

Motorcycle Action Group



Response to the

**Draft ACPO National Motorcycle
Enforcement Strategy**

19th March 2006

The Motorcycle Action Group (MAG UK) response to the Draft ACPO National Motorcycle Enforcement Strategy

Introduction and Overview

The Motorcycle Action Group (MAG UK) welcomes the opportunity to comment on the “Draft ACPO National Motorcycle Enforcement Strategy”.

MAG UK has worked closely with the police at both national and local level over several years through the BikeSafe scheme, anti theft schemes and in numerous motorcycle forums throughout the UK on many of the issues raised in the strategy document.

The ACPO strategy mentions the introduction of the Governments National Motorcycle Strategy in February 2005. MAG UK was heavily involved over several years with the Government Advisory Group for Motorcycling which reported to government in 2004 and led to the publication of the National Motorcycle Strategy.

MAG UK is now working with the motorcycle community and government to deliver the National Motorcycle Strategy and hopes that ACPO will accept the invitation to join specific working groups that they have been asked to participate in.

We have supported the approach to motorcycle issues through education, enforcement, engineering and engagement and generally welcome the recognition of the need for a co-ordinated approach. Whether all these issues can all be achieved by an enforcement strategy would be a matter for debate and perhaps outside the remit of this response.

We welcome the rationale and the pragmatic approach surrounding the issues in relation to the size of registration plates, tinted visors and coloured headlamps/covers.

These issues are reflected in anecdotal reports to MAG UK from motorcyclists who are stopped at road side checks. These riders inform us that registration plates are measured by rulers/vernier callipers, and are subject to prosecution for the use of non standard fitted tinted visors on bright sunny days and coloured headlamps/covers.

Motorcyclists view the latter two issues as a means to enhance their safety when appropriately used and that these road side checks are seen as an attempt to find offences when no other offence can be found. On occasions as the strategy highlights, these issues can lead to distrust and animosity amongst motorcyclists towards the police.

We welcome the mention of the valued asset of officer discretion. The experience of this author as a retired police officer and from other motorcyclists, is that in the right circumstances for certain offences, a stern warning and advice can be far more effective than a “ticket” issued for a non-endorsable offence. Especially if the riders know they have behaved inappropriately, an officer can use his discretion to assess the “attitude” of a rider and move accordingly from warning and advice to prosecution in certain circumstances. It is MAG’s opinion in certain cases, prosecution does not necessarily need to follow, but due to policy, an officer may have targets to meet.

MAG UK would take this opportunity to discuss the issues of education, engineering and engagement and whether these objectives can all be achieved by an enforcement strategy.

The draft strategy argues that “There should be an emphasis on securing compliance through education, encouragement and advice, with a clear statement of intent to deal appropriately with serious and /or persistent offenders.” However, in MAG UK’s view, education and engagement would be considered as the continuation of the national police Bikesafe scheme which has built up a reputation of trust and respect amongst motorcyclists due to the professional assessment of skills and attitude to road safety and to the police. Bikesafe is an example of best practice and is a commendable method of skills assessment so that riders understand and embrace the laws of the land.

In the context of engineering the only connection between engineering and enforcement that MAG UK can draw from the draft strategy would pertain to construction and use as regards illegal exhausts, which will be covered later in this document.

However, engineering in the context of the road infrastructure is a concern for motorcyclists especially concerning the road surface e.g. potholes, over-banding, SMA (Stone Mastic Asphalt), man hole service covers, painted surfaces and the placing of road side furniture e.g. road signs, lamp posts, crash barriers. The IHIE (Institute of Highway Incorporated Engineers)¹ published its Guidelines for Motorcycling in April 2005, improving safety through engineering and integration, to assist highway and traffic engineers in developing a safer and more motorcycle friendly road environment.

The most recent concerns regarding road surfaces for motorcyclists is the contamination of the road surface by diesel spills, which in the autumn of 2003 led to the formation of the KillSpills campaign². The motorcyclist's perspective of police enforcement to the prosecution of those responsible for these spills can be seen at best as inconsistent and below a duty of care for motorcyclists' safety.

