conduct these training courses.

Therefore a learner rider will have completed a log book of competence before they move onto training to ride a larger motorcycle and to take their test to acquire a full licence.

As the Road Traffic (Amendment) Bill proposal points out, there is a requirement for the completion of a log book during training as younger riders progress through the different motorcycle licence categories.

Progressive access through - Category AM - Category A1 motorcycle – Category A2 motorcycle - Category A motorcycle.

Direct Access depending on age to the different categories.

Direct Access to Category A motorcycle for 24 year old and over.

Through Direct Access each test taken for these categories requires a valid theory test and a CBT.

Through progressive access a rider is not required to retake a CBT to learn if they are progressing through the categories and have passed a test – have a valid licence for the category they are moving up from. However when training for a new licence they must be accompanied by an Approved Motorcycle Instructor (AMI).

Each category that a rider is tested for includes a Practical Test two part test - Module 1 - Off Road - Module 2 - On Road.

Thus to acquire a motorcycle licence for a young rider is rigorous and expensive.

Not Rigorous Enough

Even if the introduction of the bill stands as proposed regarding a “Graduated Driving Licence Scheme” the view in the motorcycling community is that the scheme is still not rigorous enough. This would be especially targeted towards younger drivers who do not face the same restrictions on vehicle size, power, licence categories and time periods between these categories leading to extra testing.

In our opinion the 3rd European Driving Licence as implemented is also repetitive at each stage does not allow for an assessment of any progressed rider skills acquired by young riders between the motorcycle categories when they wish to move to a larger machine.

Any “bad habits” acquired would be corrected by an AMI, if the rider takes further training before taking a test for the category. If a rider does not take training before a test then those “bad habits” will not be picked up or the rider’s skills improved via training or assessment of their skills.

Log Book Options

We are of the opinion that because of the rigours of the training required for riders, the repeated testing, the fact that a rider as a learner has already completed a training syllabus and log book through CBT that they should only be required to complete a log book once during their progression through the test categories.

We have concerns that accompanying the bill and within Road Traffic (Amendment) Bill Explanatory and Financial Memorandum there is no reference to the cost for learners regarding the application of log books nor is there any explanation of the content of the approved programme of training and operation of the content of the log book other than explaining that:

The log book is a document which is used to recorded any driving lessons, or practice, undertaken by a person in preparation for the practical test, the person's progress through the relevant approved programme of training and such other information as the Department may determine.

That the log book when signed by an appropriate person, is confirmation that the person signing is satisfied that the person preparing for the practical test has successfully completed the relevant approved programme of training.

An appropriate person regarding motorcycles is stated as for category A1 motorcycle, is an approved motorcycle instructor or a qualified driver.

For category A or A2 motorcycle, is an approved motorcycle instructor.

A "qualified driver", in relation to a category A1 motorcycle, is stated as meaning a person who, is 21 years of age or over or holds a full licence to drive a category A1 motorcycle by virtue of having passed a test referred to in Article 19AC(2); and has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years;

The approved programme is stated as being "the relevant approved programme of training" which means the programme of training prescribed in regulations made under Article 13A(1) for category B motor vehicles or (as the case may be) motor bicycles." Unfortunately our skills do not extend to finding these articles and their content.

We have concerns regarding, not just for motorcycles, that these log books can be "signed" of not by qualified instructors but by "lay people" and family members of learner drivers and riders.

A special concern would be that younger and newer riders in the category A1 motorcycles who need the best training and assessment of their skills in these informative years can have their log book signed off by a qualified driver.

Thus regarding the aspect of the content of the approved programme for the log book, our opinion is that the bill should be delayed until these requirements are made clear.

However the 3rd European Driving Licence as introduced allows that instead of testing between motorcycle categories, riders can complete 7 hours maximum approved training. This could be extended by the trainer (AMI) or reduced depending on the skills of the person being assessed.

