

What you need to know about:
VEHICLE SAFETY



#FraikinFocus

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Front cover: The Mercedes-Benz Eonic features a low-entry cab and a deep, panoramic windscreen which gives the driver an impressive field of vision.

INTRODUCTION

Nothing should ever take precedence over safety in any commercial vehicle operation. A bold statement that few would want to argue with, but putting the principle into practice is not quite as easy as it may seem. This is where this entry in Fraikin's "What you need to know" series comes in.

We highlight some of the most recent safety developments of which you ought to be aware; we point you towards the key pieces of safety related legislation with which you need to be familiar; and we pick out some of the latest examples of best (and worst) practice in commercial vehicle operational safety.

Legislation in this field falls into two broad categories: general (often under the health and safety banner) and specific to vehicles and drivers on public roads. For ease of reference, this guide is similarly structured.

The advice we've compiled within this booklet is typical of the expertise we make available to all our contract hire, fleet management and rental customers.

Should you have any questions, please don't hesitate to get in contact with your Fraikin Account Manager, or telephone 0800 052 4455.

GENERAL SAFETY

The Health and Safety at Work Act of 1974 is the overarching legislation here. It introduced a comprehensive and integrated system of rules encompassing employers, employees, the self-employed and many others.

So, managers of road transport operations are certainly among those who always need to be alert, if not necessarily to the fine detail of the Act's clauses, then at least to its main requirement: that employers must as far as "reasonably practical" ensure the health, safety and welfare of their employees at work.

The Government's Health and Safety Executive (HSE) is the body responsible for regulating and enforcing the law in this area.

One subject which should be a high priority for all commercial vehicle operations, and one which is dealt with in-depth by the HSE, is workplace transport.

Here are some of the subject headings on the HSE's workplace transport checklist, as used by HSE inspectors on site visits.

Have you given due consideration to all these in relation to your workplace sites?

- Moving vehicles
- Pedestrians
- Visitors
- Contractors
- Mechanical handling equipment
- Loading and unloading areas
- Reversing
- Vehicle parking
- Risk of falls from heights
- Night work
- Refuelling
- Weighbridges and vehicle washes

More workplace fatalities and serious injuries are caused by moving vehicles than by anything else. The risk comes not just from trucks, but from any vehicle, including cars and forklifts.

You need to be sure that your operation has enough controls in place to minimise the risk posed by all these vehicles, perhaps including:

- One-way systems
- Segregation of vehicles and pedestrians
- Site speed limits
- Pedestrian-only walkways

Remember too, as the Freight Transport Association (FTA) points out in the latest edition of its highly regarded annual Yearbook of Road Transport Law, forklift trucks (and other types of materials

handling equipment) are some of the most underestimated dangers in workplaces.

Staff working with and around them tend to become complacent because they are usually quiet, busy and a familiar part of the environment. However, all too often, forklift truck drivers are killed or injured by vehicles overturning.

The FTA list of recommendations on materials handling controls includes:

- Segregation
- Operator training
- Rigorously enforced operator supervision
- Safe systems of work
- Strict control of truck drivers during loading and unloading operations



● **Materials handling equipment is one of the most underestimated dangers in the workplace.**

POWER AND LOLER

The requirements of two other pieces of legislation, in addition to the 1974 Health and Safety at Work Act, need to be understood by transport managers responsible for lifting equipment such as forklift trucks used in workplaces and/or vehicle-mounted lifting equipment such as tail-lifts fitted to trucks or vans for use on public roads.

These are the Provision and Use of Work Equipment Regulations 1998 (PUWER), and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

Key points to note about PUWER are that the regulations apply:

- To all work equipment, including mobile and lifting equipment and to all workplaces
- To all vehicles and equipment mounted on them, apart from private cars
- On public roads traffic laws take precedence over PUWER

LOLER applies, in addition to PUWER, to all lifting equipment, regardless of age. So vehicle-mounted tail-lifts need to be maintained, examined and tested in accordance with LOLER requirements – something Fraikin builds in as standard on all our contracts. Other lifting equipment covered by LOLER include:

- Vehicle inspection hoists
- Scissor-lifts
- Cranes or spectacle lifts on recovery vehicles
- Truck-mounted cranes
- Bin-lifts on refuse collection trucks

A useful code of practice and more general expert guidance on PUWER and LOLER can be found on the HSE website.



Ancillary equipment on all Fraikin-supplied vehicles is maintained to LOLER standards.



LOLER requires that tail-lifts are regularly examined at a frequency of no more than six months apart.

Corporate manslaughter

Should any senior manager ever be tempted to cut corners on safety, this ought to concentrate minds: The Corporate Manslaughter and Corporate Homicide Act of 2007 created an offence of corporate manslaughter in England, Wales and Northern Ireland. In Scotland, the offence created by the Act has a different name: corporate homicide.

