Proposals for changes to the HGV Safety Permit Scheme

3 April 2023

Summary

- The lack of specifications leaves operators unable to say if current kit will remain compliant in the future.
- Operators should not be required to remove kit, purchased and installed in good faith, for the current Safe System.
- The requirement to have sensors on trailers will create significant barriers to use.
- TfL should be open to offering grace periods for fleets which can demonstrate that they need more time to fit the progressive safe system.
- Compliance should be monitored through enforcement rather than overburdensome front end demonstration, e.g the submission of photographs.
- A 'look up tool' needs to be available to aid operators to know which vehicles have a permit.
- International standard changes should be allowed to come through to the market before any further changes to the system are made.

About Logistics UK

Logistics UK is one of the country's largest business groups, supporting, shaping and standing up for safe and efficient logistics. We are the only organisation representing the entire logistics sector.

We represent a sector delivering an increasingly innovative, productive and sustainable system of essential national infrastructure. This system ensures the availability of the products that households, businesses and public services rely on every day, and is supporting the UK's transformation for the future. Our membership of over 20,000 includes global, national and regional businesses and SMEs spanning the road, rail, sea and air industries as well as the buyers of freight services, such as retailers and manufacturers.

Response to consultation

Introduction

Since the introduction of the London Direct Vision Standard (DVS), Logistics UK members have invested significant resource into new vehicles and/or the Safe System equipment required to achieve the permit for operations in London. This is reflected in Transport for London's (TfL) own compliance data showing more than 94% of vehicles operating with the permit.

According to TfL data, the number of fatal collisions involving an HGV, where vision was a contributory factor, has halved since 2018 and the overall number of serious collisions involving HGVs has more than halved during the same period, down from 39 in 2018 to 17 in 2021. The logistics industry is proud of this reduction and recognises that there is still more to be done to eliminate all fatal collisions, including where vision is a contributory factor. Logistics UK continues to support the Mayor's 'Vision Zero' approach to road danger reduction. However, the Direct Vision Standard and HGV Safety Permit Scheme was only introduced in March 2021, so it is unclear what explicit impact it has had on serious and fatal collisions as the published data does not cover a full year of implementation of the scheme. Additionally, TfL's data notes that zero star rated vehicles accounted for two thirds of the fatal collisions in 2021, but of the permits issued, almost 60% were to zero star rated vehicles. So, this in itself does not demonstrate a clear correlation between the introduction of the scheme and a reduction in fatal collisions where vision was cited as a contributory factor. The release of 2022 data in due course will hopefully provide a more rounded picture of the impact of the scheme on road safety improvements.

Logistics UK is disappointed that TfL has not included any reference to what the new specifications will be in the consultation paper. This leaves operators unclear if the equipment they fitted to obtain the permit via the current Safe

System will remain compliant in 2024. No operator should be required to remove equipment they have purchased and installed in good faith.

Logistics UK urges TfL to implement the recommendations that were asked of it upon introduction of DVS, to introduce a 'look up tool' for operators to check if a vehicle has a permit, and to move to a system of trust and enforcement rather than relying on upfront submission of photos, which is a waste of resource for both the operator and TfL.

TfL's success in persuading the UNECE to adopt direct vision elements into future vehicle approvals is applauded as Logistics UK has always said that such standards should be set at an international, rather than local level. Time should now be taken to allow this new technology to appear as vehicle operators procure new vehicles in the coming years.

Logistics UK supports the five key principles that underpin the Progressive Safe System (PSS), listed on page eight of the consultation document. However, it is clear to our members that the proposals outlined in the consultation do not match each of the five and more work is therefore needed, for example by removing elements from the scope of the PSS.

Section A – Improving indirect vision

A.1 Mirrors

Logistics UK supports the amendment to the existing guidance that will explicitly clarify that a combination of mirrors (Class V and Class VI) and a Camera Monitoring System (CMS) can be used on a vehicle, or on its own.

A.2 Camera Monitoring Systems

In our February 2019 consultation submission, Logistics UK (then FTA) stated that '*…technical developments will mitigate the requirement for improved direct vision. Cameras and mirrors will often give drivers a view that no amount of direct vision will be able to replace'.* So, it is helpful to note that Loughborough University's research has supported this position by concluding there is strong evidence to support that overall cognitive workload for the driver can be lower, when using CMS.

