

## UK Government Future of Transport Regulatory Review Call for evidence

### Cycling Scotland submission May 2020

Cycling Scotland welcomes the opportunity to contribute to this call for evidence on the Future of Transport Regulatory Review.

Our comments below in the micromobility section are focused on electric scooters (e-scooters), as the micromobility mode most of relevance but many of the principles apply to other forms of micromobility as well. The review is important and timely, as sales of e-scooters are increasing. There is a lack of understanding that e-scooters are currently illegal on UK roads. As a priority, steps should be taken as soon as possible to ensure that users are aware of the laws when purchasing an e-scooter. It must also be made clear at a point of sale in Scotland that e-scooters are not allowed on paths as they are not covered by the right of responsible non-motorised access.

We note the recent announcement that e-scooter trials are to be brought forward to June 2020, in response to the Covid-19 pandemic. With regards to such trials, it is vital that there are communications which highlight that they cannot be used on the core path network in Scotland as a form of responsible access.

#### Micromobility

Question 2.1 – Do you think micromobility vehicles should be permitted on the road? Please explain why.

When considering a change in the law relating to e-scooters (and other micromobility vehicles), the needs and safety of all road users, including users of e-scooters, pedestrians and other vulnerable road users like people cycling, need to be fully considered.

Micromobility vehicles, such as e-scooters, are not proven as being safe on road carriageways but there could be an argument to test them on quieter lower speed roads (20mph roads), where there is likely to be less risk to both users of such vehicles and other road users, and to help keep them off pavements.

In terms of safety, there should be a process of continual review of evidence to learn lessons from other countries and cities where e-scooters are legal and more popular.

Question 2.2 – If you can, please provide evidence to demonstrate the potential:  
a) benefits of micromobility vehicle use

Benefits of e-scooters include the potential to reduce greenhouse gas emissions and improve air quality; they are cheaper to run than cars; and can help to reduce congestion in town and city centres. Where managed and regulated correctly, e-scooters can help to improve (urban) transport options. E-scooters can also offer the opportunity for integration with existing active travel modes, such as cycling.

We note the core principles in the consultation document state that any legalisation and regulation of micromobility vehicles must not be at the expense of existing cycling, walking and other active travel modes. We welcome this.

## b) risks of microbility vehicle use:

There are several risks associated with e-scooters on roads in the UK.

The most significant risk is the negative impact on equality and inclusivity. E-scooters appear to primarily replace bus and walking journeys, rather than promote modal shift from the private car. There is real danger that over the next few years, bus networks will be severely depleted as a result of Covid-19, which has a huge impact on inequalities. For example, older population groups (over 70s) are often unable to use e-scooters and rely more heavily on the bus network, and if e-scooter use causes a collective move away from buses and other public transport modes, operators may be forced to raise fares to maintain revenue, which disproportionately negatively impacts those in lower socioeconomic groups, who rely heavily on public transport, particularly buses.

E-scooters are also shown to have little physical activity benefits. Physical inactivity is estimated to cost the NHS in Scotland alone more than £98 million per year, which is equivalent to £18 per person per year<sup>1</sup> and contributes to nearly 2,500 deaths per year. Evidence from research carried out in France on users of a public e-scooter hire scheme found that, if e-scooters weren't available, more than 40% of users would have walked, 30% would have travelled by public transport and 12% cycled, with only 3% reporting they would have used a private car<sup>2</sup>. This suggests that e-scooters have little impact on modal shift away from private cars/vehicles, and a limited effect on improving rates of physical activity in this regard. Given the impact of e-scooters on public transport, there should not be any further roll out of public shared e-scooter schemes at this time.

There are also safety concerns. Evidence from the US has shown that e-scooter users are far more likely to be injured on the roads, with their lightweight design and narrow wheels unsuitable for safely navigating potholes and uneven road surfaces<sup>3</sup>. This lightweight design also makes it challenging to safely perform an emergency stop when required. Further, it can be very difficult to give a directional signal when on a moving e-scooter and for the user to look over their shoulder to check if the road they intend to turn into is clear. There is also the potential for conflict with other road users. These factors should be taken into account when reviewing the legal status of e-scooters both on carriageways and on cycling infrastructure.

Finally, e-scooters can have a significant negative environmental impact. E-scooters require to be charged on a regular basis and much of the energy generation used to charge them currently comes from fossil fuel sources. Energy efficiency standards should be increased, and the review should seek to outline what the minimum energy efficiency standards should be. As a minimum, battery recharging cannot be fossil fuel powered. The environmental and social impact of the manufacture of e-scooters and the replacement and disposal of batteries also needs to be considered.

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<sup>1</sup> <http://www.healthscotland.com/uploads/documents/20437-D1physicalinactivityscotland12final.pdf>

<sup>2</sup> <https://6-t.co/en/free-floating-escooters-france/>

<sup>3</sup> <https://www.rospa.com/rospaweb/media/Documents/Road%20Safety/road-safety-factsheet-e-scooters.pdf>

Question 2.3 – If micromobility vehicles were permitted on roads, would you expect them to be used instead of:

Answer often, sometimes, or never for each of the below options:

- Private vehicles - sometimes
- Taxi or private hire vehicles – sometimes
- Public transport – sometimes
- Delivery vehicles - sometimes
- Cycling – sometimes
- Walking – often
- Other (please specify)

Question 2.4

a) In your opinion, which of the following micromobility vehicles should be permitted, if any, on roads, lower speed roads, and/or cycle lanes and cycle tracks?