One significant recent development in the application of this Act follows a November 2015 change in guidance on convictions for health and safety law breaches.

Previous guidelines meant that a fine for a health and safety offence resulting in death would be set at a minimum of £100,000, not less than £500,000 for “corporate manslaughter”. Now the fines are certain to be far higher, not least because annual turnover is the starting point for calculations. Fines of up to

£10 million are possible for organisations classified as “large” (annual turnover greater than £50 million), up to £4 million for “medium-sized” organisations (turnover between £10 million and £50 million), up to £1.6 million for small companies with turnovers between £2 million and £10 million, and up to £450,000 for “micro-businesses” (less than £2 million annual turnover). A large business convicted of corporate manslaughter can now face a fine of up to £20 million.

Hefty fines imposed in England in April 2016 are clear indications of the effect of the new guidance. A big builders’ merchant group was fined £2 million plus £115,000 prosecution costs following a fatal accident in November 2012, where a customer loading timber on to his vehicle was run over by a company vehicle at one of the company’s sites.

VEHICLE AND DRIVER SAFETY

Under this broad heading, among the topics demanding most attention from transport managers nowadays are London's Safer Lorry scheme; trailer coupling/uncoupling and truck runaways; roadworthiness of light commercial vehicles (under 3.5 tonnes gvw); and the importance, not least in the eyes of traffic commissioners, of daily walk-round vehicle checks and defect reports by drivers.

London Safer Lorry scheme

This is part of the response from Transport for London (TfL) to an alarmingly high number of cyclist fatalities and injuries in truck accidents on the capital's roads. The scheme first came into force on 1 September 2015, operating around the clock, seven days a week, and requiring all vehicles over 3.5 tonnes gvw to be fitted with sideguards and additional mirrors (front and kerb view).

Newer vehicles often have the mirrors and sideguards as standard anyway, and some operators had been fitting them voluntarily, together with warning signs for cyclists and other vulnerable road-users. Among many other ideas to have sprung up recently

to help minimise truck driver blind-spots, especially in towns and cities, are:

- Windows in the lower panels of nearside doors (known as Aztec windows)
- Numerous types of sensor
- Cameras
- In-cab warning systems

In January 2017 TfL published controversial plans to extend the Safer Lorry scheme with the introduction of what it calls a "Direct Vision Standard" for trucks over 12 tonnes. This would aim to improve the safety of all road users, particularly vulnerable road users like pedestrians, cyclists and motorcyclists.

Using a star system, the Direct Vision Standard rates HGVs from zero (lowest) to five (highest), based on how much a driver can see directly through their cab windows, instead of indirectly through cameras or mirrors. Under the Mayor's proposal, zero-star rated HGVs will be banned or restricted from entering London from 26 October 2020, and by 2024 only those rated three star, or above, will be allowed into the city. A last phase of consultation on statutory proposals to implement the finalised scheme is expected in early 2019.

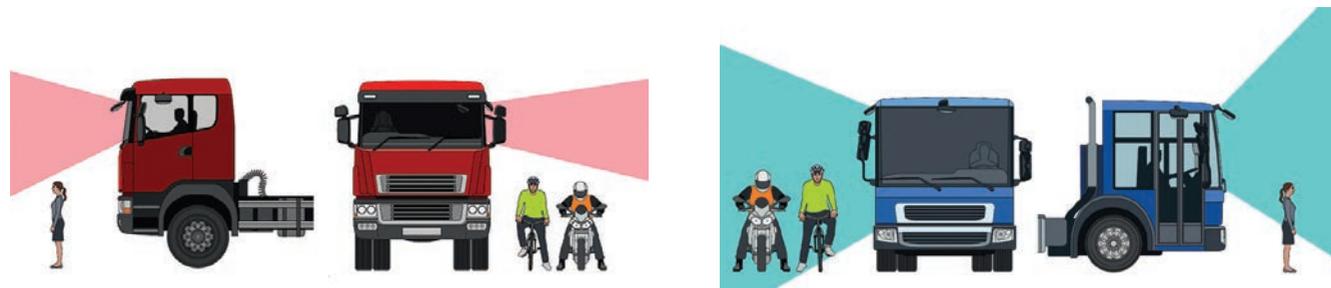
But TfL and the Greater London Authority administrative body say that they have already been including this "Direct Vision Standard" in new contracts from April 2017.

DAF Trucks Marketing Manager Phil Moon explains: "Obviously, we need to make sure that vehicles get safer and safer and we reduce the risk of accidents. We agree with that and safety is part and parcel of what we do.

"The challenge we have as a manufacturer is trying to respond to local requirements when we've got a global market.