With regards to road infrastructure, MAG's main concerns are in relation to central reservations and road side crash barriers (Armco and Wire Rope Barrier types). The Federation of European Motorcyclists' Federation (FEMA) which MAG UK is a member, have highlighted these concerns and produced a document, "The Road to Success"³ which recommends the fitting of motorcycle friendly crash barriers and the removal of wire rope barriers.

As previously mentioned these issues are perhaps outside the remit of the ACPO strategy but police involvement must be considered for the reduction of motorcycle casualties and for the achievement of a "safer" road environment.

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¹ www.ihie.org.uk

² <http://www.killspills.org.uk>

³ <http://www.fema.kaalium.com/crashbarrier2005/index.html>

MAG UK Response

In order to reply to the request by ACPO for input to improve safety on the road for motorcyclists, we have considered the contents of the draft strategy and wish to reply specifically to the two principle objectives, from the perspective of a Riders' Rights organisation founded in 1973, which has considerable expertise in the issues raised in this document.

The ACPO National Motorcycle Enforcement Strategy has two main objectives:

- To reduce the number of people killed and seriously injured as a result of motorcycle collisions.
- To reduce the level of anti-social behaviour associated with motorcycling and improve the quality of life for communities.

1. Reduction of the number of people killed and seriously injured as a result of motorcycle collisions.

The document cites the following statistics to support the argument that motorcyclists are 'at risk'

'A key factor in achieving these targets is the safety of motorcyclists. Motorcyclists represent a large proportion of road casualties in relation to their numbers. They make up around 1% of road traffic, but suffer around 18% of deaths and serious injuries.

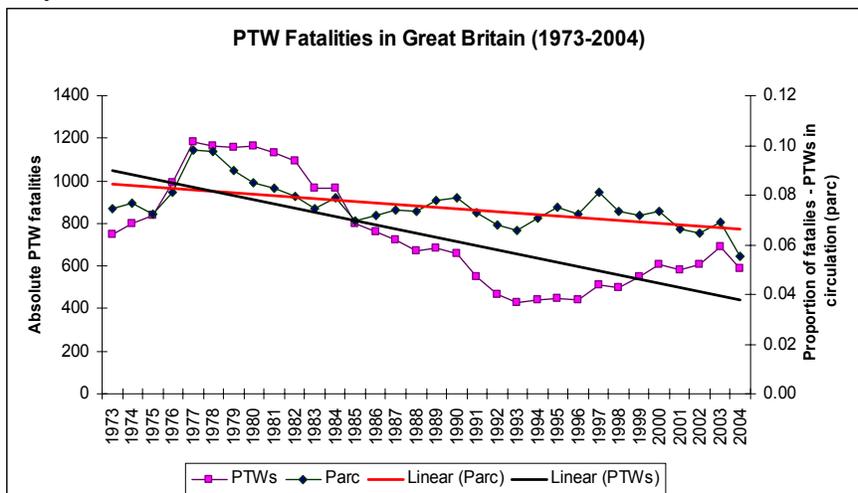
Casualty statistics for 2002 show that powered two wheelers (PTW) deaths rose to 609 from 583 the previous year (+4%) and serious injuries rose from 6,722 to 6,891 (+3%). In 2003, 693 (+12%) motorcyclists were killed in road collisions, a further 6,959 (+1%) were seriously injured.

These rises are not surprising, given that motorcycle traffic increased by 5% on the previous year. Motorcyclists remain the most vulnerable road user group. They are 30 times more likely to be killed than car users and 4 times more likely to be killed than cyclists.'

However, MAG UK is concerned that this analysis is misleading and biased and can be interpreted that motorcyclists are a problem.

The following graph demonstrates that the trend for motorcycle fatalities in Great Britain has not only decreased in absolute terms but also in relative terms over a thirty year period. Furthermore, in 2004, there was a decrease of 18% in fatalities over the previous year. Therefore the statement that there is an increase in fatalities in this country is not accurate.

Graph One: PTW Fatalities in Great Britain 1973-2004



Source: Department for Transport's Annual Report, Road Casualties in Great Britain 2004

1.1 Overview of Casualties in Great Britain in 2004

According to the DfT report⁴ (table 5c and Table 29a) there were 585⁵ Powered Two Wheelers⁶ (PTW) riders and passengers (pillion) killed in Great Britain in 2004 (2.8% of all motorcycle related injuries) of which 25 were moped riders (0.5% of all moped related injuries). In comparison there were 1,653 car fatalities (0.9% of all car related injuries).