Since the introduction of the Safe System, under Phase 1 of DVS, Logistics UK members have purchased equipment, e.g. CMS, for their vehicle fleets in good faith that they were improving road safety for vulnerable road users without necessarily knowing the star rating of the vehicle. Logistics UK called for further guidance to be issued urgently at that time to give vehicle operators the confidence to make procurement decisions that would not need to be removed at a future date.

It is regrettable that TfL has adopted the same approach with the Progressive Safe System (PSS) in that it is asking industry to support the PSS before the specifications for both 'blind spot' and 'CMS' have been made available, which will take place only after the consultation results are finalised. With TfL already discussing a further revision to the permit scheme in 2028 there is a real cause for concern that history is being repeated and the logistics sector could be left with equipment purchased in good faith that no longer meets the specifications, which have been revised.

TfL must avoid any amendments to CMS specifications that could result in devices already purchased and installed in from being required to be removed and replaced with material built to a different specification.

A.3 Sensors

In our response to the 2019 consultation, Logistics UK quoted text from the Apollo Vehicle Safety research, commissioned by TfL, that spoke of the cognitive overloading of drivers from sensors and audible alarms and called for this requirement to be removed from the Safe System. The requirement was included, however, and fleet operators sought out devices that they believed complied with the Safe System and allowed their vehicles to be used within London.

In the research carried out by Loughborough University, based on the operator survey TfL is using as justification for action, the most common safety system "by far" is the passive ultrasonic sensors, and that new technologies that can differentiate between a Vulnerable Road User (VRU) and street furniture "…are now available on the market". Logistics UK members report that at the time of procuring systems to be retrofitted to vehicles they were not aware of any difference between 'active' and 'passive' systems as they might not have been on the market at that time.

TfL again states in this consultation that "specifications of sensors will be made available once the consultation results have been finalised". It is therefore impossible for any operator using sensors via the Safe System to know now if their material will remain compliant or will fall out of scope as the technical standards are tightened due to improved technology available on the market in the period since the original Safe System was launched.

Freight vehicles operators who went to the market and procured sensors for their vehicles in good faith to comply with the Safe System should not be required to remove and retrofit any new mandated specification sensor until the end of life/use of the model they currently have fitted.

From 25 October 2024, tractor units rated 3-star or above will not need the PSS, and therefore the new requirement for sensors that cover the nearside of the tractor unit and semi-trailer, the 'articulated vehicle', will also not apply. DVS is based on the direct vision of the driver in the vehicle cab, so a tractor unit that does not meet the 3-star standard in 2024 should only have to meet the sensor requirement for the tractor unit, to give the driver the same vision as that of a 3-star rated, or above, vehicle.

In addition, members who have already fitted sensors and/or cameras to trailers have advised Logistics UK that they have experienced water ingress resulting from coupling/decoupling causing wear on the connection. This could add significant maintenance cost to fleet operators. And more worryingly, the driver might not be aware that the sensor wiring has become faulty through operation of the coupling and as a result may be relying on a system that no longer functions. This also creates a practical challenge with first use inspections if there isn't a second person available to walk down the side of the trailer whilst the driver sits in the cab to check the operation of the device. This is a very likely scenario if the driver is starting their shift away from base and is on their own. TfL should remove the requirement for sensors on the trailer unit.

There has been a marked growth in traction-only haulage in the last five years, whereby the tractor owner does not own the trailer, and conversely the trailer owner might not be a fleet operator. The proposed new requirement for sensors on articulated vehicles, notwithstanding our above-mentioned objection to the trailer being in scope, raises several questions which cannot be answered by fleet operators as TfL has not made public the specifications of the sensors at the time of publication of this consultation paper.

- Will a traction-only operator be able to connect their sensors to any third-party trailer and will the system still function as per manufacturer instructions? Will these systems require type approval and does TfL have the necessary authority to mandate and/or enforce this type approval process?
- If a trailer owner fits sensors to the trailer, but the driver engaged to perform the transport operation does not connect them to the on-board system, where will the liability sit? How can the trailer owner know how their trailers are being operated in London?

Logistics UK stated our principal opposition to vehicle design standards being set at a local level in 2019 so warmly welcomes the success TfL has had in the UNECE discussions and the adoption of Regulation 151 which will design the required sensors to eliminate the blind spot into the vehicle, at the point of construction. Logistics UK members suggest this is the best course for compliance and achieving the 'Vision Zero' goals of the Mayor of London and that TfL should only mandate sensors on vehicles built to the new UNECE regulations.

