

HGV Incident Prevention Project

Interim Drivers' Hours Report

Highways England

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Glossary

Term(s)	Definition
Analogue tachograph	Method for recording drivers' hours. The recording medium is wax coated paper discs that are inserted into the tachograph. On an analogue tachograph three separate styluses mark recordings of speed, distance travelled and the driver's activity (known as the 'mode').
Cloud based software	Cloud computing is a type of computing that relies on sharing computing resources rather than having local servers or personal devices to handle applications. Essentially the software is housed on the internet.
Computer routing systems	Computer system used to automatically assign routes for commercial vehicles. This software generally takes into account, travel time and any delays on the network. This software can also be used to organise multi drop movements.
Controller Area Network (CAN-Bus)	A communications network for vehicles, not dissimilar to an office computer network. Most modern vehicles are fitted with 2 or more CAN-Bus backbones, to which all devices, such as ABS, Engine Management Systems and sensors, are attached. The CAN-Bus relays digital control signals to all devices, removing the need to have every switch or control hard wired to its corresponding device via expensive wiring looms. Every device is simply attached to the CAN-Bus and power. The result is less wiring, weight and more efficiency in vehicle design and build complexity.
Digital tachograph	Digital tachographs record exactly the same information as an analogue tachograph however they do this digitally rather than using a wax disc. There are two recording mediums: internal memory (which can be read out with one of a variety of download devices into a so called .ddd file and digital driver cards containing a microchip with flash memory.
Graduated Fixed Penalties	A financial penalty of varying magnitude, which may be issued by the DVSA or Police for vehicle defects or driving offences.
Gross Vehicle Weight (GVW)	The maximum weight of a vehicle inclusive of the vehicle, load, fuel, driver and accessories.
Heavy Goods Vehicle (HGV)	Goods vehicles over 3.5 tonnes GVW.
Operator Compliance Risk Score (OCRS)	DVSA use the Operator Compliance Risk Score (OCRS) system to decide which vehicles should be inspected. OCRS is used to calculate the risk of an operator not following the rules on roadworthiness (the condition of its vehicles) and traffic, eg drivers' hours, weighing checks. It's more likely that a vehicle will be inspected if its OCRS is high.
Prohibition rate	Proportion of positive driver checks where an offence/infringement is present as a percentage of total driver checks.
Smart motorway	A smart motorway (formerly managed motorway) is a section of motorway in Great Britain that uses active traffic management (ATM) techniques to increase capacity by use of variable speed limits and hard shoulder running at busy times.
Traffic Commissioner	The persons responsible for the licencing and regulation of Heavy Goods and Public Service Vehicle operators.

1. Introduction

Formalised drivers' hours are standardised throughout Europe, making it easier for drivers and companies who work in different countries to comply with one set of regulations. It also helps drivers, companies and the general public to understand what is safe, rather than having individual companies running their own systems, which would be difficult to understand and potentially cause chaos.



Since 11th April 2007 the drivers' hours rules have been set out in Regulation 561/2006/EC¹. This replaced the earlier 1985 Regulation. The 2006 Regulation was brought into force in the UK by the Drivers' Hours and Recording Equipment Regulations 2007 (SI 2007/1819). The 1985 Regulation applied to goods vehicles weighing more than 3.5 tonnes and passenger carrying vehicles with more than 17 seats; under the 2006 Regulation the goods vehicle weight remained unchanged but for passenger vehicles, the Regulation was extended to cover vehicles with more than nine seats².

This regulation provides a common set of Community rules for maximum daily and fortnightly driving times as well as daily and weekly minimum rest periods for all HGV and PSV drivers. The aims of the Regulation are to avoid distortion of competition; enhance road safety; and improve driver working conditions within the community. Legally enforced drivers' hours also protects the wellbeing of drivers. By ensuring drivers take regular breaks this will help to reduce fatigue and as a result reduce the related collisions this could cause. Crashes involving vehicles which can weigh up to 44 tonnes, tend to be the crashes which lead to the worst injuries and the greatest number of deaths³.

