

# ECF Draft Discussion Document: Time for the Speed Pedelec Debate?

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Preparing an ECF Policy Position on the Deployment of Speed Pedelecs

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## Introduction

At its 2016 AGM in Stockholm ECF will ask members to adopt a policy recommendation on the use and regulation of so called “speed pedelecs”. These are pedal cycles that have electrical assistance when pedalling, but unlike standard pedelecs they can achieve speeds of up to 45km per hour. This places them in the category of mopeds as far as international regulations for manufacture and sale are concerned, but the regulations for use are a matter for national governments and to most people these are bikes, not mopeds.

If adopted an ECF policy recommendation will act as guidance not only at the EU level but it should be a resource for members and other stakeholders at the national level who set regulations for the use of roads, cycling infrastructure and off-road cycle trails in the countryside.

However even before entering a detailed discussion on the use of speed pedelecs ECF wishes to clarify that the use of speed pedelecs as a subject where the cycling advocacy movement could and should adopt policy recommendations. In fact “Are speed pedelecs part of cycling policy?”

## Consultation and adoption process

This document does not contain a draft of the proposed ECF policy recommendations. It sets out the background to why ECF believes a discussion is needed and the opportunities and threats it addresses.

From the period early March to mid-April 2016 ECF staff will consult with member groups and other stakeholders such as the bicycle industry and our Cities for Cyclists network on the possible content for an ECF policy. This process will consist of a face-to-face expert group workshop in Delft, Netherlands on 8<sup>th</sup> April, discussions and document sharing within the ECF on-line collaboration space, surveys and possibly a webinar.

The draft policy and a discussion paper based on the consultation will then be circulated as part of the pre-meeting papers for the AGM.

Discussion will continue in the ECF on-line collaboration until the AGM where there will be a final workshop for members.

The final policy document will be put to a vote at the AGM where it will become a formal ECF policy recommendation. Some guidance material will continue to be produced and amended but the points of principle should be clear at the AGM.

## **Discussion document: Setting the context for ECF members on speed pedelec deployment**

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### **1. 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 with our bike industry colleagues that isn't discussing the speed pedelecs, the higher powered and/or faster members of the e-bike family.

Several years ago many at the EU level were probably guilty of pushing this debate to one side as a minor element of a vitally important piece of regulation about pedelecs. From the evidence now the discussion is now impossible to ignore and if you haven't had this debate in your country now stand by – because sometime in the coming years you will.

Now there is a rush because new type approval rules come into force on January 1, 2017 which will have a big effect on the sales of these machines and how they are regulated. 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.

All electric bicycles, except pedelecs up to 25 km/h and a maximum continuous rated motor output of 250W, are subject to what is called type-approval in the EU. These electric bikes are classified in vehicle category L1e, which is subdivided in L1e-A for "powered cycles" and L1e-B for "mopeds".

To cope with these regulations national governments have to have rules of use for each category, and for the moment most seem to be defaulting to the moped regulations, which means in most cases motorcycle helmets, registration, licences and specific insurance. That can have a big impact on how and where these bikes are sold and used, with positive and negative implications for cycling.

### **2. 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 could be a really important extension of cycling and offer a good alternative to cars and motorbikes.

The most important reason of these is the additional speed of the higher power machines, making these e-bikes 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.

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 these machines can be treated exactly the same as unpowered bikes, they just give a modest boost to assist riders. 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”. These machines 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.

### **3. 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 opponents 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 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. 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?

There are also details to be addressed by some of our members who want to recruit e-bike users as members and indeed some who supply various forms of insurance and legal services to their members. Can we genuinely say that speed pedelec users are a new group of members in the cycling family? And is it legal and reasonable to offer the same support to moped users as we do to cyclists?

#### **4. The regulatory mess**

Underneath this 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 bring in many of 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.

#### **5. There are other catches.**

There is also a loophole in the vehicle standards. Higher powered (and higher speed) e-bikes are allowed to be built and sold as bicycles if they are not for road use. It is extremely uncertain how to classify and regulate them and sellers will exploit this loophole.

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. And outside the EU those regulations can be completely different, for example in Switzerland. 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?

Because the regulation of the machines is a European competence the industry has 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.

## 6. 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 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 get 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 to agree 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. "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?

## 7. A wider opportunity

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, electro-mobility and new forms of infrastructure. Why not take the chance for cycling to lead the debate and show that we are leading the change? This could be an energising opportunity for the bicycle advocacy movement in many countries. We can turn a technical problem into a major opportunity.

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