Logistics UK believes that the section on Sensors does not meet the 2 of the 5 key principles that underpin the PSS and should be reviewed again. The second principle states that there should be "…robust evidence about the effectiveness and safety benefits of PSS components".

A.4 Moving Off Information Systems (MOIS)

Logistics UK again welcomes the success that TfL has had with the adoption of UNECE Regulation 159, which will be mandatory for all new designs in 2024, and all types in 2029.

Members of the association again suggest that TfL should only mandate MOIS on vehicles built to the new UNECE regulations.

Section B - Warning vulnerable road users of intended manoeuvres

B.1 Audio warnings

Logistics UK will assist in the dissemination the requirement for audible warnings to be fitted to left-hand drive vehicles to EU operators

Other Considerations

Compliance costs

Compliance costs for phase one of the scheme were significant, with some companies investing in excess of £1 million in new equipment. Changing the specification after such a short period of time and rendering existing equipment obsolete is costly for industry. For an industry operating on tight margins, this means new additional requirements will result in a financial premium to the cost of servicing London, increasing prices for businesses and consumers. Unlike the ULEZ expansion, there is no financial support available to assist with making London's roads safer.

We have also heard anecdotally that some European and regional operators are now refusing to deliver into London due to the additional complexity and cost of DVS compliance. This further adds to the cost of servicing the capital as well as posing challenges for some sectors, notably construction.

Whilst Logistics UK is supportive of a review of the safe system equipment to ensure that kit fitted delivers improved road safety benefits, operators who have invested in safety equipment for phase one of the scheme should not be required to remove and replace kit fitted in good faith if it doesn't meet the new specification.

Sufficient time for fitment of Progressive Safe System equipment

TfL proposes to publish the specifications for the PSS in summer 2023. This will give fleets little more than a year to source and fit the required equipment ahead of the October 2024 deadline. According to the Integrated Impact Assessment, as of 5 December 2022, a total of 211,904 permits had been issued to zero, one and two-star rated vehicles. Most of these vehicles are likely to be required to fit Moving Off Information Systems, and if sensor systems already installed are required to be replaced, this will also have a significant impact on workshop time as well as vehicle down time for logistics businesses.

There is an acute national shortage of HGV mechanics and technicians. The number of vacancies has remained persistently at 5,000 over the last year. As demonstrated for phase 1 of DVS, TfL should be open to offering grace periods for fleets which can demonstrate that they need more time to fit the progressive safe system.

Impact on drivers

The impact of cognitive overload on drivers from additional safety equipment must also be considered, along with the stress of alarms sounding in the cab. The logistics industry is managing a well-documented driver shortage and good working conditions are essential to attract new drivers as well as retaining existing ones. Therefore, a balance must be struck to ensure that any additional equipment fitted to vehicles is an enhancement to safety and does not become an in-cab distraction.

Photographic evidence

The current HGV Safety Permit application process requires photographic evidence to be submitted. However, this only includes Class V and VI mirrors, CMS, and side under-run protection as well as warning signage. The proof of compliance of the more expensive elements of the safe system – sensors and alarms – will need to come from the system manufacturers. Therefore, in the view of Logistics UK, this is a waste of time and resources for both industry and TfL. As is the case with HGV Operator Licence applications, this should be self-certified and instead resources should be focused on enforcement.

'Look up' tool

Logistics UK is frustrated that despite repeated requests, TfL has still not delivered a 'look up tool' to enable operators to quickly and easily view the permit status of a vehicle. This functionality should have been delivered ahead of the start of the scheme in 2021. If an operator needs to check if a vehicle has a permit before sending it into the capital, currently the only way to do this is to search for the original email confirmation following the permit application. For large fleets, TfL should provide a bulk look up tool which enables businesses to view the permit status of their entire fleet. If an operator cannot be satisfied that a vehicle has a valid permit, they are forced to keep it out of London whilst a fresh application is made.

TfL states that it will look again in 2028 at the system to take into account any additional technology or safety equipment not yet available. Logistics UK is concerned that this could result in equipment purchased and installed on vehicles in the next two to three years could, again, be rendered obsolete by a changing of the goal posts in terms of compliance with DVS and this would be an unacceptable outcome. The new wording of the 2024 requirements will demand that the blind spot is eliminated, so it is difficult to see how much more can be achieved from this position. Instead, TfL should liaise with vehicle manufacturers to ensure that the roll-out of the new UNECE standards continue to match the DVS, so that vehicle operators can be confident that all vehicles they purchase will be able to be used within London.

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