

The EU Chop Shop

Right To Ride Investigates



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At the last Motorcycle Working Group Meeting (MCWG¹) on December 14th 2011, the European Commission presented their views regarding addressing the issues observed with extreme “Chopper” style vehicles which mainly concern national and individual approval purposes.

Extreme “Chopper” style brings to mind motorcycles with long forks, stretched frames, high handle bars, modified from an original motorcycle design or built from scratch.

For the general non-motorcycle public the easiest explanation is the Stars & Stripes-adorned fuel tank of the bike used in the 1969 film Easy Rider which with developments and pushing the boundaries in motorcycle customising may not be seen as so extreme by today’s standards even from the motorcycle manufacturers “standard” bikes.

With regards to individual approval purposes, for the UK this would be the Motorcycle Single Vehicle Approval (MSVA), part of the MSVA is that it, “checks that the construction of amateur-built vehicles, rebuilt vehicles and vehicles using parts from a previously registered vehicle meet modern safety and environmental standards.

It also provides an alternative to type approval for vehicles manufactured in very low volume.”

From the Commission’s presentation - slide 23 (ANNEX 1), sets out briefly the Commission’s concerns with the safety of extreme chopper style vehicles.

Specific requirements:

On steer-ability, cornering properties and turn-ability

- to address issues observed with extreme chopper style vehicles
- mainly for national and individual approval purposes
- introduced width of 6.0 m and 3.0 m slalom pitch under review
- display of rider skill, just as brake testing, therefore acceptable for type-approval testing

...and also in the document - Regulation on vehicle functional safety requirements on the vehicle functional safety requirements (RVFSR) (ANNEX 1) - for the approval of two- or three-wheel vehicles and quadricycles.

In "Annex XIII – requirements on steer-ability, cornering properties and turn-ability the following text appears as regards to vehicles of category L1 – (light two-wheel powered vehicle - powered cycle - two-wheel moped and L3 – two wheel motorcycles - low-performance motorcycle - medium-performance motorcycle - high-performance motorcycle - shall meet the following requirements.:

¹ MCWG is made up of the European Commission (DG Enterprise and Industry), member state government representatives; stakeholders including ACEM (the European Motorcycle Industry in Europe) as well as other relevant industry representatives; Non-Government Organisations including FEMA (Federation of European Motorcyclists Associations) and FIM (Fédération Internationale de Motocyclisme).

1.1.1 It shall be demonstrated that it is possible to make a U-turn with the vehicle between two parallel walls which are 6.0 m apart. The U-turn shall be achieved without stopping, reversing and/or the rider touching the ground during the manoeuvre.

1.1.2. It shall also be demonstrated that it is possible to slalom between 6 cones which are at least 0.3 m tall and which are spaced 3.0 m apart. The slalom shall be achieved without stopping, reversing and/or the vehicle or rider touching the cones and/or the rider touching the ground during the manoeuvre.

However, we acknowledge that it has to be made clear that this document does not represent an official position of the European Commission and that it is a tool to explore the views of interested parties. It is therefore important that stakeholders provide their opinions and expert views on this proposal.

Finding Out The Facts

We wrote to the Commission to get more details about this proposal and how it would affect motorcyclists, specifically manufacturers and builders of Choppers within Europe and national and individual approvals.

In our correspondence with them, we expressed our concerns regarding this proposal.

We also wrote to ACEM (the European Motorcycle Manufacturers Association) for clarification and have received a response from both.

European Commission

The response from the Commission representative is as follows:

“As the title of the MCWG paper says, it is a discussion paper and concept design for the RVFSR.

This working document was presented in the MCWG meeting in December last year as a starting point to be able to draft the delegated act on functional safety.

Nothing is carved in stone yet.

For certain topics, like this one, we have already invited stakeholders in the MCWG meeting of January 2011 to provide us with proposals for the topics set-out in Annex II of the draft codecision act.

Unfortunately we have received no input on this topic before and therefore we have issued a first proposal ourselves to kick-off the technical discussions.

There are a number of topics that are of key importance to us. We consider these as basic requirements when it comes to the functional safety of an L-category vehicle.

Especially for those items (...) it is common sense to set-out minimum rules for all mass produced L-category vehicles to comply with, e.g. requirements on braking, steering, lighting, tyres, a fitted differential for vehicles with more than 2 wheels and vehicle structure integrity.

Of course also the other 11 topics listed in the discussion paper are important, but those 6 form the core of any vehicle concept, not only for motorcycles but also for other subcategories of L-vehicles.

Please note that these are requirements proposed for series produced (i.e. mainstream manufacturers), new vehicles and that it has not been decided if the same rules will apply for small series and/or individual vehicle approval, which continue to be national approvals in our co-decision proposal. Therefore single build, unique vehicles, like e.g. the ones you refer to will need to comply with those national rules.

The intention of this steering test is to separate vehicles that are safe and that can normally take part in traffic without problems from unsafe vehicles that do not allow the average rider / driver to participate in normal road traffic.

At a European level there are currently no requirements regarding steering characteristic testing, but every Member State includes such testing in their national approval testing schemes.

A simple lane change test may be included in every single vehicle approval test and therefore there is also a need to include such testing for mass produced vehicles in a harmonised way.

Similar as with brake tests for steering test requirements it is key to find objective testing methods that allow separating the rider / driver capability of controlling a vehicle in a test as much as possible from the physical characteristics of the vehicle that are actually subject to type-approval demonstration testing.