However certain categories of HGV and PSV drivers are exempt from EU rules and are subject to UK domestic rules instead. The exemptions are set out in Schedule 1 to the Drivers' Hours and Recording Equipment Regulations 2007 (SI 2007/1819). The domestic drivers' hours rules for those outside the scope of the EU Regulation is contained in:

- Part VI of the Transport Act 1968, as amended;
- The Drivers' Hours (Harmonisation with Community Rules) Regulations 1986 (SI 1986/1458), as amended; and
- The Community Drivers' Hours and Recording Equipment Regulations 2007 (SI 2007/1819).
- Section 96 of the 1968 Act, as amended, sets the permitted driving time and periods of duty.

Complete exemption from all rules governing EU drivers' hours applies to the following:

¹ Regulation 561/2006/EC - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0561:EN:HTML>

² Drivers' Hours – House of Commons Library, 2009 -

³ RoSPA (2014), Drivers' hours lowdown – the importance of compliance

- Vehicles not capable of exceeding 40 km/h
- Vehicles owned / hired without a driver by the Armed, civil defence and fire services when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control
- Vehicles undergoing road tests for technical development, repair or maintenance and new / rebuilt vehicles not yet put into service
- Vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations
- Specialist vehicles used for medical purposes
- Specialised breakdown vehicles

*Please note these exemptions are not exhaustive and operators are advised to check whether they are eligible before seeking exemption.

However the vast majority of the HGVs operating on the roads of the UK are covered by the EU regulation therefore this is the most important regulation this research will focus on.

1.1 Methodology

A summary of the methodology used to develop the drivers' hours initial intervention report is presented in Figure 1.1. More detail on the methodology is also presented.

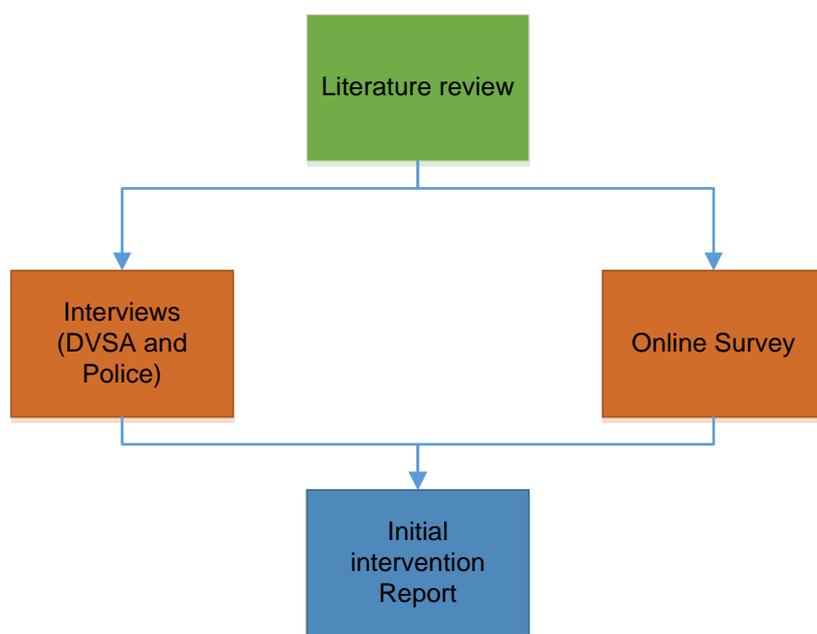


Figure 1.1 – Summary methodology

For the literature review the documents outlined in Table 1.1 have been reviewed.

