

# Right To Ride Response – Consultation - Proposal for the Mandatory Wearing of Helmets on Motor Tricycles

June 2015

Annex A

## CONSULTATION QUESTIONS

Q1:	Do you think that one of the listed options is the way forward?	Yes	X
		No	

At Right To Ride our preferred option is Option 1: Do Nothing.

As the consultation paper outlines, this is the simplest option that no legislation would be required and most importantly there would be no cost or impact on the community or the small vehicle industry.

We also find that the department's preferred option is not logical and does not follow the facts as regards rider and passenger injuries.

The department's option seems to hint that retailers would do extra business in supplying helmets, however there would be an additional cost impact on agricultural trike users who only use their vehicles on road for movement between farmlands (i.e. private land). In consideration of the dire situation our farmers are in presently, this extra cost just adds to their problems.

Thus putting extra burden on the rural business (farmers) that supply the market with produce and are the voters who carry

politicians to Stormont and Westminster and are already suffering hardship – has the DOE really considered these farmers?

Q2:	If the answer to question 1 above was yes, which option do you feel provides the appropriate way forward?	Option 1	X
		Option 2	
		Option 3	

Additional comments:

The appropriate way forward is option 1- to retain the status quo, a status quo that up to this point has had no impact whatsoever – on trike riders – their passengers – businesses – or their safety on the road.

Those that propose this amendment appear to be concerned with “what if” or “what might be”, but effectively are compounding citizens’ freedom to make their own decisions on what to wear and how to behave – especially in consideration of the fact that the legislators – i.e. the representatives of Northern Ireland’s citizens have already made important steps towards ensuring responsible behaviour and reducing road casualties through the GDL. Thus in a situation whereby there is a minority of people using this means of transport and who up to now have behaved in a responsible manner, does not justify the interference of government officials in their obsession to reduce road casualty statistics, without understanding the reason why they happen in the first place.

The consultation document seeks to improve the safety of trike riders and their pillions and seeks then to define trikes, as there are variations

including those three wheelers that are operated in a car like sitting position and steered by a steering wheel.

However our concern is for those trikes that are mostly motorcycle based, car engine based and styled in a similar way to a motorcycle based trike or are cars based (front half motorcycle rear half car), in other words those trikes that would have no enclosing body work and are steered by means of handle bars.

These are the trikes mainly ridden in Northern Ireland by responsible adult enthusiasts who make up a vibrant family lifestyle community that raises thousands of pounds for charities throughout the year.

It is that lifestyle and that community that this proposed consultation will target the most without any discussion with these people as to why these proposals have been made.

As can be seen from the pictures and trike rider comments at the end of this consultation response, it is not a case of riders and their passengers simply not riding around without a helmet at all times and as riders have commented to us at Right To Ride, there are times when wearing a helmet is appropriate and other times when they think it is not.

Reading the consultation the Department of the Environment (DOE) is suggesting exemptions to the wearing of a helmet, which does not follow the DOE's logic, which is that if a motorcycle or quadricycle rider/driver must wear a helmet then somebody on a trike must also.

*“Every person driving or riding a motor tricycle on a road must wear protective headgear, except when a motor tricycle:*

*(a) is horizontally confined by a body enclosing each person carried which also provides protection; and*

*(b) is fitted with a fixed roof or other rollover protection for each person carried in or on the vehicle; and*

*(c) has seatbelts fitted when required by the relevant regulations.”*

Therefore the department then has to change the definition of a trike to fit this proposed legislation.

As the consultation is “promoting” a way forward in order to reduce road casualties, again there is no logic in the proposal.

The consultation states that, *“However, it should be noted that even if these riders were wearing helmets it would not have necessarily prevented injury or death.”*

Trikes are substantially different to PTWs (Powered Two Wheelers – motorcycles – scooters – mopeds).

Trikes are far more stable – they have three wheels – in a certain respect, there is far less possibility of suffering injuries or fatalities by riding a trike – statistically they don’t even appear as an issue – 2 fatalities between 2008 and 2014 (6 years) in Northern Ireland – 3 seriously injured – during the same period. These figures do not reflect the fact that these riders would have died or been seriously injured anyway – in other words, head protection or lack of, wasn’t the cause of

their death.

Our opinion is that because of the references to safety and reducing road casualties then it would be hard to stop that particular bandwagon, even if there is no need to introduce this proposal by the department and its civil servants.

A proposal that is for road safety, technically cannot take into account an adult's own responsibility to have freedom of choice, or simply put, road safety cannot cope readily with what is a basic right to decide.

Adults that ride road going and road legal trikes, who are licensed to ride these vehicles on the public roads are a close knit community which has made the choice and taken deliberate steps to operate these vehicles in a responsible manner in terms of road safety. It is a minority community of road users and hence should have been consulted more closely and personally on the effect of this proposal.

What we have in the Northern Ireland Assembly are elected representatives, the politicians. Then we have government departments which in this instance is the DOE (Department Of The Environment) Road Safety and Vehicle Regulation Division officials, we have committees of MLAs who "steer" the government departments and the ministers who "head" these departments and the main body of politicians in the Northern Ireland Assembly, not all agreeing on the issues.

In this instance for this proposal we have a statement from the department's officials, which is that there is a commitment (by the civil

servants?) to consider also extending the requirement to wear helmets for Quad Riders, which is still going through the Northern Ireland Assembly.

What we do not seem to have is any commitment other than from what is contained in this consultation, which should not be a “driving” force to introduce primary legislation into a bill at this late stage in the bill’s development. This is a matter for elected representatives and a step too far for unelected officials (i.e. civil servants) to be considering.

Legislation should come through the democratic process – the citizen first and then our elected representatives – not driven from and by a department, or indeed people within that department nor any personal road safety thoughts or good ideas that this consultation seems to pertain to.

