



Consultation Document

TRAVEL SAFETY BY ROAD, RAIL AND AIR: WHO'S ACCOUNTABLE?

Response from:

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Response to Transport Safety Commission

Bona-fides **BVRLA, the industry and its members**

- Established in 1967, the British Vehicle Rental and Leasing Association is the UK trade body for companies engaged in the rental and leasing of cars and commercial vehicles. Its members operate a combined fleet of 3.3 million cars, vans and trucks.
- BVRLA members buy nearly half of all new vehicles sold in the UK, supporting around 184,000 jobs and contributing more than £14bn to the economy each year.
- By consulting with government and maintaining industry standards, the BVRLA helps its members deliver safe, sustainable and affordable road transport to millions of consumers and businesses. For more information, visit www.bvrla.co.uk.

Executive Summary

We welcome the opportunity to comment on the Transport Safety Commission's inquiry into the legal framework and institutional responsibilities for transport safety.

The UK has a strong and consistent track record of reducing the number of people killed or seriously injured on British roads. We welcome the formation of the independent Transport Safety Commission and its goal of assisting with the development of policies that will reduce risk and bring about continued reduction in transport-related casualties.

We would suggest the Commission consider the following key points as part of its inquiry:

- Encouraging the Government to conduct a thorough review of 'grey fleet' usage within the private and public sector to assess its impact on work-related driving road safety levels. We believe that this should be followed up with some further research into what kind of fiscal incentives or other policy measures could be introduced to encourage employers and employees to adopt a more responsible approach to at-work journey planning and choice of transport modes. Based on the findings from previous work by the Office for Government Commerce, this would inevitably lead to fewer journeys, more use of public transport, and remaining car journeys being made in newer, safer and less polluting vehicles.

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- Encouraging the HSE to include at-work road accidents in the reporting requirements for RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences) so that this data can be accurately and centrally compiled and analysed for the first time.
- Encourage the Department for Transport (DfT) to review the criteria for a restricted HGV operators' licence to ensure that those operators regularly carrying their own goods are operating to the same standards as an operator with a standard operators' licence.
- Encourage the DfT to tighten the Driver Certificate of Professional Competence regulations so a driver has to sit a compulsory road safety module as one of the five modules.

Specific Comments

Leadership and responsibility

Are there clear lines of responsibility for transport safety? How is responsibility structured across the different modes and for different system providers? Is national leadership in transport safety evident in all the modes?

We believe that responsibility for van safety is a particular issue as it can often fall between the DVSA, the Police and the Transport Commissioners.

This is further confused by the Operator Licence (O-licence) regime, which requires the operators of larger goods vehicles to work within a strict compliance regime that sets minimum requirements for vehicle maintenance, drivers' hours, financial standing and the presence of qualified staff. Failure to adhere to this regime carries the possible sanction of having the O-licence revoked.

Extending this level of regulation to van operators is not recommended by either industry or government. However, the comparable lack of regulation or enforcement on the van sector threatens to create a 'cliff-edge' of compliance, encouraging some operators to downsize their vehicles in order to operate in a much less regulated environment. While best-practice initiatives and codes of conduct operated by trade bodies such as the BVRLA, FTA and RHA ensure that most van fleets and drivers take a serious approach to van maintenance and operation, a significant proportion of van users continue to operate their vehicles with little regard for road safety.



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Our suggestion would be that the DVSA take ownership of all enforcement of vans to ensure enforcement is consistent and van operators are clear on their responsibilities.

Perceptions and culture

How do we gauge public perception of risk, public acceptability of effective measures; and public and corporate acceptance of liability? How can a greater culture of safety be achieved among employers, transport users and others?

VANS

There is a widespread perception, even within the fleet industry, that some van drivers have poor driving habits and that some vehicles are not properly maintained. This view is supported by, but not solely based on statistics showing the high MOT failure rate of some vans.

The negative safety perceptions are not backed-up by research by the Department for Transport, which shows that vans have the lowest accident involvement rate per billion vehicle miles of any vehicle type. In 2011, vans were involved in 4.8 fatal accidents per billion vehicle miles in GB. This compares with 8.6 for cars, 17 for HGVs and 10 for all vehicles. The rate of involvement in fatal or serious accidents per billion vehicle miles was 42 for vans, 102 for cars, 81 for HGVs and 125 for all vehicles.

There is still work which can be done to improve the MOT test results for vans, which would include educating van operators on the benefit of preparing vans for the MOT test. By preparing a vehicle for test time is saved in terms of business planning, vehicle downtime and costs of repair. The failure rate for HGVs used to be significantly higher until an education programme was undertaken to show the benefits of preparing vehicles for test. Failure rates for HGVs were 36.5% in 2007/08 and have now dropped by more than a third to 22.4% in 2012/13, which can mainly be attributed to better vehicle preparation. If more could be done to educate van operators on these benefits we believe the MOT test results would improve.