Table 1.1 – Documents reviewed

Document	Source	Year	Type
Major safety concerns' over plans to transform 300 miles of hard shoulder into extra motorway lanes	Telegraph	2016	Webpage
Compliance - Current Key Issues Drivers' Hours & Tachograph Infringements/CPC	Ten Live	2013	Report
A Best Practice Guide towards Tachograph Systems Compliance	IRTE (Institute of Road Transport Engineers)	2008	Report
Tachofta – for a clear view of tachograph compliance	FTA	2010	Report
RHA Analysis Goes That Extra Mile	RHA	2015	Report
Descartes - Smartanalysis booklet	Descartes	2014	Report
Tachomaster Basic User Guide	Tachomaster	2013	Report
Mix Telematics - Hours of Service Solution	Mix Telematics	N/A	Webpage
TDi - Disk Checker 4	TDi		Report
TruTac – TruControl	TruTac	N/A	Webpage
Novadata – Smartanalysis	Novadata	N/A	Webpage
Aquarius - Clock Watcher Help Guide	Aquarius		Report
Roadside enforcement - now and in the future	Woodfines Solicitors LLP	2015	Report
Motoring penalty clamp-down on foreign drivers	N/A	N/A	Webpage
RHA highlights drivers' hours compliance gap for foreign trucks	RHA	2015	Report
Drivers' hours lowdown – the importance of compliance	RoSPA	2014	Report
Route planning and road-transport telematics	DHL	N/A	Report
Mastering logistics complexity: taking control with technology	Paragon	2016	Report

An online survey was also developed and distributed to operators across the UK and in Europe. A total of 99 (1 foreign) operators have filled in the survey.

The findings from the literature review and online survey are included within the report in the relevant sections. This approach was taken as the online survey has been used to add detail to areas where findings from the literature review were lacking.

Interviews were also conducted alongside the online survey with the Driver and Vehicle Standards Agency (DVSA) and various police forces across the UK. The detail and findings from this stakeholder engagement are outlined in Chapter 3.

1.2 Report Structure

This interim report has been structured as follows:

- Chapter 2 – Tachograph Analysis
- Chapter 3 – Drivers' Hours Enforcement
- Chapter 4 – Infringement Trends
- Chapter 5 – Managing Driver Infringements
- Chapter 6 – Route Planning
- Chapter 7 – Conclusions and Recommendations

2. Tachograph Analysis

2.1 Introduction of Tachographs

Before assessing the different methods of tachograph analysis it is important to understand the different types of tachographs. Tachographs record information about driving time, speed and distance and are used to make sure drivers and employers follow the rules on drivers' hours.

EEC regulation 3821/85⁴ from 20 December 1985 made tachographs mandatory throughout the EEC as of 29 September 1986. A tachograph system comprises a sender unit mounted to the vehicle gearbox, the tachograph head and a recording medium. Tachograph heads can either be analogue or digital.

Initially these tachographs were analogue with the recording medium wax coated paper discs (Figure 2.1).

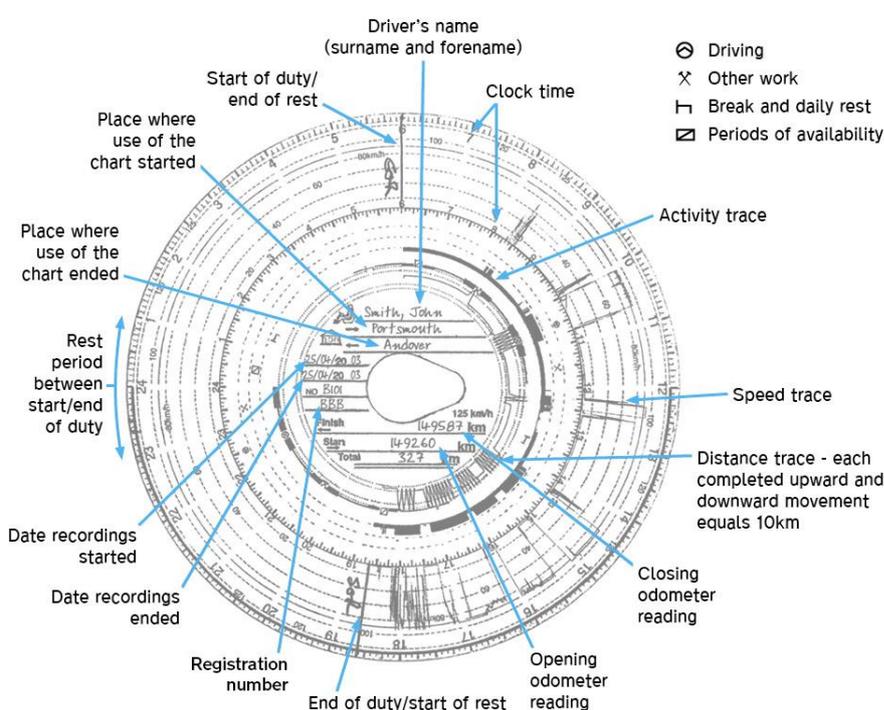


Figure 2.1 – Analogue tachograph with annotation⁵

On an analogue tachograph three separate styluses mark recordings of:

- Speed
- Distance travelled
- The driver's activity (known as the 'mode')

The inner part is used by the driver to write details of their name, location of start of journey, end location, date and odometer readings.