- All types
- Electric scooters – YES (lower speed roads, cycle lanes and cycle tracks)
- Electric skateboards
- Self-balancing vehicles
- Electrically assisted cycle trailer – YES (lower speed roads, cycle lanes and cycle tracks)
- Segway
- Other (please specify)

b) Please explain your choices for using micromobility vehicles (or not) on roads and/or only lower speed roads, providing evidence where possible.

As previously discussed, e-scooters are not yet proven as safe on road carriageways; however, their use could be restricted to lower speed roads, where appropriate.

c) Please explain your choices for using micromobility vehicles (or not) on cycle lanes and cycle tracks, providing evidence where possible.

There should be scope to accommodate e-scooters on cycle lanes and cycle tracks. E-bikes are currently permitted on such infrastructure, so it is appropriate, where e-scooters are subject to the same regulations and conditions as e-bikes, to also be able to use cycle lanes and tracks. Where permitted, there must be a clear set of regulations on use to prevent conflict with other users (i.e. people cycling on conventional, non-electric bikes).

d) What impact do you think the use of micromobility vehicles on cycle lanes and cycle tracks would have on micromobility vehicle users and other road users?

Permitting the use of e-scooters in cycle lanes and tracks are likely to make them more attractive, as the fear of speed and density of other vehicles which are barriers to use of similar modes on roads, is removed. However, as outlined previously, there is the potential for conflict with people cycling on conventional bikes and e-scooters may discourage some people from cycling on cycle lanes and tracks. Clear guidance on e-scooter use should be in place.

Question 2.5 – Mobility scooters and pedestrian operated street cleaning vehicles are already permitted on the footway. Should any other micromobility be permitted to use the pavement or pedestrian areas? If so, which types of devices should be permitted and in what circumstances?

E-scooters (and other micromobility vehicles) should be banned on footways. E-scooters do not qualify under the right of responsible access as they have a motor and are not self-propelled<sup>4</sup>. Therefore, they are banned from all paths and public land in Scotland and this should be made clear in legislation. Standard bikes, and other electrically assisted bikes, are not permitted on pavements and this standard should apply to e-scooters (and other micromobility vehicles). Where an e-scooter is used as a mobility aid, in a case where an individual has a disability that makes walking and/or cycling painful, a possible exemption could apply. There could also be local exemptions possible for use within designated pedestrian and shared-space areas, having regard to local needs, circumstances, and traffic regulations.

## Question 2.6

a) What do you think the minimum standards for micromobility vehicles should be?

The following minimum standards should apply:

- Limitations on speed and power output should be the same as e-bikes - 15.5 mph should be the maximum speed limit for e-scooters.
- Specified braking requirements, have lights and reflectors, be fitted with a bell or other device, and should have handlebars.
- A minimum permitted age of 14 to use e-scooters.

b) Should different standards be set for different types of micromobility vehicle? Please provide evidence.

It is important that standards are consistent across different types of micromobility vehicles. This makes it easier for users to understand and can assist with regulation and enforcement.

Question 2.7 – Are there other vehicle design issues for micromobility that you think we should be considering? Please provide examples.

Only e-scooters are considered to offer potential for any meaningful or significant contribution towards transport and wider environmental objectives. The other examples of micromobility vehicles are considered to be more recreational in nature.

Question 2.8 – In your opinion, what should the requirements be for micromobility users, with regard to:

Answer - like EAPCs, like mopeds or other requirements (please provide details - for each option

- Vehicle approval – like EAPCs
- Vehicle registration and taxation – like EAPCs
- Periodic vehicle testing – like EAPCs
- User driving licence – like EAPCs
- Insurance – like EAPCs
- Helmet use – like EAPCs. Independent research should be conducted into the types of crashes and injuries involving e-scooters.
- Minimum age – other requirements – minimum age of 14
- Speed limits – like EAPCs

If you believe regulating micromobility vehicles like EAPCs or mopeds would be problematic, please explain why.

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<sup>4</sup> <https://www.outdooraccess-scotland.scot/>

E-scooters should be subject to the same regulations as EAPCs (e-bikes), with the exception of minimum age of use, which for e-scooters (and other micromobility vehicles) should be set at 14. This is consistent with age restrictions in other European countries, where use is more widespread.

They should not be subject to compulsory helmet use, registration, insurance, or licensing. If required, taxation should be proportionate to the embedded energy use in its lifespan.

### **Mobility as a Service (MaaS)**

Question 4.1 – In your opinion, in the development of Mobility as a Service platforms, what should be the role of local authorities, central government or other transport authorities? Please provide details.

With regards to the development of MaaS platforms, it is important that all relevant parties are involved in the process and work together to ensure full and complete service provision. This includes central government, local authorities, relevant transport authorities and transport providers.

Question 4.7

a) What actions could help to ensure all sectors of the population can access Mobility as a Service applications?

As outlined in the consultation document, a possible measure that can be used to influence travel choices and encourage people to use more sustainable modes, could be to provide users with contextual information about their travel choices. This is important with regards to accessibility. By enabling users to understand this, it can improve understanding of travel mode choices and highlight to users different travel choices available to them, which they may not have previously considered or did not consider as accessible.

Providing MaaS applications in an easy to use, user friendly format, in plain English, is important; there is a need to ensure they work on multiple devices and can be accessed at any time of the day; and are free to use for all. Any element of charging is immediately exclusive and should be avoided.