

## **Response from Motorcycle Action Group (MAG) regarding the proposed increase of Congestion Charge to £15**

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***MAG understands that the Mayor of London is seeking to raise the Congestion Charge in London for cars to £15, and for seven days a week instead of five, from 22nd June 2020.***

***He also reintroduced the Ultra Low Emission Charge for older motorbikes, even though it makes no sense regarding emissions and unambiguously violates Government advice to travel on private transport during Covid-19.***

***This consultation has no structure and no guidelines as would normally be the case – only an email address. As such, we make a contribution regarding the unexpected reintroduction of ULEZ for older motorcycles, as this is the only opportunity we have had to do so in the absence of any other proper consultation on such a life-and-death decision. The ULEZ tax also relates closely to the Congestion Charge, on account of the realities of travelling options facing riders who are also often drivers, as we explain in this submission.***

Here are the specific concerns of the Motorcycle Action Group (MAG).

- 1 MAG can provide all references to quotes, data and cited witnesses on request. They have only not been included here due to the unreasonably short time available to us to compile this consultation response.
- 2 The consultation on the Congestion Charge has been poorly advertised and utterly mismanaged in terms of providing sufficient time for feedback. MAG only learned on 1<sup>st</sup> June that the so-called consultation had actually ended on 29<sup>th</sup> May. Since MAG, which represents the interests of hundreds of road users in London, hadn't heard about it, we can be confident that almost nobody else will have heard about it either. The extension to Thursday 4th June gave almost no time to generate a comprehensive response, and this is very much to the discredit of your organisation, and potentially lays the proposal open to legal challenge.
- 3 The introduction of the Congestion Charge, and then its proposed increase, is entirely in violation of the Government's own guidance. This guidance unequivocally states that the public must seek to travel using private transport wherever possible to reduce Covid-19 spread.
- 4 The benefits of using motorcycles during the Covid-19 pandemic are already on record in Parliament. Chris Law MP, Chair of the All Party Parliamentary Group on Motorcycling, asked Transport Minister Rachel Maclean about this matter. In her response she stated: 'We

*recognise the social distancing benefits of using motorcycles at this time.* UK Government Ministers therefore confirm that riding a motorcycle reduces virus spread compared to going by tube, train or bus, where 'social distancing' is often virtually impossible, risking more infections and deaths.

- 5 Christopher Chope MP, who represents Christchurch constituency. Asked the same Minister: *'what steps the Government is taking to promote the use of low emission scooters and light motorcycles as an alternative to public transport during the covid-19 outbreak.'* Rachel Maclean responded: *'The Department's guidance issued on 12 May refers to "Private cars and other vehicles" as an alternative to using public transport, and encourages the public to "consider all other forms of transport before using public transport". This would include private vehicles such as motorcycles and mopeds where the journey to be made is appropriate. Motorcycles are an important way of getting around.'* This is further positive recognition of the key role of motorcycles in avoiding use of public transport. There is no ambiguity in the Minister's words.
- 6 MAG believes that the Mayor is not so impotent that he cannot successfully defend the interests of Londoners against a direct contradiction in policy – this contradiction being the gulf between the Government's edict to promote private travel, and the obviously inconsistent imposition of Congestion Charge and ULEZ tax. The Mayor has a duty to protect the people of London from the clear and present danger of illness and death from Covid-19, which is evidently more likely to spread through public transport versus motorcycles. For the Mayor to deter commuters from using the safest forms of transport by taxing them would be a profound and irresponsible failure in his duty as Mayor. If he does not have the ability or influence to protect London's commuters, then it is necessary for him to publicly admit this and then support the efforts of others, including MAG and other influencers and politicians with appropriate negotiating ability, as we revolve the situation for London with the Government.
- 7 MAG also requests publication of the assessment that has been made of the relationship between Covid-19 spread and cycling, as MAG asserts that this mode of transport – partly because of cyclist behaviour - is less Covid-safe than motorcycles. Unless the Mayor can provide evidence to demonstrate that cycling is more virus-safe than motorcycle travel, the ULEZ tax is logically and morally unsustainable. Ignoring this reality would be utterly disingenuous, and MAG is using this open consultation to submit our life-saving proposals for that reason. We expect that the Mayor will act upon this crucial input, given the profound implications if he does not.
- 8 Furthermore, NOTHING the Government has said has forced the Mayor to charge motorcycles of any age. Exempting motorcycles is a

clear way to mitigate against the ridiculous idea that introducing the Congestion Charge and ULEZ tax are in any way consistent with containing the Covid-19 virus. Ministers have consistently affirmed that motorcycles represent a very secure form of transport to restrict the spread of the virus, not least because a 2 metre distancing is assured through riding practice, and all riders must wear PPE as a legal requirement. To enforce the ULEZ tax on motorcycles may even be illegal, given that a court may well rule that such a punitive tax at a time of national health crisis is entirely out of keeping with the grave need to protect lives and the NHS at this time. MAG advises the Mayor to exempt motorcycles from the ULEZ tax.

