­ECF Draft Discussion Document: Time for the Speed Pedelec Debate

Kevin Mayne, Development Director

**After Eurobike – Policy thoughts.**

ECF attends bike shows to interact with the leaders of the bicycle manufacturing and retailing sector so that we can introduce them to what ECF and its members do to increase cycling.

However it also benefits us to be part of much wider debates about where the market and technologies are going because this can give valuable insight for our policy colleagues at the local and national level. In this instance the subject of Speed Pedelecs was very much front of mind.

**Are you prepared for the speed pedelec debate in your country?**

There hardly seemed to be a presentation, a side discussion or a technical meeting at Eurobike that wasn’t discussing the market, the product and most importantly for us the regulation of these higher powered and/or faster members of the e-bike family.

Three or four years ago many of us at the EU level were probably a bit guilty of pushing this debate to one side as a minor element of a vitally important piece of regulation about pedelecs. From the evidence at Friedrichshafen the discussion is now impossible to ignore and frankly if you haven’t had this debate in your country now stand by – because sometime in the coming years you will. And we all know that policy made in a rush is usually bad policy, while planned, coordinated and thoughtful development can lead to some great outcomes.

Health warning – I am not a technical or regulatory specialist, I am writing this to reflect the discussions I heard at Eurobike. For more detail I am happy to pass enquiries to colleagues!

**Why should the cycling community care? Isn’t this just a discussion about a new type of moped?**

There are some very good reasons why we could join the bike industry and get very excited about speed pedelecs as part of the bicycle sector. Speed pedelecs a really important extension of cycling and offer a good alternative to cars and motorbikes.

The most reason of these is that the additional speed of the higher power machines. With speeds of up to 45km per hour the e-bike is an alternative to cars or public transport from distant suburbs and for inter-urban journey trips. Many people will change transport mode if there is a time advantage over their existing choice and speed pedelecs can avoid congestion around many urban fringes. Cycling infrastructure is incredibly cost effective over these distances compared to the alternatives which means speed pedelecs help justify the new generation of inter-urban cycle highways springing up in the Netherlands, Germany and Flanders, great facilities for all cyclists.

The higher powered bikes are also suitable for load carrying and definitely a bonus when climbing, a great opportunity in the hot, hilly cities of southern Europe and the rest of the world. Even more so when built into offroad speed pedelecs or touring pedelecs for more mountainous challenges.

The vehicle designs are also well regulated and we want to preserve that. To enable a single market within the EU and even globally there is extensive regulation of the construction and sale of motorised vehicles, officially in the name of consumer protection but very much to help international sales by the manufacturers.

Four years ago ECF and the EU bike industry won a great success when we got low powered, lower speed electric pedal assisted cycles recognised as bicycles and therefore kept out of EU motorised vehicle regulations. This means that right across the EU these machines can and should be treated exactly the same as unpowered bikes, they just give a modest boost to assist riders looking for some additional comfort or concerned about the excessive physical effort of cycling. They are easier for manufacturers to develop and innovate because they fall outside the expensive and slow process of European motorised vehicle regulation called “type approval”

The lower powered pedelecs (the vast majority of the market) are still regulated by the usual European consumer CEN consumer safety standards, as well as some other European regulations on electric motors and batteries. That has been an outstanding success. The confidence in the standard has seen sales rocket in many countries, it has seen industrial investment in innovation and public investment in both infrastructure and increasingly services like pedelec bike share. At a policy level the cycling sector can demonstrate that cycling is the biggest contributor to personal e-mobility in the EU which gives us increasing status in decarbonisation policy. And of course it is having an increasing effect on user enjoyment of cycling, plus it seems the health benefits are almost as great as unassisted bikes because new and current cyclists cycle for longer with the additional assistance.

**With these potential benefits why does the current policy response to speed pedelecs cause concern to cycling advocates?**

Well some of it is just a gut reaction, an instinctive concern that this motorisation of cycling by some kind of back door and to many it just doesn’t feel right. That is certainly a current issue in the US which is having a challenging debate about all forms of pedelec in National Parks and wilderness areas. Access for mountain bikes has been hard-won and now accepted in the country’s wild spaces, now the intrusion of silent motorised bikes doesn’t feel right. But that concern puts pits e-bike supporters against those who see them as an aid to accessibility. That debate could certainly spill over to EU countries with highly structured access laws like parts of the UK and Germany.

Another health warning comes from Asia. Vicky Yang, CEO of Taiwan’s Cycling Lifestyle Foundation gave balance at Velo-city Nantes when she said “we know what this world of speeding e-bikes looks like, we have the scooters in our cities and it’s not good for cycling at all”

Concerns in Europe are more about the regulatory issues around speed pedelec use. The first reflects Vicky’s comments about scooters. On the fantastic cycling infrastructure of the Netherlands there has long been a challenge with some petrol driven scooters allowed to use the same cycle paths and now cycling is causing itself a problem by inserting fast, heavy, silent bicycles into the same mix. This can be terrifying for other cyclists, and even worse in shared space.

And somewhere in this messy process we are going to face our first high profile accidents. “Illegal electric bike rider kills grandmother”? “Child dies riding borrowed electric bike”? “Celebrity injured riding without helmet”? Could these stories damage the image of cycling as a whole?

