

# London Safer Lorries Scheme

## Supplementary Information

July 2014

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## 1. Purpose of the document

TfL and London Councils are proposing to work with the London boroughs to introduce a Safer Lorry Scheme (SLS) to increase the safety of vulnerable road users in London. The scheme is to be implemented by two Traffic Regulation Orders (TROs) that will together cover almost all roads in Greater London<sup>1</sup>. The SLS will ensure all Heavy Goods Vehicles (HGVs) driving in London are fitted with side guards and extended-view mirrors even where they are exempt from national regulations, subject to a very small number of exceptions.

The purpose of the Scheme is to improve the safety of HGVs operating in London by preventing some collisions from occurring, preventing fatalities and reducing the severity of injuries from collisions that do occur, particularly those involving vulnerable road users such as cyclists and pedestrians.

From summer 2015 the SLS will require almost all HGVs, irrespective of current exemptions, over 3.5 tonnes<sup>2</sup> that drive in Greater London to be fitted or retrofitted with:

- Side guards (also known as “lateral protection devices”) irrespective of vehicle type; and
- Both Class V and VI mirrors<sup>3</sup>, irrespective of vehicle age or registration date.

Side guards are lightweight barriers intended to fill the gap between the front and rear axles. They have had to be fitted to all HGVs since 1991 apart from some specific types such as tipper trucks, refuse vehicles, skip lorries and cement mixers. The Scheme will require the retrofitting of side guards irrespective of registration date or vehicle type, subject to a few exceptions listed in Appendix A.

“Class V” mirrors are side close-proximity mirrors and “Class VI” mirrors are front-projection mirrors. The phrase “extended-view mirrors” is used in this document to refer both Class V and VI types as appropriate. Class V mirrors have had to be fitted to HGVs registered since 2000 and those registered after 2007 have had to be fitted with both Class V and VI mirrors. The Scheme will require the retrofitting of Class V and VI mirrors to all HGVs irrespective of registration date, including those registered prior to 2000, again subject to exceptions listed in Appendix A.

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<sup>1</sup> Some diversionary routes around the periphery will be outside the requirements of the Scheme to allow HGVs not fitted with side guards and mirrors to be able to drive around the M25 without entering Greater London.

<sup>2</sup> Reference to 3.5 tonnes in this document is to 3.5 tonnes maximum gross weight.

<sup>3</sup> The design and specification of EU requirements for Class V and Class VI mirrors are set out in EU Directives 71/ 127/ EC, 2003/ 97/ EC, 2007/ 38/ EC and 2007/ 46/ EC

From October 2014 all new HGVs – including construction vehicles (with a very few exemptions - see Appendix A), will be required to have side guards fitted under new vehicle type-approval regulations.

Despite these welcome changes to the existing national regulations, the proposed SLS for London is more far-reaching in requiring almost all HGVs<sup>4</sup> in London to fit specified extended-view mirrors and side guards. The vehicles most likely to be affected by the Scheme (ie those currently exempt from the side guard regulations) are construction vehicles such as tipper trucks, refuse disposal vehicles, skip carriers and cement mixers. Those HGVs registered between before 2000 without Class V mirrors and between 2000 and 2007 without both Classes V and VI mirrors will also be affected.

This is a non-statutory consultation to seek public and stakeholder views about the proposed SLS prior to commencing statutory consultation on the traffic regulation orders that are to implement the scheme.

Those wishing to respond to the consultation can do so through the online consultation portal: [www.tfl.gov.uk/safer-lorries](http://www.tfl.gov.uk/safer-lorries)

This document provides supplementary information on the proposed scheme. The consultation portal sets out the consultation questions and includes an opportunity for respondents to make general comments on the proposed scheme.

The consultation will run for 8 weeks from 29 July 2014 to 22 September 2014.

Beyond this consultation, the key milestones are:

TRO statutory consultation to follow	October - November 2014
Implementation	Summer 2015

If implemented, this scheme will come into effect from summer 2015.

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<sup>4</sup> Exceptional cases exist where the vehicle type means that it is not practicable or appropriate to fit either or both side guards or extended-view mirrors - Appendix A contains a list of proposed exemptions.

## 2. Background

### *Cyclist and pedestrian safety*

HGVs are proportionally over represented in fatal collisions involving cyclists and pedestrians, with 53 per cent of pedal cycle fatalities between 2008 and 2012 involving direct conflict with an HGV. The high proportion of HGV construction vehicles involved in cyclist and pedestrian fatalities is of particular concern as many of these construction vehicles such as skip carriers and tipper trucks are exempt from the national safety requirement to fit side guards that has applied to other vehicles since 1991. Also, vehicles registered prior to 2000 are exempt from the requirement to fit Class V extended-view mirrors and those registered before 2007 are exempt from fitting Class VI extended-view mirrors to European standards.