Considering the repercussions for fleets, he added: "Some of the timescales that are being discussed around the Direct Vision Standard, particularly as it applies to existing and not just future vehicles, mean that it's going to force massive upheaval upon operators in terms of cost and complexity, resulting in maybe having to move vehicles around, use inappropriate vehicles for operations, and possibly introduce operational inefficiencies."

TfL ran an initial series of consultations on Direct Vision for three months ending 18 April 2017. A second consultation phase (16 November 2017 - 24 January 2018) included the methods for rating vehicles to the Direct Vision Standard.



The Direct Vision Standard aims to significantly increase what a driver can see from the cab, versus traditional cab designs.

Trailer coupling and truck runaways

A long-awaited update to guidance from the HSE on safe coupling, uncoupling and parking of heavy commercial vehicles and trailers was published in July 2016.

Andy Mair, Head of Engineering at the FTA, has been part of the HSE working group from the start and is in no doubt that fresh guidance is sorely needed. "This subject remains a very high priority for FTA members, including some big fleets," he says. "It is also one of the HSE's top three priorities."

Driver training is a central aim of the new guidance. Many drivers simply do not understand how trailer parking brakes work, maintains Mair. This had been underlined by research conducted by the Health and Safety Laboratory (HSL). One central conclusion of the HSL research is that failure to apply tractor unit and/or trailer parking brakes is the primary cause of runaway incidents.

To download the Safe Coupling and Uncoupling Guide (free of charge) go to www.fta.co.uk

DRIVERS' VEHICLE CHECKS AND DEFECT REPORTS

Current road safety priorities from The Traffic Commissioner's point of view have been highlighted by Nick Denton, Traffic Commissioner for the West Midlands. Denton describes absentee transport managers as "the scourge of the industry."

The freelance managers/consultants he has in mind are those who simply make use of their Certificate of Professional Competence (CPC) qualification (often gained many years earlier and not updated) to enable a company to gain its operator licence but then spend little or no time managing the fleet.

Failure to check driver licences is another all-too-common transport manager failure, according to Denton. He highlights one recent case in London in which a driver's vocational truck licence had been revoked two years earlier for health reasons but this had somehow gone unnoticed by the transport manager. The truck driver carried on driving, illegally with poor eyesight, until he ran over and killed a cyclist. Now the driver is in prison.

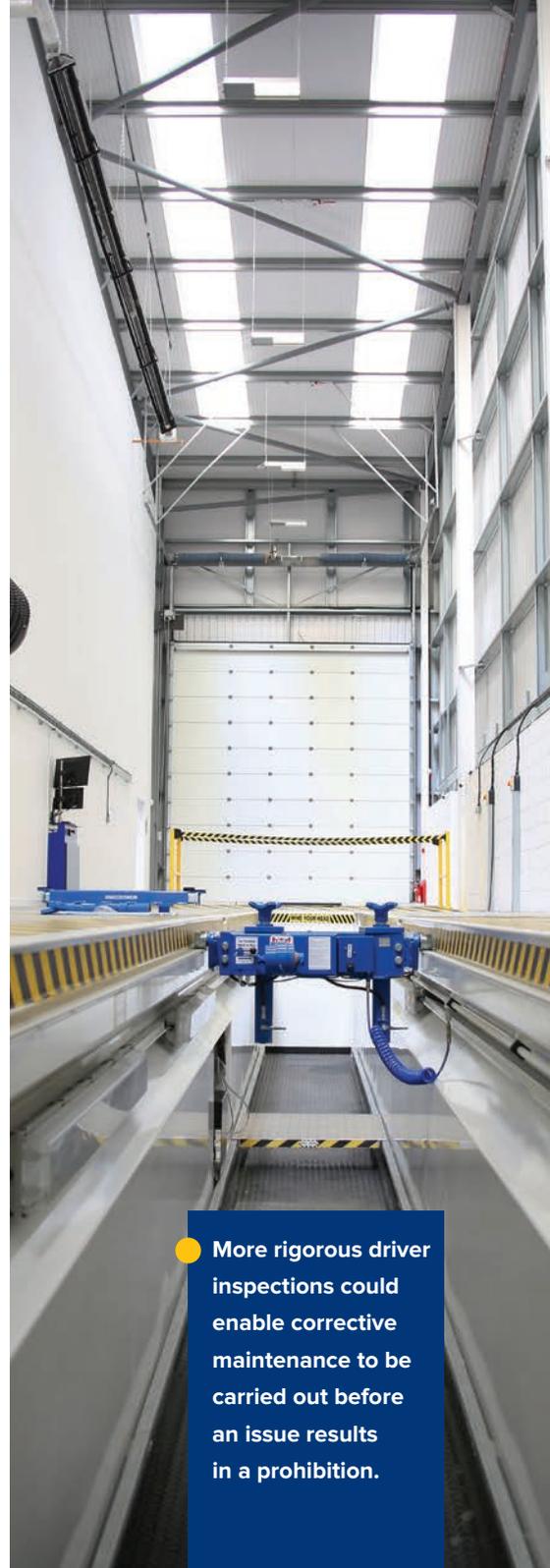
Vehicle defect reports by drivers are "another big issue" at present with traffic commissioners. "You'd be amazed at how many drivers of rigid trucks tick defect report boxes to confirm that the fifth-wheel coupling is working fine," says Denton.

