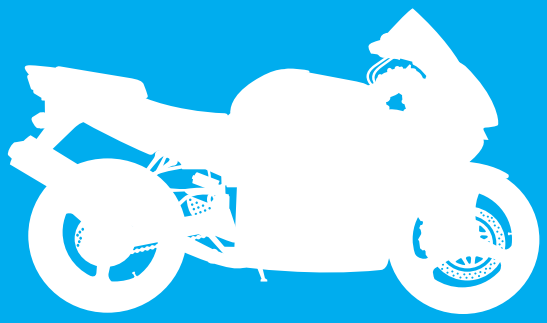
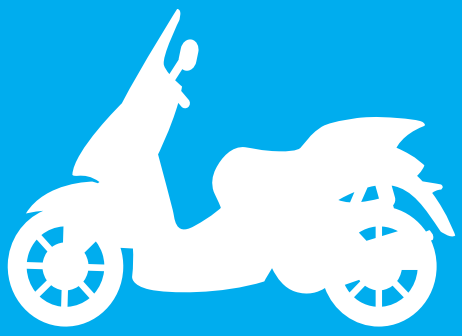


Response to DG Enterprise

Regarding Framework Regulations for L vehicles

Part 2



Right To Ride Ltd
Northern Ireland

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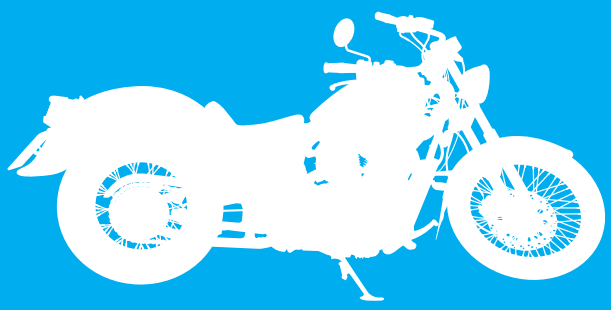

Trevor Baird
Dr Elaine Hardy
Right To Ride Ltd
Northern Ireland
www.writetoride.co.uk

Emissions - Anti Tampering

Foreword

Right To Ride welcomes the detailed reply that DG Enterprise has provided to our initial document[1] regarding the Framework Regulations for L vehicles – motorcycles.

In their reply, DG Enterprise commented that they want to prevent illegal exhaust systems and to be able to identify type approved systems to ensure that emissions remain within the legal limits.

They also accept that the data to identify illegal tampering is limited and would like to include additional studies.

Finally that common sense should be applied in the development of policy options.

In order to clarify the comments regarding anti-tampering, Right To Ride has submitted further information to DG Enterprise, which is summarised here.

Right To Ride's response:

We certainly agree that common sense must prevail in developing policy options. However with regards to your comment "there are reasons to conduct an additional study sometime soon", we would recommend, under the circumstances, that any decision on anti-tampering measure should be delayed and consideration should ultimately be given our recommendation regarding the simplification of the framework regulations and directives in relation to "anti-tampering measures" which should be renamed: Positive Modifications – Rules and Regulations – L Category Vehicles.

With regards to the TUV study "the study results may not be completely obsolete", we would agree.

However, the 272 page document appears to propose a variety of anti-tampering measures based on data that effectively demonstrate that the "problem" is disproportionate to the suggested anti-tampering measures.

It would also appear that further discussions specifically, the TRL report (2009) "Evaluating the impact of possible new measures concerning category L vehicles", relating to anti-tampering measures are linked to this document, and to the MAIDS report (2004 version):

http://ec.europa.eu/transport/roadsafety_library/publications/maids_report_1_2_september_2004.pdf

As you may be aware, the MAIDS report has received criticism including from Prof H. Hurt who produced the seminal report on motorcycle accident causation in 1981. He was interviewed in 2005 by an American motorcycle magazine and commented that MAIDS "yielded absolutely maverick evaluations"[2].

In 2004, we submitted a critique of the MAIDS report to the Department for Transport in the UK in which we highlight inconsistencies in the MAIDS report regarding their findings.

This excerpt includes part of our critique in which we refer to their analysis of "modified PTWs".