Table 39 of the DfT report highlights 6,063 seriously injured for all PTW riders and passengers (23.6% of all PTW related injuries), compared to 14,251 seriously injured for car driver and passengers (7.8% of all car occupant injuries). Total PTW casualties are 25,641 for PTW riders and passengers compared to 183,858⁷ for car drivers and passengers⁸. However, due to the unreliability of the recording methods for seriously injured, these data should be considered with scepticism⁹.

The ACPO strategy paper argues that motorcyclists are the most vulnerable road user group however statistical evidence suggests that this is not the case if we consider the volume of deaths and serious injuries by type of road user. Effectively by identifying the vulnerability of specific modes of transport (i.e. PTWs) this removes the focus on the fact that car occupants are far more likely to die and that pedestrians are far more likely to be victims of car collisions. In 2004, total car occupant fatalities were 1,671 while total pedestrian fatalities were 671 and total PTW fatalities were 585. 49% of these 2,927 deaths were caused by collisions with cars¹⁰.

Table One

Vehicle involvement 2004			
Fatalities resulting from collisions with cars <i>*presumed caused by car</i>		Fatalities resulting from collisions with PTWs <i>*presumed caused by PTW</i>	
car/ptw*	227	ptw/ptw*	8
car/pedestrian*	388	ptw/pedestrian*	23
car/bicycle*	61	ptw/bicycle*	1
car/car	494		
car/van	13	ptw/van	0
car/hgv-bus	4	ptw/hgv-bus	1
Total Fatalities	1,187	Total Fatalities	33

Source: Table 23 DfT Report NB car/ptw collisions represent 38.8% of all PTW fatalities.

Table Two

Vehicle involvement 2004			
Serious injuries resulting from collisions with cars <i>*presumed caused by car</i>		Serious injuries resulting from collisions with PTWs <i>*presumed caused by PTW</i>	
car/ptw *	2,899	ptw/ptw*	105
car/pedestrian*	5,177	ptw/pedestrian*	266
car/bicycle*	1,601	ptw/bicycle*	49
car/car	6,147		
car/van	170	ptw/van	5
car/hgv-bus	157	ptw/hgv-bus	4
Total serious injuries	16,151	Total serious injuries	429

Source: Table 23 DfT Report NB car/ptw collisions represent 47.8% of all ptw serious injuries

The total number of collisions involving cars resulting in serious injuries was 16,151 of which 9,677 or 60% of those were collisions between cars and more vulnerable road users.

⁴ Department for Transport's Annual Report, Road Casualties in Great Britain 2004.

⁵ In 2003 there were 693 PTW fatalities, 18.4% (108) more than 2004.

⁶ Powered Two Wheelers: Motorcycles, Scooters and Mopeds

⁷ Casualties include fatalities, seriously injured and minor injuries

⁸ Includes Taxi cabs (2,321 casualties) and minibuses (1,001 casualties)

⁹ A study in 1990 in one region found that about 36% of all road casualties were involved in accidents not reported to the police (Transport Research Laboratory (TRL) Report 379,1993). Recent more comprehensive research confirms that there is a degree of under-reporting. In addition a fifth of casualties reported to the police were estimated to be unrecorded. Studies confirm the view that the police are more likely to underestimate severity of injury because of the difficulty in distinguishing severity at the scene of the accident, and that under reporting rates are higher for less vulnerable road user groups. Some pedal cyclist injuries are not sustained on public roads and should correctly be excluded. A general review on the under reporting of road traffic accidents was produced by the TRL (in Traffic Engineering & Control, 1991) and a more recent study was published in 1996 (TRL Report 173).