TfL and London Councils consider that the best option for improving HGV safety is action at a national level and have lobbied the DfT to remove the exemptions to national vehicle construction and use national regulations so that all HGVs driving in the UK would have side guards and extended-view mirrors fitted as standard, which would mean that the proposed London Safer Lorry Scheme would no longer be necessary.

### *Vehicle type approval*

The Individual Vehicle Approval (IVA) scheme is one of three possible routes to obtaining type approval for new vehicles required for licensing and registration in the UK, and its requirements are specified by the Driver and Vehicle Standards Agency (DVSA). European Type Approval legislation does not allow the same exemptions from the fitment of side guards as current national legislation does. New Type Approval standards that require side guards to be fitted to almost all vehicles (i.e. removing many of the current exemptions) will come into force for all *new* vehicles from 29 October 2014.

This is a welcome development but because it applies to new vehicles only, it would not have the same scale of impact as the proposed London Safer Lorries Scheme.

Construction vehicles tend to be older than the general HGV fleet and so a relatively large proportion of the existing construction fleet would remain unaffected by this change for many years. The new Type Approval and IVA standards will exempt a very small number of vehicles, and these exceptions have been included in the SLS proposal, as set out in section 8 and Appendix A below.

Therefore the Scheme will require all HGVs over 3.5 tonnes to have side guards and both Classes V and VI mirrors fitted, or retrofitted, irrespective of registration date or vehicle type, unless they fall within the exceptions in Appendix A.

### *UK and foreign-registered vehicles*

Most of the vehicles affected by the scheme will be registered in the UK, and of this group, most will be registered in the south east or London.

However, the requirements of the SLS will apply to foreign-registered HGVs as well as UK-registered vehicles. A sample of vehicles taken from Low Emission Zone camera monitoring suggests that around 6 per cent of all unique HGVs (class N3<sup>5</sup>, over 12 tonnes) are foreign-registered, accounting for 2 per cent of trips within the LEZ. Of this relatively small proportion, an even smaller proportion could be expected to be construction vehicles, as it not thought to be cost-effective to drive these vehicles long distances. No foreign registered N2 vehicles (3.5-7.5 tonnes) were seen in the sample.

The number of HGVs which would be required to fit side guards and extended-view mirrors as a result of the SLS is estimated at between 2,500 and 7,400 for side guards and between 1,250 and 18, 500 for mirrors.

### **3. TfL Feasibility Study**

In September 2013 and in the absence of a national scheme, the Mayor proposed introducing a daily charge to exclude the most dangerous lorries from the Capital. In response to this, TfL prepared a [feasibility study](#) to consider various ways of improving the safety of HGVs driving in London.

The TfL SLS Feasibility Study was supported by work carried out by the Transport Research Laboratory (TRL). The TRL report [Safer Lorries in London](#) was based on analysis of five years (2008 to 2012) of Killed and Seriously Injured (KSI) data in London.

It is notable that collisions between HGVs and vulnerable road users result in a much higher than normal number of fatalities than an average road collision. Road deaths and serious injuries caused by road collisions are tragedies for all those affected by them. The emotional impact of any KSI can be devastating and spreads through

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<sup>5</sup> Category N2: Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes. Category N3: Vehicles designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes.

As defined by 2007/46/EC as last amended by 385/2009. See: [www.dft.gov.uk/vca/vehicletype/definition-of-vehicle-categories.asp](http://www.dft.gov.uk/vca/vehicletype/definition-of-vehicle-categories.asp)

families, communities, neighbourhoods and places of work. The tragedy is magnified if the collision could in any way have been prevented.

In June 2014, TfL published summary data on road traffic collisions and casualties in Greater London during 2013<sup>6</sup>. Nine out of fourteen cyclist fatalities involved collisions with HGVs.