MAIDS finding 15. Tampering in order to increase performance was observed by visual inspection in 17.8% of all moped cases. This value is lower than those reported in other studies. The exposure study only shows 12.3% of tampering. (Source: Table 5.30)

[1] http://www.writetoride.co.uk/Framework_regulations_Right_To_Ride_public_260110.pdf
[2] http://www.mcnews.com/mcn/features/200502Hurt.pdf

We would like to point out that the total sum of mopeds analysed in the study for all countries in the MAIDS report, was 51 with a control group of 70 (we could elaborate on issues of reliability and validity, but this would detract from the discussion at hand).

As with the TUV study, we would also suggest that any extrapolation of the findings of the MAIDS study as an indication of a European wide problem is questionable. In the event this refers only to mopeds, which already have specific anti-tampering measures applied.

We found that in the findings of the MAIDS report, the authors appear to have confused the meaning of 'style' with 'type' in their classification of PTWs.

A style should indicate for example, sports, custom or cruiser motorcycles or a step through moped etc.

The type should indicate the category of PTW e.g. moped, scooter or motorcycle – this is effectively what defines the categories L1, L2 and L3 vehicles.

In the study, 73% of the L1 vehicles were scooters. The sports motorcycle 'style' represented 24.1% of the L3 vehicle types (not styles) and 19.9% were 'Conventional street style PTWs, however the photograph on page 16 (Fig. 2.1) should be defined 'Retro Classic'.

There appeared to be considerable confusion with regards to their definitions of types and styles of PTWs which makes comprehension of the report much more difficult and that their findings were misleading as a result of this confusion.

Modified PTWs

Number 16 of the Main Findings states: "Only Modified conventional street motorcycles were found to be "over represented" in the accident data. There was no evidence of an increased risk associated with riding any other PTW style".

There were only 6 L1 and 19 L3 modified conventional street motorcycles analysed.

Once again – to extrapolate data from 25 motorcycles as the sum of a European wide problem, should be in our view be best described as "wing and a prayer" evidence.

On page 43 of the report, the chi-square test comparing modified conventional street PTWs in the accident data (25) and exposure data (not identified) "was found to be significant (chi-square = 7.9, $p<0.005$).

This may be interpreted that within these sampling areas there is a greater risk of being involved in an accident while operating a modified conventional street PTW as opposed to any other PTW style.

The other PTW styles appear to be neither over nor under-represented in the MAIDS accident data when compared to the exposure data (i.e., they were not found to be significantly different)."

In the footnote (page 43), the authors comment "A modified conventional street PTW was defined as any conventional street PTW which had been modified with aftermarket components (e.g., exhaust system, etc.)

NB: On page 44 of the report, there is a graph identifying the various types of styles involved in accidents with "exposure data" of the same styles of PTWs.

The suggestion of an increased risk for modified motorcycles is illogical. This appears to be an attempt to extrapolate conclusions beyond a direct analysis of the data. In the case of the comment

“e.g. exhaust systems”, this comment appears to be speculation and devoid of any concrete evidence.

It is impossible to know the level of modifications, globally across all riders (i.e. modifications performed by riders), to be able to set a baseline for comparison. Numbers within the sampled data would have to be compared with the level of modifications of all PTWs as a whole, not included in the study.

Furthermore, modified vehicles (PTWs) are not a "style" of bike. There are a vast range of modifications from smaller indicators to more powerful headlights, different seats, paint jobs, aftermarket silencers and the like. Modifications are present on every style of bike.

What concerned us was that in number 17 of the main findings the authors claim ***“There were no cases found by the teams in which an accident was caused by PTW design or manufacture”*.**

Thus number 16 of the main findings appears to contradict the rest of the main finding Number 17 which states: ***“Technical machine problems feature in less than 1% of accidents and those were mainly related to tyres”*,** because if you cross reference this with claims about the significance of modified bikes, it would appear that modifications do not cause any technical problems.

The reason for our additional document is to explain that from what we have been able to find, there is no relevant evidence that tampering (in the illegal sense) is a widespread problem and until such time as evidence can be found otherwise, hearsay or inconclusive research, should not be a reason to introduce legislation.

Dr Elaine Hardy
Trevor Baird
Right To Ride Ltd
www.writetoride.co.uk