¹⁰ Cyclists are not discussed in this paper however total fatalities in 2004 were 134, serious injuries were 2,174 and total casualties were 16,648. (see table 39 DfT report). 61 cyclists were killed by car drivers and 1,601 seriously injured. Bicycle casualty trends are decreasing and are probably due to a massive increase in cycle lanes in urban areas over recent years. (Source: Sustrans press release, 26th November 2001). Downloaded <http://www.bikebiz.co.uk/infozone/stats.php>

Table one highlights that in 2004, there were 494 deaths of car drivers and passengers, followed by 388 pedestrians, then 227 PTW riders and/or passengers, caused by cars. Table Two above, highlights that there were 6,147 serious injuries for car drivers and passengers, 5,177 serious injuries for pedestrians and then 2,899 serious injuries for PTW riders and passengers, caused by cars. In both tables, blame is not apportioned.

1.2 Collision at Junctions

In 2004 there were 175,150 car accidents at junctions of which 38,171 (22%) occurred when the car was in the process of turning right. Overall, there were 17,699 accidents at junctions involving motorcycles and mopeds of which 8,878 were motorcycles over 125cc¹¹.

In the same year there were 88,137 accidents involving cars at T, Y or staggered junctions¹² which represent 50% of car accidents occurring at all types of junctions¹³ (for built up, non built up roads and motorways) compared to 9,656 accidents involving motorcycles at T,Y and staggered junctions which represent 55% of PTW accidents occurring at all types of junctions¹⁴.

1.3 Motorcycles and Risk¹⁵

It is often said that that riding a motorcycle is five, ten or even twenty times more dangerous than being a car occupant. In one respect this is correct: The rider is subject to a greater risk of being killed or injured when an accident takes place. A minor collision between two cars usually causes material damage only, while a similar collision between a car and a motorcycle often results in an injured rider. Motorcyclists are vulnerable and have a high risk of injury.

In another respect, however, insurance statistics show that motorcycles are not involved in more "unwanted" road traffic incidents than cars, e.g. motorcyclists do not have a higher accident involvement risk than motorists. Thus, it should not be constantly claimed that motorcyclists are a "careless" group of road-users.

On the contrary: Most riders are fully aware of the fact that they are vulnerable road users and that motorcycling requires skills and a focused, conscious behaviour. The level of safety consciousness, however, may differ from country to country, depending on the general attitude towards road safety in that particular country

The fact that riders have purchased protective equipment worth millions of pounds indicates that motorcyclists are safety conscious. Also, the fact that the motorcycling community organises voluntary post-licence training courses and first aid courses, and that riders, at their own expense, participate in these courses, indicates that motorcyclists want to improve safety.

The motorcycling community has, with few governmental incentives, reduced the accident involvement rate substantially over the last 20 years.

However, regardless of any road safety initiative, by Government or by the riders themselves, motorcycling can never be made risk-free – a fact confirmed by the US Supreme Court as early as 1972: "Safety is not the equivalent of risk-free".

Insurance statistics show that motorcycles with a "sharp" image, attracting the extreme "high risk takers", stand for as much as 70% of the settlement of insurance claims, while constituting only 10% of the total number of motorcycles in the country, indicating a high accident involvement rate. Motorcycles with a "sharp" image may also have "built-in-expectations" of hard and aggressive riding.

Motorcycles with a "sharp" image do not necessarily have the most powerful engines or the highest power-to-weight ratio. Therefore, restrictive legislation based on engine capacity, power output or high power-to weight ratio would not at all solve the problem.

Industry advertising is often designed to confirm the dreams and expectations of the extreme "high risk seekers".

¹¹ Table 44 DfT Report (at a junction)

¹² Unfortunately the DfT does not differentiate between these three types of junctions.

¹³ Junctions defined in Table 42, DfT Report: Roundabout, T, Y or staggered, Crossroads, Multiple junction, Slip Road, Other junction, private drive or entrance, not at or within 20 metres of junction.

¹⁴ Table 42 Vehicles: by vehicle type and manoeuvre: DfT Report 2004

¹⁵ Excerpt from the FEMA document European Agenda for Motorcycle Safety <http://www.fema.kaalium.com/safety/index.html>

It could help motorcycle safety if industry redesigned their advertising campaigns.