More than 80 per cent of prohibitions could be avoided by more vigorous driver checks by drivers, Denton reckons.

The FORS (Fleet Operator Recognition Scheme) accreditation and CLOCS (Construction Logistics and Community Safety) standard-setting schemes both started in London, are now spreading nationwide. Though both seem highly regarded and have high-profile support, they are not entirely without their critics. The Freight Transport Association runs similar accreditation schemes for truck and van operators, called Truck Excellence and Van Excellence.

"London's Safer Lorry scheme is now a traffic regulation order and if operators flout it regularly they could find themselves up before The Traffic Commissioner at a public inquiry," says Denton.

He warns operators against becoming complacent as a result of accreditation under schemes such as FORS. "I would emphasise that FORS as I understand it is really an audit of your operator systems," he says. "It doesn't actually look at how those systems work in practice. It is not a panacea. Don't sit back just because you've got silver or gold status. You might have the systems in place but they might not be working."



More rigorous driver inspections could enable corrective maintenance to be carried out before an issue results in a prohibition.

Driver CPC

Transport managers and drivers who remain rather sceptical about the true value of some Driver Certificate of Professional Competence (CPC) training courses being offered may want to think again in light of a new series of courses just introduced by Michelin, in association with Junction 17 Defensive Driver Training.

Michelin Training Centre Manager Carl Williams echoes the concern of traffic commissioners about the risk of driver walk-round checks becoming little more than tick-box exercises.

Four half-day Michelin courses cover topics including tyre identification, wear and damage patterns, wheel security and tyre maintenance.

"We've developed interactive, hands-on sessions that will get people out of their seats," says Williams. "Walk-around checks are often seen as another tick-box exercise, and there needs to be an industry-wide shift in perceptions. You'd be surprised by how many drivers carry out the daily checks without fully understanding what they're looking for or the implications of poor tyre upkeep."

Fraikin is another major provider of Driver CPC training courses, and delivered its first training courses for customers on the day Driver CPC legislation came into force on 10 September 2009. Its courses have a high rebooking rate and include:

- Customer Service & Driving Best Practice
- Health, Road & Environmental Safety
- LGV Specific Regulations, Loading & Best Practice
- The Rules & Regulations Governing the Road Transport & Passenger Carrying Industries
- Vehicle Safety, Control Systems & Fuel Efficiency
- LGV Load Securing Best Practice

Where can I find more information?

Health and Safety Executive
www.hse.gov.uk

Driver and Vehicle Standards Agency
www.gov.uk/government/organisations/driver-and-vehicle-standards-agency

Freight Transport Association's "fleet excellence" accreditation schemes
www.fleetexcellence.co.uk

Senior Traffic Commissioner's statutory guidance and statutory directions
www.gov.uk/government/collections/senior-traffic-commissioners-statutory-guidance-and-statutory-directions

Fleet Operator Recognition Scheme
www.fors-online.org.uk

IAM RoadSmart (Institute of Advanced Motorists trading name)
www.iamroadsmart.com

Transport for London
www.tfl.gov.uk

British Vehicle Rental and Leasing Association
www.bvrla.co.uk

Construction Logistics and Community Safety
www.clocs.org.uk

Traffic Commissioners for Great Britain
www.gov.uk/government/organisations/traffic-commissioners

Freight Transport Association
www.fta.co.uk

Road Haulage Association
www.rha.uk.net

Michelin
www.training.michelin.co.uk

Disclaimer: Produced in August 2018, this guide aims to highlight some key trends and technologies around vehicle safety. However, it is intended for information purposes only and we do not make any warranty or representation on the completeness, correctness, accurateness, adequacy, usefulness or reliability of such information. Fraikin will not accept any liability based on any information provided in this document.



Fraikin Ltd.

First Floor, 2M
Middlemarch Business Park
Siskin Drive
Coventry
CV3 4FJ

www.fraikin.co.uk

☎ 0800 052 44 55
✉ talk-to-us@fraikin.co.uk
🐦 @fraikin_uk
in Fraikin Ltd