



Future of Transport regulatory review: modernising vehicle standards

Response from the British Motorcyclists Federation (BMF)

Introduction

The British Motorcyclists Federation (BMF) welcomes the opportunity to respond to the consultation on the Future of Transport regulatory review into zero emission vehicles. The BMF is a lobbying group with 64,000 individual and club members, and has been campaigning to pursue, promote and protect the interests of riders for over 60 years.

We will welcome opportunities to discuss detailed proposals for any necessary future legislation.

Section: A modern framework for modern vehicles – regulating safety, security and environmental performance

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

What aspects or potential applications of the proposed powers do you think:

- are particularly important for us to take forward and why?*
- could create difficulties and why?*
- could be excessively costly for industry to meet and why?*

Overall the BMF is in favour of new standards for new technologies and yes, they must be part of the type approval process.

The BMF has particular concerns relating to the software installed on vehicles, especially software performing driving tasks. While application of such software on motorcycles is a long way off riders are potentially at considerable risk from automated vehicles of other types. Systems must be confirmed as correctly identifying vulnerable road users and responding accordingly. Some existing systems are particularly poor at identifying motorcycles. See <https://www.femamotorcycling.eu/acc-does-not-always-see-motorcyclists/> and note EuroNCAP has added such testing to their assessments. We are not in favour of the proposal to allow Automated Lane Keeping Systems (ALKS) on UK roads since there is no accompanying requirement to ensure detection of low impact collisions, especially on the side of the ALKS equipped vehicle.

New standards must be created for the security of any software installed on a vehicle. The consequences of having vehicles running with compromised systems could be disastrous.

Systems must be put in place to evaluate and approve software, especially software specific to the driving task. Such testing must consider the real-life application of the

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system, not the technical specification. Approved systems must be readily identifiable and it must be difficult to fake an approved identity.

It must be possible for software developers other than the OEM to have software approved. We do not find it acceptable to allow OEMs to be the sole suppliers.

We recommend that UK standards do not diverge substantially from global and/or EU standards. We think that in the motorcycling context substantial variation would be likely to reduce market choice for riders, potentially reducing availability of machines with better environmental performance.

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?*
- be excessively costly to comply with and why?*

Not qualified to comment

Section: A flexible, proportionate, and responsive approach to regulating safety, security, and environmental performance of vehicles

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

The BMF agrees that flexibility is desirable with the proviso that thorough risk assessments are performed. Other road users safety in the Operational Design Domain must be a primary concern.

Simulation to test software could ultimately be part of the type approval process.

We are not qualified to comment on the remaining questions in this section.

Section: Tackling tampering

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

We disagree with the proposals as defined because the scope appears to be unlimited and there is no indication of who will enforce the legislation or how. Following a meeting with DfT officials we have been given to understand that the scope is intended to be focussed on emissions, new technology and electric vehicles, and that enforcement will be overseen by the DVSA's market surveillance unit.

If these proposals were applied as written they would effectively take a very large proportion of existing vehicles of all categories off the road. The BMF is absolutely opposed to such an outcome. Currently, in global terms, keeping an existing vehicle on the road does not create as much pollution as the manufacture of a new one.

Some anti-tampering legislation already exists; in the absence of more specific information about what is intended we cannot comment further except in generalities. We are unlikely to oppose application of anti-tampering legislation to some aspects of new systems/new vehicles but application to the existing parc at the time such legislation becomes effective must be subject to caveats.

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The UK has long had a regime of regular inspections for vehicle safety, popularly known as the MoT. We consider that the MoT should continue to be the primary platform for enforcing standards. However, since automated vehicles are generally also likely to be connected vehicles perhaps software could be more regularly checked remotely.

See the further comments section for more detail.

We define a system, part or component as 'software and/or hardware that impacts on the environment, road safety or security'. This would include examples such as those which assist or fulfil the driving task, control power, speed or emissions, protects road users or protects the vehicle from tampering.

Do you agree or disagree with this definition? If you disagree, why and how would you define it?

The BMF must disagree with this definition.

As written this definition could apply to almost anything on any vehicle and it does not exclude beneficial impacts. The definition must be more specific as to which systems or components are included. We see no reason for including any system or component which is already subject to inspection in the MoT.

See the further comment section for more detail.

For our purposes, the scope of the measure is tampering with a system, part or component of a vehicle or NRMM. Provide any information on how widespread tampering is.

According to your definition as stated it could be said that 100% of vehicles have been or will be subject to tampering – every vehicle user has to replace tyres!

What if any other:

- services could be inadvertently affected by the proposals on tampering?*
- products could be inadvertently affected by the proposals on tampering?*
- exemptions should we consider on tampering?*

In the motorcycle market there are many small manufacturers and other businesses providing services to refurbish machines, supply after-market replacement parts, accessories etc. These represent a large part of the motorcycle economy and the majority intend to conform to existing legislation and provide affordable and good quality product. Over-strict anti-tampering laws would be bad for this market and bad for riders; we object strongly to any legislation which makes it impossible to keep older machines on the road. Legislation which encourages small businesses to provide products and services which better the performance of existing vehicles would be welcomed.

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?*
- be excessively costly to comply with and why?*

Not qualified to comment.

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Section: Improving compliance, safety and security

Overall, do you agree or disagree with the package of proposals stated? Why and what are your comments on any of the specific proposals?

What, if any, barriers or reasons exist that prevent manufacturers from recalling certain vehicles and which we should consider when setting minimum recall rates?

What specific proposals?

We are aware that there is already provision for approving small runs of vehicle production. We would be happy to comment on specific proposals to vary the current legislation.

Our principal concern is that thorough risk assessments are performed.

What data or evidence can you provide, or direct us to, that would allow us to assess the potential costs and benefits of the proposals put forward?

Are any of the proposed requirements expected to:

- give rise to challenges and why?*
- be excessively costly to comply with and why?*

Not qualified to comment.

Final comments

If anti-tampering legislation is to be put forward we make the following suggestions for framing it.

Emissions: the meeting with DfT officials suggested that new regulation may be applied to vehicles already in use, not just to vehicles manufactured after a specified future date.

- 1) No vehicle should ever be required to better the parameters laid down at the time of original manufacture.
- 2) That said, wear and tear in use can reduce the effectiveness of emissions controls. Some allowance should be made for this when testing emissions.
- 3) If there is any doubt about the standards in force at the time of manufacture the vehicle must be tested against the less rigorous standard.
- 4) Replacement technology must be permitted, provided the overall effect is to maintain the environmental effectiveness of the vehicle.
- 5) Exemptions must be applied to vehicles where appropriate replacement parts are no longer available.
- 6) Manufacturers of vehicles currently in production when the legislation becomes effective must be obliged to ensure replacement parts will be available for a specified length of time, say a minimum of 15 years.

Safety

- 7) It must be recognised that not all safety measures are actually safe in all circumstances (examples can be supplied). Items which are not innovative and not currently tested in the MoT should not be brought into scope.

Speed & power

- 8) Legislation must not affect the current ability to de-restrict motorcycles used by riders with A2 licences.
- 9) Modifying the power in order to change the power curve should not be regarded as tampering if it does not affect emissions.

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Software, driving task, e.g. ALKS, ISA, full autonomy

10) Support the use of software approved by the appropriate regulator only; note this should not preclude installation of software other than the OEM's.

Software, non driving task

i.e. any computerised system not directly involved in the driving task, such as engine management. These should be judged by performance only; e.g. if the ECU has been modified in such a way as to create greater emissions that would be tampering.

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