1.4 Conspicuity

Motorcyclists are constantly encouraged to enhance their conspicuity by use of daytime running lights and brightly coloured clothing. However, there are contradictory opinions about the effectiveness of DRL and conspicuous clothing:

- Under some circumstances, e.g. when riding on motorways in heavy rain, the positive effects of fluorescent rain suits and daytime running lights are well known and accepted.
- Under other circumstances, e.g. when riding in cities in bright sunshine, brightly coloured clothing and daytime running lights may have a "camouflaging" effect, in that they make the motorcycle and rider "blend" with colourful, bright objects in the traffic environment.

Introducing mandatory daytime running lights (DRL) for all vehicles will obviously reduce the conspicuity-effect of daytime running lights on motorcycles only. In countries already having introduced mandatory daytime running lights for all vehicles, studies of placing fluorescent tape on specific locations on the bike and using additional motorcycle light arrangements, such as triangular lights, to maintain conspicuity, show little or no effect.

MAG UK is concerned that too much focus on DRL and brightly coloured clothing may take attention away from far more important factors preventing collisions between cars and motorcycles, namely increased driver awareness and conscious rider traffic strategies.

1.5 Suitable Clothing

MAG UK is deeply concerned however at the sentence regarding 'suitable' clothing in the strategy which mentions a need to raise this issue with government 'to seek the introduction of appropriate legislation.'

MAG will resist any endeavour by government to dictate to motorcyclists on this subject. Clothing should, in MAG's view, be entirely an issue for the rider. MAG believe that the public highway is an environment in which civil rights should still have relevance and we feel it would be entirely wrong to legislate in a manner that directed motorcyclists to wear specific standards of clothing.

MAG has raised no objection to the establishment of clothing standards to identify for customer's benefit the level of protection that garments offer but we recognise a clear distinction between such standards and any legislation requiring riders to wear only such clothes as meet them.

MAG suspects moreover, that the culture of 'dressing to crash' encourages a race mentality and a dangerous sense of invulnerability.

While we advise riders to dress sensibly we feel that the heavy emphasis placed on protective clothing and secondary safety in general sends entirely the wrong message.

1.6 Protecting and educating users at risk and vulnerable road users

1.6.1 Rider traffic strategies

Motorcyclists cannot passively wait for future effects of awareness campaigns and better driver education. Motorcyclists must themselves take co-responsibility for avoiding collisions with cars.

Experienced riders are less likely to be involved in collisions with cars. This is probably caused by the fact that experienced riders have developed effective strategies for recognizing and avoiding "encounters" with inattentive drivers.

Key factors in a collision-avoidance strategy are:

- Active and conscious lane positioning, maximizing the rider's view on the traffic ahead and making the rider more visible to other road-users, such as car drivers waiting by or approaching a stop sign
- Observing techniques that enable the rider to foresee the actions of others
- Speed adaptation and braking readiness
- Attitude: A mind set on teamwork and cooperation

1.6.2 Collision-avoidance skills

Under certain, favourable circumstances, motorcyclists may avoid a collision if mastering effective collision avoidance techniques, such as emergency braking and swerving. The retrospective amendments to the 2nd EC Driving Licence Directive require braking and swerving exercises to be included in motorcycle licence test.

In real life, however, effective emergency collision avoidance manoeuvres are among the most demanding vehicle operations a motorcyclist can perform, especially in wet conditions, requiring lots of practice and experience.

MAG UK recognizes that basic collision-avoidance techniques should be part of basic rider training. However, experienced based knowledge shows that such manoeuvres are extremely difficult to utilise in real-life situations, particularly for inexperienced, novice riders.

Emergency braking and swerving training should always be practised in designated areas and not on public roads.

1.7 Collection of road accident data

The DfT report, Road Casualties in Great Britain 2004, identifies a total of 92,516 accidents caused by both car drivers (88,137) and Light Goods Vehicle (LGV) drivers (4,379) occurring at T, Y and staggered junctions. The results from these accidents were 664 deaths and 8,081 seriously injured.

While it is not possible to determine exactly how many of these deaths and injuries were specifically car/LGV occupants or motorcycle riders, what we do know from the report is that there were 9,656 accidents involving motorcycles at these specific junctions, equal to 36%¹⁶ of all motorcycle accidents in 2004. As mentioned previously, there were 227 riders killed from injuries received in collisions with cars, which represent 39% of all motorcycle deaths. Therefore first and foremost, the ACPO enforcement strategy must recognise that car drivers are the greatest problem on British roads, not motorcyclists.