The Feasibility Study considered three possible options for improving HGV safety:

Option 1: a road user charging scheme order that required non-compliant vehicles to pay a charge to drive in London

Option 2: a pan-London TRO prohibiting vehicles without the required safety equipment from driving in London

Option 3: hybrid option of both a pan-London TRO followed by a road user charge

It recommended that a pan-London TRO be prepared (option 2), to ban all HGVs over 3.5 tonnes that are not compliant with the required safety standards from driving on London's roads. Further details on the assessment criteria can be found in the Feasibility Study at: [www.tfl.gov.uk/corporate/publications-and-reports/freight](http://www.tfl.gov.uk/corporate/publications-and-reports/freight)

### *Early Stakeholder Engagement*

The Feasibility Study was widely publicised and sent out for consideration to all London boroughs and stakeholders on 30 January 2014. As well as industry organisations representing HGV operators, the recipients included members of the Road Safety Working Group, the Pedestrian Safety Working Group, the Cycle Safety Working Group and the Motorcycle Working Group, all of which comprise representatives from a range of external organisations. In addition, both TfL and London Councils held meetings with 13 London boroughs<sup>7</sup> in February and March 2014 as well as with the SMMT (Society of Motor Manufacturers and Traders), BVRLA (British Vehicle Renting and Leasing Association), FTA (Freight Transport Association), RHA (Road Haulage Association), the MPA (Mineral Products Association), the FSB (Federation of Small Businesses) and the Ministry of Defence as well as representatives from the construction industry.

Discussions with boroughs identified widespread support for the measures to improve lorry safety by reducing the number of vehicles operating without side guards or extended-view mirrors.

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<sup>6</sup> The 2013 Factsheet can be downloaded from : [www.tfl.gov.uk/corporate/publications-and-reports/road-safety](http://www.tfl.gov.uk/corporate/publications-and-reports/road-safety)

<sup>7</sup> Meetings were offered to all of the London boroughs.

## 4. Market Research

In order to gauge likely operator response to any scheme, TfL commissioned SPA Future Thinking to conduct market research with fleet operators in London. This market research with operators was carried out in January 2014. A telephone interview was conducted with 100 non-compliant<sup>8</sup> companies and 50 compliant companies operating in London. The purpose of the survey was to determine:

- their preferences of potential ways to increase the number of vehicles fitted with safety equipment
- their likely action if a safer lorry charge or a scheme restricting the movement of non-compliant HGVs were introduced
- the perceived impact of the scheme on business
- the perceived impact of the scheme on safety.

The market research showed that there was a clear preference for a scheme which restricted the movement of non-compliant HGVs in London (ie a ban) rather than a road user charge which allowed non-compliant vehicles to pay to be allowed to enter London. This is in line with the preferred option determined by the TfL Feasibility Study.

The market research also showed that with no SLS scheme in place, less than a third (29 per cent) of companies with non-compliant vehicles plan to fit side guards and extended-view mirrors. Half of the companies with non-compliant vehicles reported that at least three-quarters of their vehicles were non-compliant.

Most of the non-compliant operators stated that they would respond to the Safer Lorry Scheme by fitting the required safety equipment: 64 per cent of companies with non-compliant vehicles stated they would fit side guards and 73 per cent said they would fit extended-view mirrors if the scheme were to be introduced. Just under a quarter (23 per cent) said that they would rearrange operations so that only compliant vehicles operate in London. The market research also indicated that non-compliant companies preferred a restriction on lorry movements (ie a ban) rather than a road user charge as the means to implement the scheme (56 per cent compared to 38 per cent for a charge), and this group was also more likely to consider a ban more likely to improve road safety (51 per cent compared to 41 per cent of respondents).

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<sup>8</sup> Here 'non-compliant' means operators with some vehicles which would not currently comply with the requirements for side guards and extended-view mirrors under the proposed SLS. It does not mean that the operators do not comply with the current regulations.

## **5. Description of the London Safer Lorry Scheme (SLS)**

The scheme would be implemented by Traffic Regulation Orders (TROs) made by TfL and by the Transport and Environment Committee (TEC) of London Councils (the representative body for London's boroughs and the City of London). The SLS would only apply to HGVs over 3.5 tonnes. With a few exceptions, the Scheme would require all HGVs over 3.5 tonnes driving within the boundaries of Greater London to be fitted with specific safety equipment as outlined in Section 8 (proposed exceptions are set out in Appendix A). The scheme will operate for 24 hours a day, seven days a week.

### *Area*

The proposed area to be covered by the SLS would be the same as that for the London Low Emission Zone (LEZ), which has been in operation since 2008. This broadly covers the Greater London Authority (GLA) boundary. Using the same geographical area as the LEZ offers a number of advantages: it is a well-understood and established zone and it has appropriate and safe diversionary routes for drivers of heavy vehicles not wishing to enter the zone and offers the opportunity to avoid London and instead travel round the M25.

### *Enforcement*

The SLS regulations may be enforced using criminal enforcement with a £50 fixed penalty notice. The Traffic Commissioner will be informed of all offences.