The reverse of a tachograph chart normally contains an area for recording manual entries and details of other vehicles driven during the period covered (Figure 2.2).

⁴ EEC regulation 3821/85⁴ from 20 December 1985 - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31985R3821:EN:HTML>

⁵ Drivers' hours and tachograph rules: goods vehicles (GV262) - <https://www.gov.uk/guidance/drivers-hours-goods-vehicles/4-tachograph-rules>

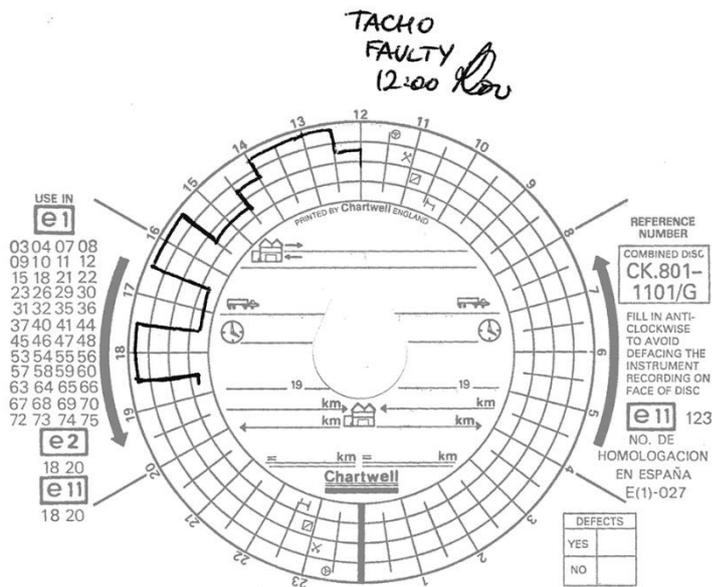


Figure 2.2 – Example of manual entry on an analogue tachograph⁶

However analogue tachographs are now uncommon amongst industry. Figure 2.3 shows that 74% of respondents to the online survey used only digital tachographs in their vehicles, 24% used a mix of both analogue and digital tachographs and only 1% used only analogue tachographs.

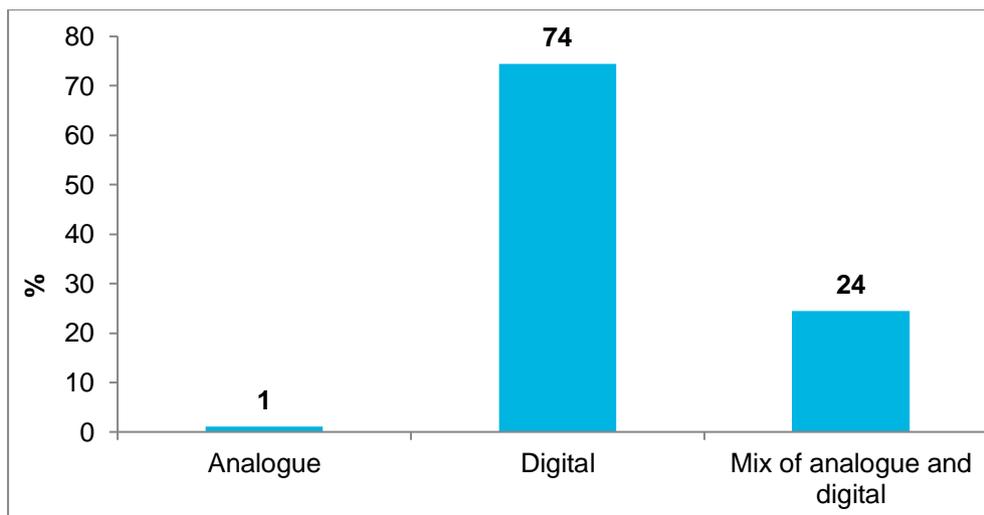


Figure 2.3 - What type of tachographs are your vehicles fitted with? (n=98)

All commercial vehicles over 3.5 tonnes manufactured in the EU since 1 May 2006 must be fitted with digital tachograph heads by law unless the vehicle is exempt^{7 8}.

