



accidents don't have to happen

HGV Safety Permit Scheme

RoSPA's Response to Transport for London's
Consultation

Date: May 2019



Response to Transport for London's Consultation, HGV Safety Permit Scheme

Introduction

Earlier this year, Transport for London consulted on the final scheme proposals for their Heavy Goods Vehicle Safety Permit Scheme, including the application process, safe system requirements and enforcement of the scheme.

RoSPA's response to this consultation can be found at:

<https://www.rospa.com/rospaweb/docs/advice-services/road-safety/consultations/2019/consultation-response-to-direct-vision-standard-tfl-2019.pdf>.

The proposed scheme is applicable to HGVs weighing over 12 tonnes gross vehicle weight operating in or entering Greater London. It is proposed that permits will be available on a voluntary basis from October 2019 with enforcement of the scheme beginning in October 2020.

Based on the responses to the earlier consultation, Transport for London have made a number of amendments to their proposals. These changes include the clarification of safe system requirements, driver training requirements and how permits will be issued. There are also details on appeal where a permit application is refused. Finally, information is provided on how the scheme will be enforced and the appeals process regarding any penalty charge notice issued under the scheme.

Transport for London are now consulting on the proposed scheme changes and the proposal that the scheme will be implemented by using an existing Traffic Regulation Order (TRO) in connection with the London Lorry Control Scheme operated by London Councils. They are also consulting on the order to make the necessary changes to the TRO to accommodate the new HGV Safety Permit Scheme alongside the London Lorry Control Scheme.

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to Transport for London's consultation on the Heavy Goods Vehicle Permit Scheme. It has been produced following consultation with RoSPA's National Road Safety Committee.

RoSPA have no objection to this response being reproduced or attributed.



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Updated proposals on the HGV Safety Permit Scheme

London has a particular problem with HGV collisions involving people walking and cycling, compared to other cities and the UK as a whole. Between 2015 and 2017, HGVs were involved in 25% of pedestrian and 63% of cyclist fatalities despite only making up 4% of miles driven in London. Commonly cited causes of accidents involving HGVs include 'failed to look properly' and 'vehicle blind spot'. Therefore, RoSPA welcome the introduction of a direct vision scheme, as we believe it will create safer vehicles, safer urban environments and has the potential to make those walking, cycling and travelling by motorcycle in London feel safer. Having a direct vision scheme rating for HGVs will also inform purchasing and leasing options for the operator, allowing them to select vehicles that are more suitable for working in busy and built up environments.

The updated proposals include clearer guidance on the requirements of the Safe System mitigating measures. Under the proposed scheme, from October 2020, zero-star rated vehicles or un-rated HGVs will be banned unless they can demonstrate that they can comply with safe system mitigating measures. These vehicle safety measures, which can be fitted at or after the point of manufacture, are designed to reduce the risks HGVs present to vulnerable road users, such as pedestrians, cyclists and motorcyclists.

The consultation document clearly sets out the vehicle equipment required to obtain a permit. This includes measures to improve indirect vision, such as mirrors, sensors and camera monitoring, warnings to notify other road users of the vehicle's intended manoeuvre via audible warnings and warning stickers and measures such as side under-run protection (unless proven impractical or impossible) to minimise physical impact of a hazard.

There is an estimated maximum cost of around £2,000 per vehicle to fit equipment to comply with all safe system requirements if not already fitted. The document notes that many operators will be at or near this level, meaning the cost to them will be considerably less. It is also important to note the emotional and financial costs of a HGV being involved in a collision with a pedestrian, cyclist or motorcyclist are much higher than the cost of installing safe system mitigating measures. Costs include the pain and devastation for people affected by a collision that could have been avoided, alongside financial costs to the operator such as disruption to the business, loss of the use of vehicle and driver and reputational damage.

RoSPA agree with these safe system mitigating measure requirements, as fitting this technology and equipment to all HGVs operating in or entering Greater London has the potential to reduce the number of close-proximity blind spot collisions and should a collision occur, measures such as under-run protection can minimise the probability and severity of under-run collisions with vulnerable road users. The scheme could result in reduced road fatalities and serious injuries and increased levels of active travel such as walking and cycling as a result of people feeling safer on London's roads.