- 9 Insurance data (from Bikesure – available on request) shows usage of motorcycles in certain categories skewed towards less wealthy individuals, with a strong emphasis in, for example, the London delivery sector on B.A.M.E. citizens. This has been extensively demonstrated. Javed Hussain - a senior spokesman for the delivery sector - and others - confirm this skew. The imposition of the ULEZ tax on older motorcycles disproportionately affects this sector. These charges further increase the likelihood of virus spreading in an ethnic group already disproportionately affected by Covid-19.
- 10 Not surprisingly, it is inconceivable to this ethnic community that a Mayor who has made great play of his own ethnicity would now *disregard* the implications of the imposition of an increased Congestion Charge fee, coupled with the ULEZ tax, on this most vulnerable sector of the London population. Introducing a £15 Congestion Charge while enforcing the ULEZ tax on older motorcycles would be a hugely damaging policy combination for those who can least afford it in terms of health or finances; this would actually contradict a fundamental tenet of the Mayor's claimed equality agenda, with potentially fatal consequences, literally, for those most affected by such a financially coercive policy.
- 11 It is self-evident to everyone, and not just motorcyclists, that the Mayor has an exceptional duty of care to the city at this critical time. This requires him to refuse to implement a policy that is detrimental to the wellbeing – and life chances - of Londoners; both of which are necessarily compromised by travel costs that are explicitly designed to financially obstruct thousands of people from using private transport for personal safety – including his own staff at City Hall and Transport for London. Therefore, were he to be unable to negotiate a continuing suspension of the Congestion Charge and the ULEZ tax, he will have directly collaborated with a policy that will necessarily increase commuter densities on the public transport network, and therefore result in the increased exposure to infection to a potentially fatal disease. Such a failure also increases the prospect of a 'second wave' of the Covid-19 epidemic in the Capital. It follows that reintroducing the Congestion Charge and suspending the ULEZ tax are

both exactly the *opposite* action, versus what the Mayor should do in the interests of Londoners from an epidemiological - and moral - perspective. Also, in this context, an increase of the Congestion Charge is clearly unthinkable and a betrayal of the city.

- 12 Considering the Mayor's claimed justification for the ULEZ tax is an *improvement* to health, he has not explained why actual lives lost today, especially in the B.A.M.E. community, are worth sacrificing for some notional and unproven claim of saving lives tomorrow. Unless he can, Mr Khan must not introduce an even higher Congestion Charge without also exempting older motorcycles from the ULEZ tax.
- 13 Despite strenuous efforts, MAG has neither, been offered sight of nor been able – any impact assessment specifically in regard to the social, economic and environmental impact of these changes - especially on those who ride as they cannot afford to travel by public transport, and with the Congestion Charge, cannot afford to use a car either. Without an impact assessment these changes cannot be regarded as having been introduced through due process.
- 14 These measures could be challenged in court because of the failures outlined under 1, 2 and 3 above. A test case may arise if the Mayor tries to prosecute a biker for following the guidance from the Government to use their bike because they can't afford the Congestion Charge for their car. The Government advice to use private transport might negate any obligation to pay a punitive and arbitrary tax such as ULEZ, made worse by the reduced options the proposed increase in the Congestion Charge, with no impact assessment or any discernable logic. MAG will strenuously use all means necessary to prevent the continued imposition of the ULEZ tax on older motorcycles.

## **Conclusion**

MAG is fully aware that the Mayor has the status and influence to prevent the imposition of road use charges that can force behavioural that will kill London's citizens. We therefore ask and expect the Mayor to firmly defend London's right to ride (and drive) to work without being penalized by the Congestion Charge and the Ultra Low Emissions Charge and to enable citizens to respect unambiguous instructions from the Government.

A failure to defend this position, without the imposition of the Congestion Charge at any level of fee and without the Ultra Low Emissions Charge, constitutes a policy that stands in contempt of the mission to protect the NHS and save lives, and contempt for the citizens of London in the height of a national health emergency. This would be an abdication of responsibility by the Mayor, on whom the Capital depends for its defence at this time of crisis, and a decision that would, in all probability, lead to preventable deaths. It is now a matter of public

record that MAG has now submitted this warning, and therefore no-one in City Hall or the Mayor's team can plead ignorance.

Please contact me to indicate your intentions, as any intention to increase the Congestion Charge, or any refusal to exempt all motorcycles from the ULEZ tax will, in all probability, result in legal and other direct action (notwithstanding the political implications for the Mayor, which are beyond the scope of MAG's jurisdiction).

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