For digital tachographs there are two recording mediums: internal memory (which can be read out with one of a variety of download devices into a so called .ddd file and digital driver cards (Figure 2.4) containing a microchip with flash memory.

⁶ Drivers’ hours and tachograph rules: goods vehicles (GV262) - <https://www.gov.uk/guidance/drivers-hours-goods-vehicles/4-tachograph-rules>

⁷ RoSPA (2014), Drivers’ hours lowdown – the importance of compliance

⁸ FTA (2010), Tachofta – for a clear view of tachograph compliance

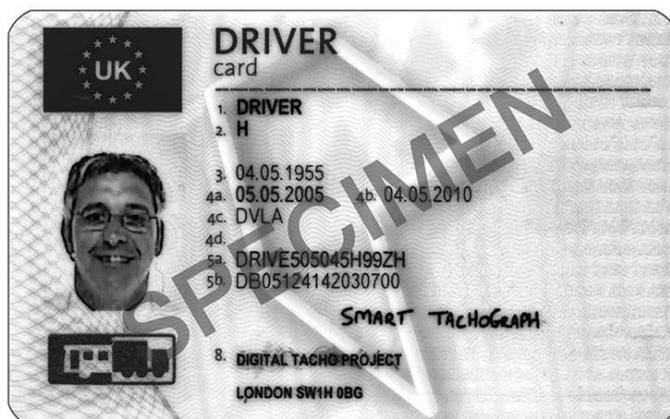


Figure 2.4 – Example of digital driver card

Digital driver cards store data in a format that can later also be read out as a .ddd file. These files can be imported into tachograph analysis/archival software.

2.2 Different Methods Used to Analyse Tachographs

To ensure that the laws on drivers’ hours are being observed, operators must have a system in place to regularly examine and analyse the tachograph records being kept by the drivers. This is applicable to both analogue and digital recording equipment. Responsibility for such checking processes lies with the ‘O’ Licence holder who is normally the Transport Manager but anyone can undertake this task providing they are suitably trained.

Tachograph analysis can be conducted in a number of different ways. Before the widespread use of computers, this was achieved by manually analysing each individual analogue tachograph chart by hand (Figure 2.4).



Figure 2.4 – Manual analysis of tachograph⁹

While this approach is still used by some operators analysis of tachographs is now commonly done using computer software or through the use of external providers who do the analysis on behalf of operators for a fee.

Whichever method of analysis is being followed, operators should look to produce infringement reports and deal with these reports accordingly (see Chapter 5). Some smaller operators will use in-house

⁹ Institute of Road Transport Engineers (2008) A Best Practice Guide towards Tachograph Systems Compliance

analysis systems as there are numerous packages that can be utilised. Table 2.1 outlines companies that offer software for tachograph analysis and provide analysis as a service for operators. However larger operators, tend to utilise external companies to carry out this function.

Table 2.1 – A selection of companies who provide tachograph analysis software / service

Company	Analogue Tachograph			Digital Tachograph		
	PC Software	Cloud based software	Analysis Service	PC Software	Cloud based software	Analysis Service
Freight Transport Association	-	✓	✓	-	✓	✓
Road Haulage Association	-	✓	✓	-	✓	✓
Descartes	-	✓	-	-	✓	-
Tachomaster	-	✓	-	-	✓	-
Mix Telematics	-	-	-	-	✓	-
TDi Anlysis	-	-	-	-	✓	✓
TruTac	-	✓	-	-	✓	-
Novadata	-	✓	-	-	✓	-
Optac3	-	✓	-	-	✓	-
TIS	-	✓	-	-	✓	-
Aquarius	-	✓	-	-	✓	-
Rocksand Computers	✓	-	-	✓	-	-
Tachospeed ¹⁰	✓	-	-	✓	-	-
DigiTac ¹¹	✓	-	-	✓	-	-
Tachodisc (acquired by FTA) ¹²	✓	-	✓	✓	-	✓

Figure 2.5 shows that only 5% of survey respondents manually analysed tachographs. On the other hand 43% of respondents used computer software and 6% used cloud based software. Interestingly the majority (46%) of respondents used an external provider to analyse their tachographs. This is likely to be due to the wide range of companies offering this as a service to operators at a low cost.