**The regulatory mess**

In this mix is the complete absence of a consistent regulatory regime for riders. Each country can do its own thing including vehicle registration, licences, insurance, helmets and age limits. For example the current crisis of confidence in the bike industry was triggered in the Netherlands. Classification of speed pedelecs as a moped was momentarily considered to be a good thing by the industry, until there was a realisation that this meant motorcycle helmets, rendering the bikes almost unusable as bikes. That could kill development of the speed pedelec sector and lose all the potential gains to the market and transport. Now there is a frantic chase to reach a compromise design for a “pedelec helmet” which could quickly become the default design for the whole of the EU.

We are also looking at a class of bicycles that require many the restrictions we have fought against for 100 years. The worry of ‘policy creep’ of helmets/licenses for speed pedelecs trickling down to pedelecs/bicycles has to be avoided. In countries outside the EU where there is no distinction between standard pedelecs and speed pedelecs this really could introduce all these restrictions to a class of bicycles and is a high risk to the useful development of lower power standard pedelecs. It is an enforcement nightmare, both in terms of enforcing sensible behaviour in shared spaces and identifying which machines fall into which category, because they look the same, sometimes the difference is only a setting that almost anyone could adjust.

**There are catches.**

There was also a loophole in the vehicle standards. Higher powered (and higher speed) e-bikes are allowed to be built and sold if they are not for road use. For road use they are covered by regulations that come in to force in January 2017 which puts into a similar vehicle category to mopeds, but has been somewhat of a grey area because the market doesn’t just sit and wait for a bureaucratic calendar date and the industry cannot regulate where the purchaser rides the bike.

After the new regulations speed pedelecs labelled as “not for road use” remain an issue. It is extremely uncertain how to classify and regulate them. The unscrupulous manufacturer or importer has the possibility to label pedelecs as “not for road use” but still sell them to retailers for road use.

And outside the EU those regulations can be completely different, for example in Switzerland. Where the bikes are not restricted to the lower EU pedelec standard the Swiss consumer is buying a higher powered machine as standard – and why not? And what if he or she then rides over the border, or sells the machine second hand in neighbouring countries?

The regulation of the use of all vehicles, their drivers and the infrastructure they use is largely a national competence, so every country has to decide how to act. That is a recipe for chaos and it is not a situation the bike industry is used to. Because the regulation of the machines is a European competence they have always been able to rely on a common approach, now they are faced with having to work with every national government in the world to establish the market conditions for speed pedelecs. Which brings them straight into the field of cycle campaigning organisations, sometimes for the first time.

**So what to do?**

The number one thing is not to postpone this discussion. Speed pedelecs are not a minor fashion trend that will go away when the hype dies. And the EU might help some product standards on items like helmets in the future, but there is no prospect that member states will allow the EU to intervene in general traffic regulation. The advocacy community and the cycle industry need to start working now to frame what regulations you want for your country. For the advocacy community this may also be a great opportunity to enter into strategic discussions with our industry colleagues at national level, a process that is extremely beneficial in the longer term too.

The first and most important action is to a clear distinction in the minds of policy makers between bicycles, including the pedelec, and all other forms of e-bike including speed pedelecs. That establishes a long term protection for the benefits of cycling but it also allows daily cycling to play a role in e-mobility, a far more effective solution than e-cars. Then there is a need for understanding from our industry colleagues about just what role the speed pedelecs will play in transport policy and infrastructure design. Because we have to beware those warnings from Asia, swarms of speeding pedelecs are could be a menace.

If the definitions are agreed then the rest of the debates fall in to two main areas. Firstly “who rides where; and how fast?” has the biggest impact on other cyclists and infrastructure.

Deciding which vehicles can and cannot use your cycling infrastructure can also provoke a useful debate about wider topics, for example countries with mandatory cycle lanes could free up racing cyclists and speed pedelecs to use the highway with other faster vehicles, making life more pleasant for all parties. Introducing formal speed limits for bikes on infrastructure and in town centres might also be a consequence, and we have the technologies now to measure it. And don’t just limit the discussion to road use, many member organisations of ECF also get involved in the rights of use for mountain bikes in the countryside which should not be forgotten. On the positive side this is a great time to establish the long term opportunity for cycling highways in your country.

In parallel there is a second debate about how speed pedelec riders are regulated and dressed. For the industry all the energy is currently going into the design of helmet that will be light enough and ventilated enough to be worn when the rider is cycling, however it has the structure to protect the head with higher speed falls than the current standards for bike helmets (which themselves differ widely around the world). That helmet doesn’t seem to exist yet but a lot of pedelec manufacturers and helmet providers are engaged in the search. However we hear that in Sweden use of current bicycle helmets for speed pedelecs is under discussion, showing just how disjointed the approach is. After that the rest of the regulations still have to be created and decisions have to be made. Will the moped regulations of each country just apply automatically? And is that a good thing?

**A wider opportunity**

The quality of these discussions and an alliance between industry, advocacy and transport planners can be a powerful force for cycling and for the role of cycling in a new world of Smart Cities, electromobility and new forms of infrastructure. Why not take the chance for cycling to lead the debate and show that we are leading the change? If we can catch just a fraction of the energy going into the discussion of speed pedelecs from our industry colleagues this could be an energising opportunity for the bicycle advocacy movement in many countries. We can turn a difficult and technical problem into a major opportunity for cycling.

We can react now and build something positive, or we can sit back and let chaos reign. I know which way I would go.