This consultation will consider whether there is support for a future change to the approach to scheme enforcement. Civil enforcement could be considered, subject to discussions with the DfT, and a penalty charge notice set at £130 issued as a moving traffic contravention. Further details are given in Section 10 below.

## **6. The Legal Context**

### *Traffic Regulation Orders*

Section 39(3) of the Road Traffic Act 1988 (RTA) requires TfL and London boroughs to carry out studies into vehicle accidents and imposes a duty in light of those findings to take appropriate measures to prevent accidents including in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads.

TfL and London Councils (through its Transport and Environment Committee, TEC) are traffic authorities under the RTRA<sup>9</sup>. As such they have the power to make Traffic Regulation Orders (TROs) under sections 6(1)(b) and 1(1)(a) and (d) of the RTRA for controlling or regulating vehicular and other traffic, including for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising or for facilitating the passage on the road, or any other road of any class of traffic (including pedestrians). A TRO may be made on such road safety or highways safety grounds, and may regulate one class of traffic (HGVs) in order to avoid danger to another (cyclists and pedestrians) or for facilitating the passage of cyclists or pedestrians. This provides the legal basis of the proposed TROs that will implement the London Safer Lorry Scheme.

Under section 2 of the RTRA a TRO may make any provision prohibiting, restricting or regulating the use of a road at any times by vehicular traffic of any class specified in the order either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it, and subject to such exceptions as may be so specified or determined. The proposed London Safer Lorry Scheme TROs may therefore prohibit HGVs over 3.5 tonnes from driving on roads in Greater London at any time unless fitted with side guards and extended-view mirrors of a prescribed specification.

Under section 122 of the RTRA both TfL and the TEC are under a duty to exercise their functions under the Act, including the power to make TROs, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including cyclists and pedestrians) so far as practicable having regard to a number of matters set out in that section.

### *EU law requirements*

The proposed requirement for HGVs over 3.5 tonnes to be fitted or retrofitted with side guards and Class V and VI mirrors to the standards/ specifications mentioned in this Consultation Report, irrespective of age or vehicle type (subject to the exceptions in Appendix A), is compatible with EU and UK law.

### *Description of the Traffic Regulation Orders*

Traffic Regulation Orders (TROs) will be made in identical terms, one made by TfL (“the TfL Order”) and one made by the TEC (“the TEC Order”). Together both TROs will cover the whole of Greater London with the exception of certain identified roads on its periphery and at Heathrow Airport (see below). Both TROs will apply for 24 hours a day, seven days a week.

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<sup>9</sup> Heathrow Airport Limited is the traffic authority for public roads at the Airport – see section 7 below

The “TfL Order” will apply to the Transport for London Road Network (TLRN), which covers GLA Roads and GLA Side Roads as defined under sections 14A and 14B of the Highways Act 1980. The “TEC Order” will apply to all other borough roads in Greater London, subject to each individual borough’s agreement to delegate authority to make the TRO the TEC and to be included in the Scheme. No trunk roads will be affected by the Order(s).

There are no streets in London where cyclists are banned and so the only roads that are proposed to be excepted from the Order(s) are those diversionary routes on the periphery of Greater London contiguous with the LEZ boundary. The LEZ boundary was designed to allow HGVs to divert safely and offers the opportunity to follow the M25 without entering Greater London. A non-compliant vehicle can be driven on these routes without contravening the TRO.

The TROs will apply to all HGVs over 3.5 tonnes maximum gross weight that are not “Excepted Vehicles”. Appendix A contains a list of proposed “Excepted Vehicles” which would be exempted from the requirement to have side guards and/or extended-view mirrors fitted. These will be listed in the Orders themselves and/or in official notices approved and published from time to time by TfL and the TEC in accordance with the Orders.

#### *Traffic signs*

It is a legal requirement for the TRO to be made effective by traffic signs to ensure adequate information as to the effect of the Order is made available to persons using the road. The SLS will require the development of a new sign. TfL and London Councils have been in discussion with DfT on the potential design of the signage and the extent of signage required. The intention is for the signage to be implemented with minimal visual intrusion – e.g. using existing sign poles and other street furniture such as lighting poles where possible. The extent and distribution of the signs will be subject to discussion with the London boroughs but the intention is that it will be similar to that for the London Low Emission Zone (LEZ).