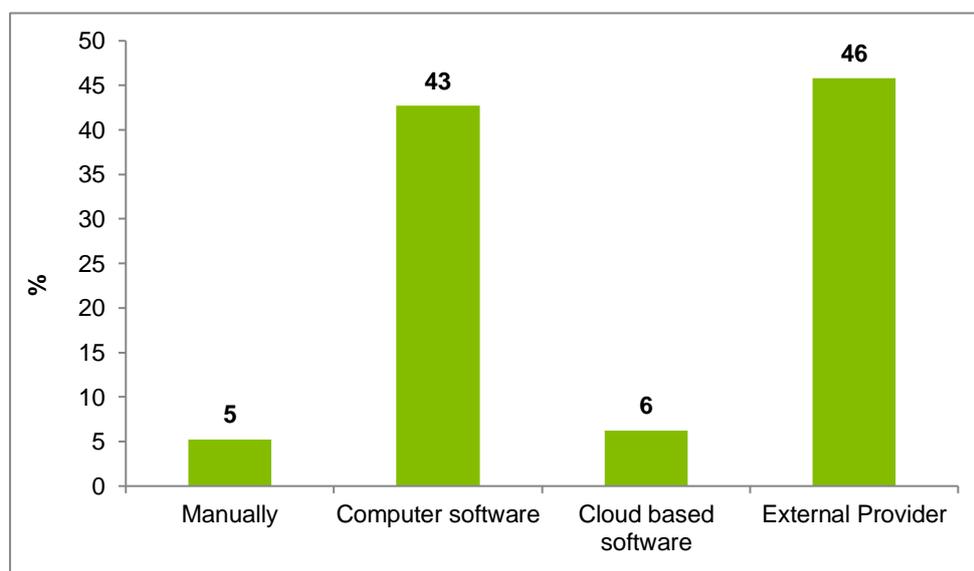


Figure 2.5 - How is analysis of tachographs conducted? (n=98)

Figure 2.6 shows that a wide range of different tachograph analysis software is used by operators. The most commonly used software amongst the respondents was Tachomaster (28%) with Optac3 (17%) also commonly used.

¹⁰ <http://tachospeed.com/>

¹¹ http://digitac.co.uk/?page_id=31

¹² [http://www.tachodisc.co.uk/Tachograph-Products/Card-Readers-Download-Equipment/Soloplus-\(1\).aspx](http://www.tachodisc.co.uk/Tachograph-Products/Card-Readers-Download-Equipment/Soloplus-(1).aspx)