This would mean that a log book and system similar to the modules in the CBT could be used to actually assess a riders skills and just not another test which repeats itself through a rider's learner career towards access to a larger bike. A test that tries to fit riders into a one size fits all testing regime.

This could in our opinion, offer greater benefits in improving young riders 'skills and attitudes than simply relying on the validation of standards provided by a practical test of skills between categories.

Training Options

Although the DOE has previously stated that they "will revisit the training option. Any training option will be developed with motorcycle stakeholders to ensure it meets the needs of learner motorcyclists whilst remaining within scope of the Directive."

Our previous recommendation was to deliver a cost beneficial 7 hours structured, relevant and cost-effective basic training to give the rider moving between licence categories, the essential skills and knowledge capable of safely operating a motorcycle continuously in normal traffic situations on public roads.

This is certainly the time to reconsider this option before the introduction of the Bill which sees the retention of the convoluted approached to rider testing, especially for young riders through the progressive access route.

Extension of requirements as regards protective headgear

Protective Headgear on Quadricycles.

As outlined above, Right To Ride main objectives do not include quadricycles (quads), although the "types" as outlined in the proposed bill are closely related to motorcycles - quads are more than just the steering of these types of vehicles with a set of handlebars.

The bill appears to have a slant towards those quads used in agriculture by farmers, however not all quads are used by farmers and the context in which we give our opinion refers to those quads that would be classed as road legal.

The quads that are used on the road under road traffic law, are either purpose built for use on road or off road – fully type approved or adapted for road use through the Motorcycle Single Vehicle Approval Scheme (MSVA).

As far as we understand agricultural quad bikes used on the road do not need an MOT - Quads that are registered and ridden on the road must pass an MOT once they are three years old.

Under Northern Ireland legislation, as quads have four wheels, they must be classified as 'motor cars,' therefore a person cannot use a motorcycle driving licence to ride a road legal quad bike.

We know of one lady who uses her quad in the same way as a mobility scooter (with the exclusion of riding on the pavement) because of the area she lives in – suburbia – ring road – major shopping centre - a fully road legal quad enables her freedom to travel. Others we know who ride quads treat these as a four wheeled motorcycle which are fully road legal and can be used off road therefore they will wear the appropriate clothing.

Because these people treat these vehicles as motorcycles they do wear helmets and will also wear protective clothing – jackets – gloves – boots.

This proposed requirement does not address the fact that there is no road traffic requirement that can force farmers to wear helmets while off road, where in our opinion the risk of injury due the nature of the work and the terrain would be more than riding on the road.

We suspect that this risk and injuries either off road or on road to these (farmer) riders' heads does not appear to be considered.

Equally, simply putting a helmet on a rider's head does not make them a safer rider which would be more of a concern than the risk to head injuries or any benefits regarding the maximum safety potential.

It would appear that this proposal is possibly a knee jerk reaction and has not been thought through.

Thus we would suggest that before making any decision in relation to quads and helmets, it would be useful to determine where the real risk of injury is more likely – e.g. off road (where this legislation would not be enforceable) or on road.

Therefore regarding the bills proposal to make protective headgear on quadricycles mandatory we do not believe that this requirement for responsible adults is necessary.

Road Traffic (Amendment) Bill Explanatory and Financial Memorandum

One further comment is regarding the Road Traffic (Amendment) Bill Explanatory and Financial Memorandum.

The memorandum states, "38. No financial implications have been identified to the public sector. The retail cost of a motorcycle helmet and, separately a helmet holder to secure it in an unattended vehicle is estimated at a minimum of £50 and a maximum of £110 per vehicle user."

As the committee may be aware that all helmets sold in the UK must either:

- comply with British Standard BS 6658:1985 and carry the BSI Kitemark

- comply with UNECE Regulation 22.05

- comply with any standard accepted by a member of the European Economic Area which offers a level of safety and protection equivalent to BS 6658:1985 and carry a mark equivalent to the BSI Kitemark the cost of a helmet can range from below £50 to well over £500

The DfT (Department for Transport_ in GB operates the SHARP Safety Helmet Assessment and Rating Programme which helps riders make a more informed choice when choosing a helmet.