Q3:	If your answer to question one was no, can you suggest a possible alternative course of action? Please give details.	Yes	
		No	X
Additional comments: None			

Q4:	Do you think the sales market for trikes will be affected by the introduction of this policy?	Yes	X
		No	
Additional comments:			

Q5:	Do you agree that this policy should also be introduced for disabled drivers/riders?	Yes	
		No	X
Additional comments:			

Q6:	Do you feel there is a more effective way to define trikes in legislation? If yes, please give details.	Yes	
		No	X
Additional comments: Not at present although driving licence requirements do need to be changed, it would be difficult as regards these licence categories, which are in the effectively “controlled” at the European level. We are aware that the DVA are looking at these issues.			

## **Trike Rider Comments**

We consider that those Trike riders and others who have commented on our website and social media should have their comments forwarded in this consultation process.

Although they may respond to the consultation, they may not, so it is important that their voice is inserted here:

**Comment:** I ride a trike and ONLY wear a helmet when it rains or is very cold, in other words for comfort reasons. I was involved in an accident and had no helmet on at the time, the hurt wrist I sustained at the time would still have resulted had I been wearing a helmet.

I have been involved in taking several bikers to or from their weddings/receptions. ALL with no helmets. This would stop this as a viable alternative to a wedding car for those who want to try to involve their passion into their special day.

I do not feel that a helmet which reduces my peripheral vision and reduces my ability to hear the traffic around me will in any way increase my safety.

Motorcyclists wear helmets and substantive clothing as the smallest loss of traction can result in a fall putting the motorcyclist at substantial risk. On a trike with three wheels we are no more likely to fall off than a car driver when any of the wheels lose traction.

**Comment:** *This is a misguided over stepping of those not involved in the passion of trike riding.*

*Given that there have been so few serious accidents involving trikes and none wore helmets were a factor in the outcome this proposal seems totally unnecessary.*

**Comment:** Firstly I agree with Helmet safety but I am also a believer in the riders right to choose, I'm a lifelong biker who will always wear a helmet but I think the rider should choose , if the rider want's not to wear a helmet then an increased premium might be the way ahead but for trike riders if there is no statistical evidence of accident/road deaths why introduce the legislation other than to make revenue for Stormont or to increase control over the public , it is also highly likely that those that seek to implement this excessive legislation will never consult with trike



riders and are highly unlikely to ride theme selves, keep up the good fight.

**Comment:** *This is unfounded and totally unjustified, as the record shows, trikes are predominantly the safest way to ride and the powers that be should take that information on-board.*

**Comment:** I personally use a helmet when the weather's bad as I think it's safer to be able to see as clearly as possible, but in the dry I choose a skull cap and safety sunglasses.

**Comment:** *Democracy is a state of society characterized by formal equality of rights and privileges, political or social equality.*

*A form of government in which the supreme power is vested in the people and exercised directly by them NOT DICTATED by ill-informed bureaucrats.*

**Comment:** The mandatory helmet issue is not much different between bikes and trikes, but the greater stability of a trike offers some reason to fight against another mandatory Personal Protective Equipment law, the argument being that head injury is common in bikes, but not in trikes. It's actually a fake argument, but since politicians pass laws based on fake reasoning, I say it's fair.

The basic issue is that helmets are designed to protect the skull from fractures. Theoretically, a helmet absorbs the blow, reducing "head injuries." What's never said out loud is that Helmets are not designed to protect against brain injuries. The problem is that the human brain is simply too fragile to withstand much trauma. Skull fractures (or even removal of a section of skull for brain surgery) causes very few fatalities. Brain injuries cause considerable morbidity and many fatalities. Helmet tests measure the ability of a helmet to "absorb" impacts from a helmeted steel headform being dropped onto an anvil. The EPS liner crushes to slightly increase the impact time. The problem is that energy cannot be "absorbed" but only changed to a different form of energy.

When a helmeted head strikes something, the EPS may heat up slightly as the kinetic energy is changed to mechanical or heat energy, but the helmet still transmits the remaining kinetic energy through the skull to the brain, where it can cause significant damage. A helmet is very "effective" at preventing skull fractures and injuries to the ears, scalp, nose, etc. but not very effective at preventing brain injuries.

If this is true (and my scientist friend DQ says emphatically that it is) then helmets offer very little protection against serious brain injuries or fatalities in any sport where head injuries are likely. However, the tide is flowing strongly in favor of society requiring that we protect ourselves, and helmets are seen by politicians as the motorcycling equivalent of seat belts and air bags in automobiles. Trying to educate politicians would be an uphill battle.

So, my suggestion is to use the physical difference of three wheeled machines to argue that they don't need a new law since they are different. Since trikes don't fall down, the potential for head injuries of trike drivers and passengers is much less than for PTWs. The argument might include a challenge to present statistics showing that trike drivers or passengers are involved in more crashes or sustain a greater frequency of head injuries than PTW or auto drivers or passengers.

David L. Hough - David is an American writer on motorcycle rider safety, education and training.

**Comment:** *I have been triking for 8 years. I that time, I have had one accident, Belgian tourist forcing me of the road. I stayed on my trike.*

*I do not wish to wear a helmet, as I believe that should be my choice.*

*I understand that it probably will become law, and I won't be happy about it, but hey, there's always a killjoy out there somewhere!!*

**Comment:** I have a car based trike I pay car road tax , so do they propose to bring my taxation inline with that of motorbikes if I am to be treated under motorbike legislation.

**Comment:** *I like the choice too. And to be honest 9 times out of 10 I choose not to wear a helmet.*

**Comment:** I know people who choose to wear a helmet.

Personally I do not - something to do with the last little bit of freedom we have in this country.

I'll go back to riding motorbikes if helmets become compulsory!