In practice the best professional test riders / drivers employed by vehicle manufacturers will conduct such tests, so as to minimise the influence of the rider / driver when assessing those vehicle characteristics.

Again, we have proposed a test procedure with associated performance limits of which we believe that these are sensible to comply with and which may provide a level playing field for all manufacturers placing new L-category vehicles on the EU market.

We would like to note though that the U-turn width and slalom spacing dimensions are currently under review.

In the meantime other stakeholders have reacted and ACEM has announced that they will submit a proposal to further improve this first concept(...)"

Motorcycle Industry Perspective

We received a response from the motorcycle industry in which they stated that they intend to put forward a proposal to the Commission – as mentioned in the Commission's response.

However what we understand is that this proposed "ride-ability" test would create problems for mainstream manufacturers and that many motorcycles (even scooters) deemed to be perfectly safe would not be able to pass such tests.

It seems that the Commission's reason for this test is due to the fact that (according to the Commission) member states do not have any objective way of assessing whether a design is safe or not (and should or should not therefore be considered road legal).

Thus, the objective of this proposal appears to focus specifically on mainstream manufacturers and not unique builds or small series which would remain under member state single vehicle approval.

In our view at Right To Ride, there is a very good reason for that, which is that the Commission would need to restructure the whole Single Vehicle Approval process at a Pan European level which would be a monumental task and would in our opinion, most likely be strongly opposed by the majority of member state authorities.

This is because the member state authorities can already judge as to whether a vehicle is safe or not, and decide to allow it on the road or not within the current regulation covering individual type approvals.

We understand that the distances the Commission is proposing for the U-turn (between the walls) and for the slalom (between the cones) would pose a problem even for mainstream motorcycle manufacturers' so called "safe designs".

In terms of "turn-ability", in the case of an ordinary motorcycle for example, the BMW R1200GS Adventure Traillie, the turning circle on this motorcycle compared to the turning circle of a Super Sports motorcycle, for example a Honda CBR 900 Fireblade, is totally different, simply because the function of the motorcycle is totally different. In the case of the BMW R1200GS Adventure Traillie, it has a much tighter turning circle.

In other words each motorcycle has its own purpose and functionality.

Furthermore, there are no similar tests for cars, and even if one considers that motorcycles, scooters and mopeds are different vehicles, from a legal standpoint the General Product Safety Directive would cover items not specifically tested at type approval.

Right To Ride's response to the Commission

There are a few queries that come to mind - firstly we understand that the aim of this proposal is to test the ride-ability of all L category vehicles not just those that would be deemed as being (for whatever reason) extreme e.g. Choppers.

Also as we understand it, this so-called ride-ability test would not be related to engineering e.g. the rake, the trail, the length of the forks - or the complete length of the L category vehicle - e.g. axle to axle, wheel to wheel.

We have one major concern with this test and that is that it will open up the manufacturers to litigation. The reason for this is because this ride-ability test is subjective - just because the manufacturer's test rider, who we assume would be a professional rider, may be able to perform these manoeuvres, does not mean that everybody could.

The other factor which in our view is fundamental is that this whole proposal is intended to use the UNECE technical regulations to base the new EU regulations upon.

The key is in the word "technical". We do not consider this proposal to test ride-ability, i.e. slalom and U turn test to be technical.

Right To Ride Comments

The Commission stated that they had put out their proposals to the Motorcycle Working Group a year ago, but had not received any response up to the last meeting in December (2011), which is worrying because the essence of the Motorcycle Working Group is to

involve stakeholders who should be “in there” with alternative proposals and well-constructed objections and solutions.

The response from the Commission has in part clarified that it is not specifically focussing on long fork Choppers, but appears to use Choppers as an extreme example.

However what has not been made clear is what exactly the technical aspects are, and how they might impact on some models from mainstream manufacturers, notably the Honda Fury, Victory Jackpot and Harley Davidson Wide Glide.

From what we understand, it is not necessarily the length of the forks, how far the frame is stretched or how high the handlebars are; and there is not a natural cut-off point which could easily be enshrined in law where a motorcycle becomes a Chopper.

What the Commission (wrongly in our view) wants is to determine whether these vehicles (i.e. motorcycles in general) are deemed safe through a ride-ability test.

We await ACEM’s submission to this proposal, but at Right To Ride, we believe that this ride-ability test which would include a slalom and U turn test, is not within the remit of the “Technical” regulations and therefore should be abandoned, because this would already be covered under the the General Product Safety Directive.

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ANNEX 1

Motorcycle Single Vehicle Approval (MSVA) -

http://www.direct.gov.uk/en/Motoring/BuyingAndSellingAVehicle/ImportingAndExportingAVehicle/DG_071781

Working Group on “Motorcycles” (MCWG) 14 December 2011 Regulation for approval and market surveillance of L-category vehicles -

http://circa.europa.eu/Public/irc/enterprise/automotive/library?l=/mcwg_motorcycle/2011_meeting_december_20/category_vehicles/ EN_1.0 &a=d

Regulation on vehicle functional safety requirements on the vehicle functional safety requirements (RVFSR) - for the approval of two- or three-wheel vehicles and quadricycles -

http://circa.europa.eu/Public/irc/enterprise/automotive/library?l=/mcwg_motorcycle/2011_meeting_december_20/rvfsr_mcwg_2011/ EN_1.0 &a=d