These helmets, which are available for a price of less than £50 to more than £500, can also vary in quality from the absolute minimum requirements in the standard or to a far superior quality which is over what is the minimum requirement.

Therefore the memorandum appears to have miscalculated the price range of helmets that meets required "safety" standards.

Point 39 in the memorandum states *"In respect of costs to industry, it is impossible to quantify the effect of the various options on consumer choice, in view of the relatively recent appearance of many of the modern quad vehicles in the marketplace and the continuing interest in eco-friendly transportation. It is possible that mandatory wearing of helmets on quads might influence some road users away from quads as a personal transport option."*

This comment appears to be opinion and not based on evidence i.e. that the wearing of helmets on quads might influence some road users away from quads as a personal transport option. It is not clear what it is meant to infer.

In the event, the structure of a quad is the same as a car in terms of its stability. While we accept that the use of the quad off road, may raise concerns if used for sporting or leisure purposes e.g. as some riders of dirt bikes do when riding off road. We also acknowledge that this is an area of concern especially for younger drivers of quads.

However as previously mentioned, the legislation is not applicable off road on private land. Any person driving a quad recklessly on a road would be subject to the same legislation for all vehicle drivers and to highlight a point that perhaps the Committee may wish to consider, drivers of coupes should perhaps be included in the proposal considering that these cars are open and therefore the driver would be vulnerable to head injury.

Conclusion

We would thank the committee for taking the time to read our submission and our final opinions and conclusions are:

- There should be one level of a prescribed limit of alcohol for drink driving offences.
- We believe that the relevant approved programme of training using a log book, when formulated should have included particular mention of all vulnerable road users including motorcyclists. This is especially relevant for motorcyclists as regarding right of way violations by other vehicles at – Junctions - When Turning Right - When Emerging On to Main Roads - When Overtaking - When Changing Lanes for example.
- “Graduated Driving Licence Scheme” the view in the motorcycling community is that the scheme is still not rigorous enough. This would be especially targeted towards younger drivers who do not face the same restrictions on vehicle size, power, licence categories and time periods between these categories leading to extra testing.
- We are of the opinion that because of the rigours of the training required for riders, the repeated testing, the fact that a rider as a learner has already completed a training syllabus and log book through CBT that they should only be required to complete a log book once during their progression through the test categories.
- We have concerns that accompanying the bill and within Road Traffic (Amendment) Bill Explanatory and Financial Memorandum there is no reference to the cost for learners regarding the application of log books nor is there any explanation of the content and operation of the content of the log book.
- We have concerns regarding, not just for motorcycles, that these log books can be “signed” of not by qualified instructors but by “lay people” and family members of learner drivers and riders.
- A special concern would be that younger and newer riders in the category A1 motorcycles, who need the best training and assessment of their skills in these informative years, can have their log book signed off by a qualified driver.

- Thus regarding the aspect of the content of the approved programme for the log book, our opinion is that the bill should be delayed until these requirements are made clear.
- However the 3rd European Driving Licence as introduced allows that instead of testing between motorcycle categories, riders can complete 7 hours maximum approved training. This could be extended by the trainer (AMI) or reduced depending on the skills of the person being assessed.
- This would mean that a log book and system similar to the modules in the CBT could be used to actually assess a riders skills and just not another test which repeats itself through a rider's learner career towards access to a larger bike. A test that tries to fit riders into a one size fits all testing regime.
- This could in our opinion offer a greater benefits in improving young riders 'skills and attitudes than simply relying on the validation of standards provided by a practical test of skills between categories.
- Regarding the bills proposal to make protective helmets on quadricycles mandatory we do not believe that this requirement for responsible adults is necessary.

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