#### *Heathrow Airport*

The proposed London Safer Lorries scheme will cover the TLRN and London borough roads by means of two TROs, as described above. At Heathrow Airport, the Traffic Authority for public roads is Heathrow Airports Limited (HAL) and in order to apply the SLS to Heathrow, HAL would need to make its own TRO. HAL has indicated that it would be interested in doing this as it is keen to promote a safety culture and there would be benefits in having a scheme which applies to all of London. This would optimise the safety benefits, make the scheme easier to understand for operators and reduce the need for signage. Subject to the outcome of this non-statutory consultation, HAL will decide whether or not to pursue the option of developing its own TRO. Respondents to this consultation are invited to comment on the potential inclusion of Heathrow.

## 7. Required SLS Safety Equipment

The safety standards for HGVs regarding vehicle mirrors are largely determined by the vehicle age (date of registration). HGVs registered after 2000 must be fitted with Class V (side proximity) mirrors and from 2007 must be fitted with both Class V and Class VI (extended-view) mirrors.

The safety standards for HGVs regarding side guards are largely determined by the vehicle body type, noting that the requirements for vehicles for the carriage and mixing of liquid concrete are different to those for other goods vehicles.

The SLS will require all HGVs over 3.5 tonnes that drive in London to be fitted to European standards with the following equipment, unless they fall within the exceptions listed in Appendix A:

- Side guards required for all vehicle types
- Class V and VI mirrors regardless of vehicle age.

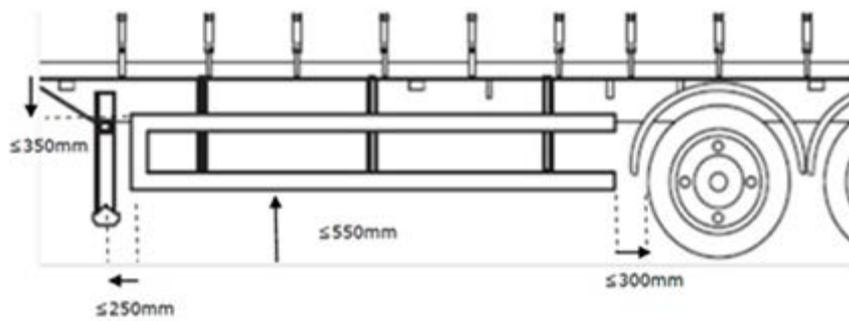
### *Costs*

This basic safety equipment is relatively inexpensive, especially when compared to typical vehicle purchase and operating costs. A close proximity mirror costs around £300 and side guards around £500, including installation. There is no evidence to suggest these costs differ significantly across the UK or Europe. Side guards and mirrors can be retrofitted on vehicles at most HGV service garages. Getting side guards fitted and extended-view mirrors can usually be done within one day, but appointments in service garages may need to be booked.

### *Side guards*

In general terms, side guards are lightweight structures that are intended to fill the gap between the front and rear axles of goods vehicles with a gross vehicle weight (GVW) greater than 3.5 tonnes. They can consist of rails or panels or a combination of these, but the lower surface must be at most 550mm from the ground.

There are a wide range of types of side guards that can be fitted to improve safety. Types range from a single or double rail type side guard to a smooth integrated guard that covers the trailer wheels. Technical requirements as to installation of side guards in different circumstances will be the same as set out in the IVA type approval manuals (see Section 2 above and Appendix A). A typical side guard arrangement is shown below:



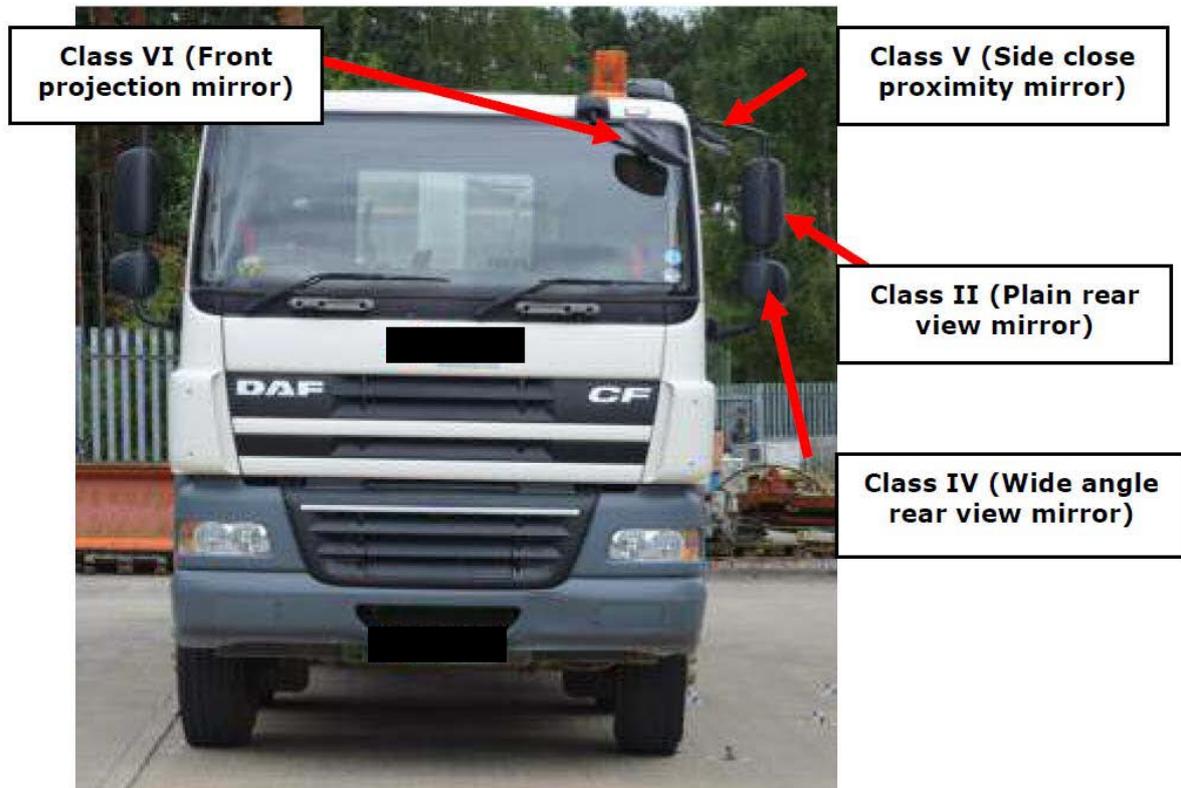
Source: Safer Lorries in London, TRL, 2014

### *Extended-view mirrors*

Increased class of mirror types fitted to an HGV extends the field of view of the driver and reduces the extent of the vehicle blind spots. The mirrors that must be fitted must comply with the standards for Class V and Class VI mirrors as set out in European Directives 71/ 127/ EC, 2003/ 97/ EC, 2007/ 38/ EC and 2007/ 46/ EC.

Figure 1 below shows the approximate position of the various classes of extended-view mirrors on an HGV.

**FIGURE 1: POSITION OF MIRRORS**



## **8. Vehicles Affected by SLS**

The SLS will only apply to HGVs over 3.5 tonnes. The vast majority of HGVs over 3.5 tonnes already meet the required safety standards to drive within the proposed SLS and so will not be affected by the change.

Vehicles that will be affected and will be required to fit side guards and extended-view mirrors are:

- Vehicles that have been exempted by UK legislation from doing so and have been operating within the law up to now
- Vehicles that ignored the regulations requiring the fitting of side guards and mirrors or have incorrectly self certified regarding the increase to their field of view as required by European Directive 2007/38/EC.

Many of those vehicles that were exempted by the legislation from fitting safety equipment have voluntarily fitted side guards and extended-view mirrors, for example to meet contractual requirements for TfL, Crossrail or the GLA. The exact number of vehicles exempted from national legislation is unknown, though liaison

with the industry indicates that around 50 per cent of the exempt vehicles are thought to have been fitted with both side guards and extended-view mirrors.

London's Low Emission Zone requires all HGVs, buses and coaches to meet the required Euro IV particulate matter emissions standard to drive in the zone free of charge. HGVs operating in London are therefore younger than the average national fleet.. This means fewer vehicles would be required to fit extended-view mirrors as a result of the scheme. Many of the older HGVs in the national fleet that would not be compliant do not currently operate in London.

There are a few specific vehicle types over 3.5 tonnes that would not be required to fit side guards or extended-view mirrors under this proposal, which are set out in Appendix A. These "excepted vehicles" are in line with the proposed new standard for vehicle type approval. The Safer Lorry Scheme intends to apply type approval standard for mirrors (2007) and side guards (2014) to the existing vehicle fleet. Any vehicles exempted – there are a small number – under the IVA type approval rules would likewise be exempted from the SLS. More details are set out in Appendix A.

Based on the TfL feasibility study, TfL estimates that between 2,500 and 7,500 vehicles would be required to fit side guards under the SLS. Between 1,250<sup>10</sup> and 18,500 vehicles would be required to fit extended-view mirrors.