1.7.1 Crash reports¹⁷

Official motorcycle accident reports - and as a consequence, the media coverage of motorcycle accidents - do not always communicate the true story.

Two examples:

- When a motorist violates a give way sign and hits a motorcyclist, a common explanation is that the rider was speeding, or that the rider was impossible to see because he was wearing black leathers
- When a rider loses control on a curve, a common explanation is that he was speeding, the real reason often being diesel spills or use of extremely slippery asphalt sealer, causing the motorcycle's tyres to lose traction

To better utilize data collected by traffic police, MAG UK recommends that a uniform traffic crash report form is developed and introduced, so that information from all constabularies are consistent. Also, better education of traffic police is needed to improve their understanding of the likely course of events in motorcycle accidents.

1.7.2 Usable Research

Effective initiatives preventing motorcycle accidents require precise knowledge of why accidents happen.

Thus, we need focused research, based on valid hypothesis, involving research institutions with motorcycle expertise. It is important that various research projects use a common methodology.

In this context, to establish a correct understanding of the major factors causing motorcycle accidents, MAG UK questions the use of documents such as the Literature Review on Motorcycle Collisions by the Transport Safety Unit of the University of Oxford, funded by ACPO.

¹⁶ Total PTW accidents were 26,857 in 2004.

¹⁷ Excerpt from the FEMA document European Agenda for Motorcycle Safety <http://www.fema.kaalium.com/safety/index.html>

Examples

In the 4th paragraph of the executive summary (page iv), the authors state that '41% of fatal accidents are caused by motorcycles running of the road. These accidents "often" involve a drunken motorcyclist late at night.

Taking these statements at face value suggests that most riders kill themselves because they are drunk – but this analysis is based on studies from the USA while later in the review, the authors cite drunken riders in Australia.

However, the authors do not explain how this statement relates to riders in Great Britain. In the document the authors do not offer empirical evidence to determine whether this problem exists or not in this country.

In the Conclusion: "the main causes of multi-vehicle accidents are related to conspicuity". This conclusion goes way beyond the data - the authors are assuming that because car drivers fail to see motorcyclists, it is because the motorcyclists are not "conspicuous" enough. This argument, if taken at face value, could lead to compulsory daytime lights and fluorescent jackets. However as argued in this document, conspicuity is problematic and bright colours and headlights can actually create camouflage.

The conclusions contradict themselves in the same paragraph. The first sentence (headline) in the 6th paragraph states "Since the mid 1990s there has been an increase in motorcycle casualties in Great Britain, in marked contrast to the previous downward trend - 19% between 1996 and 2002." The last sentence in the same paragraph states "the KSI casualty rate per motorcycle vehicle kilometre continues to fall (down 12% between 1994/8 and 2002)".

In summary, MAG UK is of the opinion that this specific research document is biased and ultimately unhelpful. Documents on motorcycle safety, such as the Literature Review on Motorcycle Collisions by the Transport Safety Unit of the University of Oxford, are frequently written by academics with very little personal knowledge of the dynamics of motorcycling and rather than offer solutions, may well lead to unwise and incorrect policies by government.

1.8 Recommendations

In view of the EU and British government campaigns to reduce road casualties, MAG UK argues that there must be a sea change in the focus of identifying motorcyclists and moped users as safety reduction targets because this avoids the principle causes of injuries.

1.8.1 Better awareness

Cars are the major cause of deaths on British roads therefore the focus of government safety reduction strategies must first and foremost consider better road awareness through changing the attitude and behaviour of car drivers as well as motorcyclists.

In consideration of the findings of this paper and research which the DfT has commissioned, both the theoretical and practical hazard perception test must be overhauled to take into consideration the causes of SMIDSY accidents and thus, must identify motorcycle awareness as a fundamental part of the testing regime in order to reduce the potential for SMIDSY accidents.

1.8.2 Better Training

Practical training for car drivers must include consideration of inattentive blindness at junctions, which should include training drivers to rock back and forward as well as looking both ways. The government needs to address training and awareness techniques for motorcycle riders. The present system does not equip them with the necessary accident avoidance and evasion strategies, this could be easily modified by considering the changes indicated in this paper i.e. SMIDSY avoidance and evasion strategies should be included in initial rider training.