The document proposes that for vehicles rated below three stars, permits will expire in 2024. From 2024, zero, one and two star vehicles will be required to demonstrate compliance with the updated progressive safe system, which will incorporate new technology available at that time. New permits will then be issued for these vehicles with progressive safe system conditions attached. A commitment to consult on the progressive safe system in 2022 ahead of its introduction in 2024 is welcomed by RoSPA.

Based on technology available at the time, stakeholders and members of the public can help to inform the new standard of safe system technology and equipment that will need to be fitted to vehicles for them to obtain a permit to enter and operate in Greater London. It will also allow adequate time for operators and fleet managers to plan their fleets. We are pleased that vehicles adhering to the progressive safe system will continue to be able to operate in London, as the life cycle of a truck is far longer than a conventional car.



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The new consultation document clarifies that driver training, while highly recommended, will not be a mandatory requirement for obtaining a permit. A list of providers will be included on the permit application portal. RoSPA believe that ideally, all drivers should have some driver training to encourage the highest standards of safe driving. We are disappointed that this will not be a mandatory requirement, as training encourages drivers to have the knowledge, skills and attitude to recognise, assess, manage and reduce the risks that their vehicle poses to vulnerable road users. However, we do recognise that this may not have been possible and enforceable in practice. We would still like to see operators asked to demonstrate their system or plan in place to train all drivers in vulnerable road user safety and the use and limitations of supplementary safety equipment when applying for a permit. RoSPA agree with the calls made by TfL for the Department for Transport to make safe urban driving a compulsory part of the Driver Certificate of Professional Competence.

The document also clarifies that for HGVs that meet the minimum Direct Vision Scheme rating of one star in 2020, a permit will be issued automatically after completing the online application. This will be logged on the Transport for London database to ensure that penalty charge notices are not issued against the vehicle registration mark when the scheme enforcement goes live. For those who do not meet these standards and are required to fit the Safe System, permits will be issued within 28 days following the approval of a Safe System evidence pack. Once enforcement of the scheme begins in October 2020, the turn-around period will be shortened.

RoSPA agrees that the process of applying for a permit for single or multiple vehicles has been clearly outlined in the consultation document. It is also clear the number of years for which a permit will be valid, based on the DVS star rating for the vehicle. RoSPA are also pleased that the website can be translated for foreign operators, allowing vehicles from abroad to join the scheme. Support must be offered to foreign operators to allow them to complete the application form and be able to continue to operate in London if their vehicles are compliant with the scheme, or have safe system mitigating measures fitted.

Further guidance on the enforcement process for the scheme has also been included. The scheme is fully enforceable, whereby the absence of a permit or a vehicle not operating in compliance with safe system permit conditions becomes a contravention for which a penalty charge notice can be issued. TfL propose enforcing the scheme using both fixed and mobile automatic number plate recognition cameras, for which the existing network of automatic number plate recognition cameras will be used. No new signage is expected to be required as the signage used for the original Safer Lorry Scheme will be used for the new scheme. TfL also plan to work in partnership with the police and DVSA to deliver targeted enforcement activity including road side compliance checks to focus on the most non-compliant and dangerous drivers, vehicles and operators.

Finally, details have been provided on the appeals process regarding any penalty charge notice issued under the scheme. RoSPA agree with both the enforcement approach that TfL propose to use and the appeals process, as it is not feasible for the Police to be expected to enforce the scheme.

Traffic Regulation Order Amendments

It is proposed that the scheme is implemented by a traffic regulation order, and the document includes a statutory consultation on the Amendment Order that does this. RoSPA understand that it has been proposed that the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 should be changed to incorporate the HGV Safety Permit Scheme, alongside the London Lorry Control Scheme. This would involve inserting into Article 3(a)(i) a prohibition on HGVs over 12 tonnes operating in London without a HGV Safety Permit issued



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under Article 4(l) in accordance with an approved policy statement. RoSPA agree that this would be a sensible approach as it makes the permit scheme easily enforceable. This is because it is already decriminalised and therefore has no requirement for police or DVSA resource, although TfL do plan to involve these partners in some roadside compliance checks and targeted enforcement for the most dangerous drivers, vehicles and operators. RoSPA also believes that the two levels of non-compliance for operators and drivers will be a more effective deterrent than a £50 fixed penalty notice.

RoSPA have no further comments to make on the consultation process, other than to thank Transport for London for the opportunity to comment on their proposals. We have no objection to our response being reproduced or attributed.

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