## **9. Enforcement**

The scheme may be enforced using the criminal process though in principle, the SLS could be enforced through either the criminal or the civil process. These two approaches to enforcement are described below. In both instances foreign vehicles would be enforced against as well as UK-registered vehicles.

As a result of communications in advance of scheme implementation, the SLS would be designed to have high compliance rates prior to implementation and therefore generate a minimal level of penalties.

### *Journeys to fit equipment*

Any vehicle being taken to a place where the required side guards and mirrors are to be fitted by previous arrangement will not be subject to the Scheme at that point in time and its use will not be in contravention of the TRO.

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<sup>10</sup> In August 2014, this '1,250' figure was inserted to correct the earlier figure of 9,500 which was incorrect.

## **9.1 Criminal Enforcement**

The scheme proposes to be enforced using the criminal process. Enforcement would be carried out on all roads irrespective of the highway authority by trained police officers and/or DVSA officers, subject to agreement by the DfT.

If a criminal offence is observed a Fixed Penalty Notice (FPN) could be issued. This FPN is currently set at £50 and is a non-endorsable offence.

There are no formal grounds for appeal in the case of an FPN. An FPN is a conditional offer where drivers can accept guilt, pay the fine and the matter is closed, or they can reject the offer in which case the driver is summonsed to appear in court. If the FPN is paid within 28 days then the enforcement authority takes no further action and does not pursue prosecution. All proceeds from FPNs are paid into HM Treasury in the same way as the proceeds of Court fines.

Under criminal enforcement there is no right of appeal unless the operator goes to court. If the driver decides not to accept an FPN, they risk a £1,000 fine (maximum) if the matter goes to the magistrates court.

If the driver of the vehicle is unable to provide a satisfactory address within the UK, a Fixed Penalty Deposit Requirement Notice would be issued. The driver would be required to pay the deposit immediately. The deposit amount is equal to the total amount of the fixed penalty / conditional offer issued. Foreign drivers would be dealt with in this way.

When enforcement is carried out through the criminal process then it is likely that targeted enforcement around construction sites by the Industrial HGV Task Force (IHTF) would be the main way that enforcement is undertaken. Criminal enforcement for HGVs is targeted at stops on key roads and therefore there is little chance in practice of being issued two penalties on the same day.

## **9.2 Civil Enforcement**

There is the potential to move the Scheme over time to a civil enforcement process. This would require DfT to make a small change to the legislation applying in London for the issue of Penalty Charge Notices (PCNs) for moving traffic contraventions. DfT has indicated it would take around 18 months to implement this change and move the TRO to a civil offence.

If a civil process of enforcement were used, then enforcement would be carried out by civil enforcement officers and CCTV cameras and there is an appeals process through the Parking and Traffic Appeals Service (PATAS). Appropriate training would be provided to camera operators and civil enforcement officers to help them to identify the new contravention.

Civil enforcement would be carried out by TfL when the contravention occurs on the Transport for London Road Network (TLRN). London Boroughs would be

responsible for civil enforcement on their own roads. London Boroughs could delegate responsibility for civil enforcement to an agency or to London Councils.

The aim would be to ensure a consistent legal approach and reduce the administrative overheads associated with the scheme. TfL, London Boroughs and London Councils would need to work together to minimise the occurrence of an operator receiving more than one PCN per day.

If the civil process were used, then contravening the SLS regulations would incur a Penalty Charge Notice (PCN). The charge would initially be set at £130, reduced to £65 if paid within 14 days. This is in line with other moving traffic contraventions.

Any income generated would go to the authority enforcing the regulations be it the local borough, TfL or London Councils. However, there will be an extensive communications campaign to encourage operators to comply with the Scheme regulations. It is anticipated that compliance will be high. Any penalty income accruing to the enforcement authority is forecast to be low, and is not expected to cover the costs of operating the scheme.

For borough roads, there may be advantages in a single agency or London Councils undertaking all (or the majority) of enforcement to ensure a consistent operation that minimised the occurrence of a vehicle operator receiving duplicate PCNs when travelling in London.

## **10. Impact of SLS**

The feasibility study estimates that between 3.20 and 6.85 fatalities and between 1.24 and 4.75 serious injuries could have been prevented over the five years considered in the study by the presence of the recommended safety equipment. It would be expected, then, that the SLS would effect a similar reduction in pedestrian and cyclist deaths and injuries in the future.

An impact assessment of the options considered in the SLS feasibility study has been prepared. This identified the following impacts:

- small positive impact on health and safety benefits from reduction in casualties and fatalities
- small positive impact on the environment from potential increase to cycling
- small negative environmental impact from required additional signage
- A very small negative impact on black and minority ethnic (BAME) groups working in this sector as a result of these groups generally being over-represented as owners of small and medium size enterprises (SMEs). This impact will be very small as the cost of the equipment is low.