Another issue that should be addressed relates to the introduction of the 'brake and swerve' technique, the present attitude from government suggests that riders should head towards an opening gap but this could lead to a worst case scenario, therefore any evasion strategy should consider the safest route.

The introduction of computerized hazard perception tests are of concern because computer simulation and real life are not the same and learners may react differently. There is no substitute for real life training.

1.8.3 Manufacturers

Car manufacturers have an enormous burden of responsibility to bear due to the construction of cars that create blind spots such as A pillars (front pillar) and B pillars (the middle pillar). These design issues need to be addressed.

1.8.4 Better Data Collection

Preventative information -- Aviation, Railway and Shipping sectors gather information to analyse near misses in order to understand how to avoid future collisions, the knowledge gained from this type of research in road transport, could have profound positive effects on reducing vehicle collisions.

Casualty and accident statistics - The underlying statistics to determine the 'problem' of casualties and fatalities on our roads are used to promote policy, however the methods of determining casualties needs serious consideration. In the first instance, better reporting and clearer definitions of what constitutes a casualty is required.

Also, data are presented differently depending on circumstances and agendas.

For example, million kilometres travelled are estimates and this is due to the impossibility of knowing exactly how many miles or kilometres a motorcycle may or may not travel, this inevitably leads to inaccuracy and the potential for manipulation.

Absolute casualties or accidents do not consider the proportion of vehicles by category on the road, therefore give distorted results.

Furthermore, government statistics on vehicles in circulation differ vastly to the data recorded by industry and this creates further distortions and inaccuracies. Therefore accurate data and a realistic universal definition of data are imperative in order to have a clearer understanding of how we can improve road safety.

2. To Reduce The Level Of Anti-Social Behaviour Associated With Motorcycling And Improve The Quality Of Life For Communities.

2.1 Noise and Illegal Exhausts

For motorcycles first used on or after 1 February 1996 the silencer which forms part of the original equipment exhaust system must approved and marked to Directive 78/1015 as amended by Directive 89/235. Replacement silencers must be approved and marked in accordance with the above Directives or British Standards BS AU 193:1983 or BS AU 193a: 1990, depending upon the age of the motor cycle to which they are to be fitted (if fitted to a motor cycle before 1 February 1997, the requirements in respect of noise levels and method of measurement in the Directive/BS must be met but the silencer has to be marked only with the silencer manufacturer's name and part number).

Exhausts bought "after market" for bikes must be stamped with the relevant e, E or BSI mark, and if a dealer sells a bike with a non-approved exhaust system he will be liable to prosecution by the trading standards agency.

If anyone rides with one of these systems they are not only risking prosecution, but also giving the legislators ammunition to ban motorcycles.

2.2 Quality of Life and Noise¹⁸

Society has demonstrated a rising concern about noise and its effect on an individual's quality of life. This extends to a variety of noise sources, from lawn and garden equipment, to public transportation, to motorcycles.

Increasingly, the subject of excessive motorcycle noise is being raised as a quality-of-life issue in communities across Great Britain and throughout the world.

¹⁸ Excerpt from Motorcycle Sound Working Group, AMA Government Relations

When regulatory agencies look for a solution to public concerns about noise, they tend to focus on the easy, yet possibly the least effective solution; lowering the legal noise levels for manufacturers' original equipment products.

At the local level, the outcome of this societal concern is that motorcycle dealerships, motorcycle event organizers and individual riders are being challenged on an increasingly frequent basis. In many cases, bans or restrictions on motorcycle use are advocated as the solution. In addition, inconsistent and sometimes arbitrary enforcement of existing motorcycle laws further confuses and challenges the motorcycle industry and the motorcycle consumer.

It is important to the motorcycle community that we be good citizens and that we preserve our right to ride and to use public highways. We understand that we must work with local communities to address increasing concerns about quality-of-life issues related to excessive motorcycle noise. We must educate government officials, and to some extent their constituents, that imposing lower noise-level restrictions on original-equipment motorcycles is not a solution to the problem. In fact, it may actually increase the frequency of owners modifying the exhaust pipes on their motorcycles.