On a wider level, education can play a key role in creating a greater culture of safety among employers and transport users. We believe that the government needs to do more to promote and recognise fleet industry attempts to maintain high standards and promote best practice. Government education campaigns should explicitly endorse van operators that adhere to robust, mandatory codes of conduct that apply rigorous standards for vehicle maintenance and operation.

GREY FLEET



Response to Transport Safety Commission

Whilst the introduction of the Corporate Manslaughter Act in 2007 focused the minds of many employers on health and safety at work there is still more that can be done. Where a managed company car fleet is operated the employer will be safe in the knowledge that their employees are driving in the newest, safest vehicles which are properly maintained.

Millions of employees still use their own vehicles on company business each year. This 'grey fleet', which is particularly prevalent in the public sector, uses vehicles that are around seven years old on average (average age of a privately owned car in the UK), more than twice that of the average company car. These cars are older and therefore more likely to have serious mechanical defects and less likely to have the latest safety technology.

Many companies still do not understand that owner-drivers are just as much their responsibility as company car drivers when they are undertaking work-related journeys.

Grey fleet drivers are reimbursed via the generous Advisory Mileage Allowance Payment (AMAP), which actually incentivises employees to drive more so that they can subsidise their salaries. We believe that the AMAP rate should be revised down so that it makes using your own car for company business less attractive, thus encouraging staff to accurately assess alternative transport options.

Furthermore, the government should undertake some detailed research into the level of grey fleet use and its associated impacts on road safety. This would enable it to substantiate the safety implications of having so many employees making work journeys in older vehicles.

We believe that this work should be followed up with some further research into what kind of fiscal incentives or other policy measures could be introduced to encourage employers and employees to adopt a more responsible approach to at-work journey planning and choice of transport modes. Based on the findings from previous work by the Office for Government Commerce, this would inevitably lead to fewer journeys, more use of public transport, and remaining car journeys being made in newer, safer and less polluting vehicles.

HEAVY GOODS VEHICLES



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We believe there are two areas where a greater culture of road safety for HGVs can be achieved. Firstly, we would encourage the Transport Safety Commission to recommend that DfT review the criteria for restricted Operator Licence holders. We understand figures from the Driver and Vehicle Standards Agency (DVSA) have shown that a third of all the most serious infringements for HGVs and trailers in GB between December 2011 and December 2012 were committed by restricted licence holders.

We would suggest that restricted licence holders should be limited to those who occasionally use HGVs rather than those who carry their own goods. Operators who carry their own goods on a daily basis present just as much of a road safety risk as operators carrying other people's goods and should be regulated in the same manner.

Secondly, we would encourage the Commission to urge the DfT to ensure that the driver certificate of professional competence (Driver CPC) includes a mandatory road safety module as part of their periodic training. As we understand it there is currently no restriction on which modules a driver takes as part of their periodic training which could mean a driver does the same module every year for five years. To again help improve further the road safety culture in the HGV sector we would encourage a change in the regulation which mandates one of the five modules to be a road safety one.

Monitoring and evaluation

How should trends in safety be monitored and by whom? What is the case for an independent road safety or collision investigator?

"We believe that widening the scope of reportable incidents to areas where the Health and Safety Executive (HSE) and other enforcing authorities do not have primacy, specifically with work-related road traffic accidents is an area for improvement."

This was a recommendation by the Work and Pensions Select Committee in its Fourth Report on the Work of the HSE published on 14 July 2004 and the Dykes Report, published in November 2001.

Whilst the latest statistics from the Department for Transport, [Reported Road Casualties Great Britain: annual report 2012](#) show a downward trend in the number of people killed on the roads in Great Britain, this does not mean that no further action is necessary.

We believe that including work-related road traffic accidents that include injuries within RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences) requirements would ensure that UK employers take employees road-safety in their mobile workplace as seriously as if they were working on their premises.



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Some companies have already chosen to go beyond the legislative reporting requirements and track the number of work-related road traffic accidents that their employees are involved in. This type of reporting has helped focus the minds of its employees and improve their accident record and is normally part of a wider focus on work related road safety.

For example, one of our members who implemented a work related road safety programme, which included reporting on work-related road traffic accidents, reported a reduction in third party insurance claim costs of 40% and a 50% reduction in employees incurring speeding offences as a direct result of the programme.

This report produced by TRL, [‘A gap analysis of work-related road safety in the UK: Working towards a national standard’](#) found that the management of work-related road risk is widely perceived to be lagging behind the management of general health and safety risk in the workplace, even among stakeholders who represent good practice. As the HSE’s role “is to protect people against risks to health or safety arising out of work activities” we would recommend that HSE rethinks its approach towards work-road related safety as a matter of some urgency.

The BVRLA believes that by including work-related road traffic accidents in the RIDDOR regulations the following benefits would be achieved:

- It would encourage duty holders to integrate and manage work-related road safety as part of their overall health and safety management system.
- It would allow the enforcing authorities to be able to build up a statistical database on the extent of incidents where there had been a safety management failure.
- Reports could be used to target investigations by the enforcing authorities.

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