TfL does recognise that larger firms are more likely to easily absorb the necessary costs to make the required changes than smaller firms. However smaller firms could benefit from fitting the additional safety equipment as it would enable their businesses to qualify for contracts which require the higher HGV safety standards.

A further impact of the scheme could be that some operators avoid working in London. As stated in section 2 above, most of the vehicles affected by the scheme will be registered in London and the south east, with a minority from the rest of the UK. A very small number, if any, foreign-registered vehicles are likely to be affected. The London SLS will apply to almost all HGVs regardless of where they are registered.

## **11. Scheme costs & benefits**

TfL plans to fully fund the signage for the Safer Lorry Scheme (which is its single largest cost).

TfL plans to fund any costs associated with criminal enforcement for both TLRN and borough roads.

TfL plans to fund the initial information campaign to inform operators of the scheme requirements when it first comes into force.

In the long term there is the potential, subject to DfT action, to move the scheme to civil enforcement. In this instance, TfL would be responsible for enforcement on the TLRN. London Boroughs would be responsible for civil enforcement activity on borough roads.

Retrofitting side guards costs around £500 per vehicle and extended-view mirrors costs around £300 per vehicle including both the equipment and fitment costs. It is estimated that total costs to all operators could be up to £10.3m. TfL estimates that some 50 per cent of vehicles registered in London and the south east that are exempt from the safety requirement have already retrofitted the equipment to meet contractual and other requirements.

## **12. Next steps**

The SLS non-statutory consultation will provide an opportunity for the industry, cyclist groups and other stakeholders to comment on the proposal and for TfL to use these views to inform its further development. As well as seeking formal representations to the consultation, TfL and London Councils will continue to engage with stakeholders on the proposals. Once this consultation has concluded and the responses have been analysed, they will decide whether to proceed with the proposed London Safer Lorry Scheme, as described in this document or as modified as a result of responses.

If they decide to proceed with the SLS, the making of the TROs requires prior consultation with a number of specified bodies and then public notice given (Notice of Proposals) for a minimum of 21 days. The Notice of Proposals must be published in the London Gazette and local papers are required, and the order-making authority must take such other steps as they consider appropriate for ensuring adequate publicity is given.

Prior to scheme implementation, TfL and London Councils would undertake a large-scale marketing and operator awareness campaign. Information will be provided to operators to ensure that they know how to get their vehicles correctly fitted with the appropriate equipment.

Subject to the statutory procedures, the scheme could be implemented from early 2015.

The timetable in summary:

Non-statutory consultation	29 July 2014 – 12 Sept 2014
TRO statutory consultation to follow	October - November 2014
Implementation	Summer 2015

## **Appendix A – Vehicles for continued exemption under SLS**

Exemptions from the requirements for side guards and mirrors under the SLS are expected to be in line with the Government IVA requirements which come into force in October 2014 (see links at the end of this appendix).

### **1. Vehicles Exempted from Mirror Requirements**

**Class V and VI mirrors** must be fitted where they can be mounted with no part of the mirror being less than 2 metres from the ground.

A non-exhaustive list of examples of vehicles that cannot fit mirrors due to this requirement (referenced in the DVSA testing manual) includes:

- Iveco Daily
- Johnston Sweepers 5000 series
- Mercedes Chassis Cab Vario with two wheel drive and all Sprinters
- Mitsubishi Fuso Canter
- Nissan Cabstar
- Isuzu N Series (this is any Isuzu up to 7500kg)
- Renault Mascott and Maxity
- Volkswagen LT and Crafter

### **2. Vehicles Exempted from Side Guard Requirements**

The Safer Lorry Scheme is expected to follow the IVA standards set by DfT for new vehicles to all HGVs driving in London, reflecting the proposed requirements and exemptions that are due to come into force in October 2014, subject to any responses to this consultation.

The proposal is that there will only be an extremely small number of vehicles in London which will be exempt from side guard requirements under this scheme.

Detail on these vehicle types and the exemptions can be found in the IVA manuals online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/273713/iva-inspection-manual-vehicle-categories-n2-and-n3-hgvs-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273713/iva-inspection-manual-vehicle-categories-n2-and-n3-hgvs-2014.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/266889/O1-O4\\_IVA\\_Inspection\\_Manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266889/O1-O4_IVA_Inspection_Manual.pdf)