2.2.1 National Motorcycle Strategy

Increasingly stringent standards have reduced noise levels from new motorcycles and modern machines emit much lower levels of noise than earlier models. Despite these achievements there remains a localised nuisance problem caused by some riders failing to maintain their motorcycles properly or illegally using machines fitted with after market 'Not For Road Use' exhaust systems or silencers.

A relatively small number of such illegal machines can create a perception of motorcycles in general being very noisy.

There are already legal powers to deal with this problem, including a requirement for correct silencer markings (allowing silencers to be checked to ensure that they are not 'Not For Road Use' or 'Track Use Only' at the MOT test and at the roadside), and point-of-sale controls promoted by the Motorcycle Retailers Association are welcome.

2.2.2 PNC (Police National Computer)

The strategy on the issue of illegal exhausts, where noise annoyance is a factor, states, "It is accepted that not all forces use the PNC to record and administer Section 59 warnings and seizure notices. It is recommended that the PNC should be used for this purpose."

Overall, riders are more aware than other vehicle users of the issues of illegal exhausts and know they risk prosecution.

Although riders may feel that loud exhausts can enhance their presence on the road to other road users the environmental noise issue and the risk of further imposing of restrictions to noise limits has overtaken this issue.

MAG UK views this as a tightening of "laws" available to the police to take pro active action.

2.3 Recommendations

Although enforcement can be difficult, the best results in dealing with illegal silencers are achieved when the police and local authorities work in tandem to address specific local problems.

However, there are other ways to address this issue. The authors of the National Motorcycle Strategy and MAG UK welcome the Advisory Group on Motorcycling (AGM) recommendation for a campaign to 'win the hearts and minds' of riders to keep their machines to road legal specification. However, to be most effective, this campaign should be led by the motorcycle industry, retailers and rider user groups, rather than by Government. A campaign is more likely to receive a positive response if riders see it as an issue for those who build and sell motorbikes, and those who represent the users. MAG UK would support and endorse such a campaign.

The following issue 'Breaches of the Road Traffic Act 1988' mentioned in the draft strategy does not fall specifically under the two headings previously discussed, however as this is included in the document, MAG UK will respond accordingly.

3. Breaches of the Road Traffic Act 1988 (Section 2, 3 and 36)

These breaches which relate to reckless, careless and inconsiderate driving and compliance with traffic signs should be dealt with in the appropriate manner but there must be the caveat that all road users will be dealt with in the same manner.

3.1 Exceeding Speed Limits

The strategy does not deal with the issue of speeding in– depth.

The prosecution of riders exceeding the speed limits does not make a distinction between the various systems used to record and thus prosecute those who exceed the speed limit.

In fact the small section on this issue appears to contradict the strategies title on a National Enforcement Strategy.

MAG UK would wish to mention inappropriate speed and fixing road speed limits in rural areas. There is little doubt that in certain circumstances, riders need to reduce their speed on rural roads because of passing walkers, cyclists, horses etc.

Where new, artificially low limits have been introduced, regardless of road conditions (Somerset, Suffolk, W. Berks., Oxon), riders can no longer rely on these speed limits to indicate a safe speed for the road. As such, they begin to treat all limits as arbitrary, negating any safety effect of other, more rationally set, limits.

3.2 Recommendations

3.2.1 Rider Improvement Schemes

MAG UK has supported the initiative of some authorities to offer riders a reassessment course if caught speeding or involved in instances of riding that would lead to a conviction for careless driving. This initiative involves giving the rider the option of “taking” the fine and points on their licence or attending a reassessment course. There are however, some concerns that riders who may take the option of attending court and found guilty are not then offered the option of a reassessment course, thus only gaining points on their licence and a fine. MAG UK has also had feedback from riders attending reassessment courses that these are generally car based with no motorcycle courses available, which is especially defeating if the rider does not hold a car licence.

There are different types of these courses in the UK such as the one offered by the Devon County Council, which aims to get inside the mind set to change the rider’s attitude. MAG UK would welcome the opportunity for ALL police areas to set up a common national scheme, as has happened with the existing Bikesafe scheme.