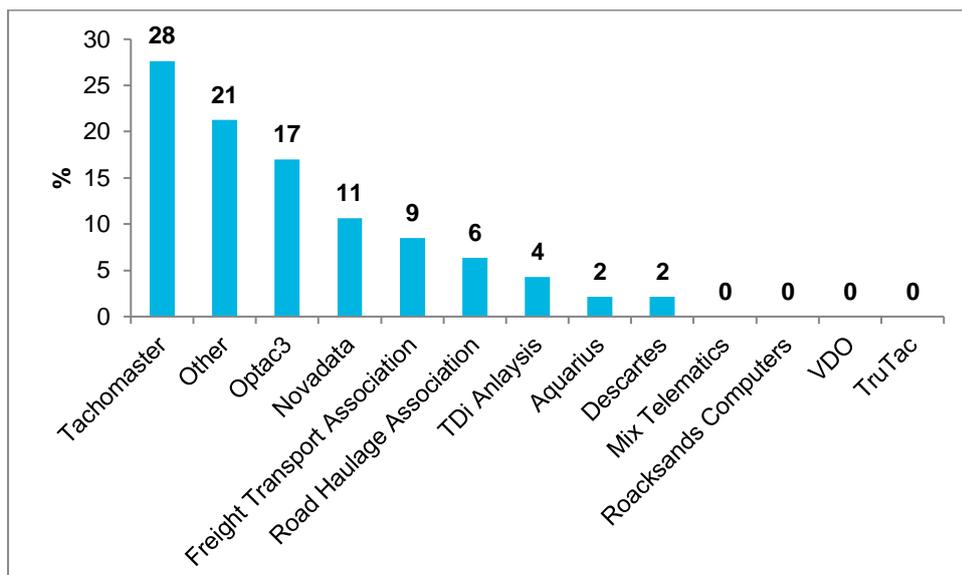


Figure 2.6 - Which software company do you use for analysing you tachograph data? (n=47)

A large proportion (21%) of respondents stated ‘other’ which further highlights the wide range of companies used. When asked to specify what ‘Other’ products operators used the following products were provided:

- Pitstop R7 9c
- TiS – Web
- Tranzaura- Trantzacho
- TomTom

As previously stated the majority (46%) of operators who responded to the survey used an external provider for their tachograph analysis. Figure 2.7 shows that the Freight Transport Association were used by 27% of operators and the Road Haulage Association were used by 13% of operators. However the majority of respondents (58%) answered ‘other’ highlighting the wide range of companies providing this service to operators.

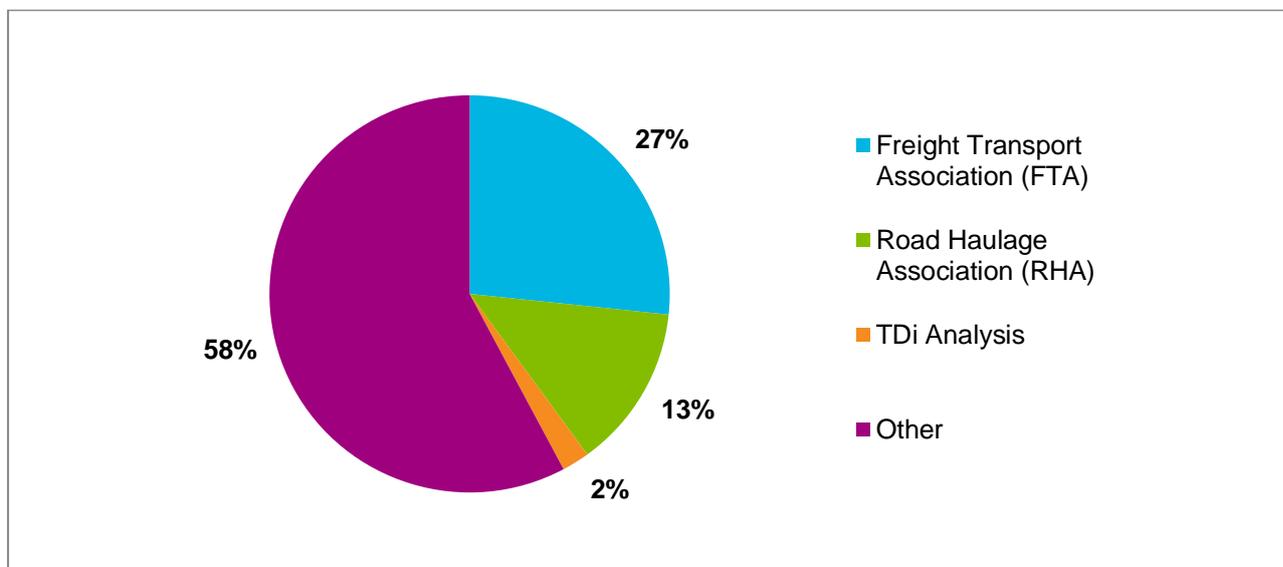


Figure 2.7 - What external provider do you use? (n=45)

The high proportion of respondents using external providers for their tachograph analysis may represent an issue as operators may simply be conducting the analysis as a tick box exercise to comply with the criteria of operator licensing.

However the analysis conducted and driver infringements identified by an external provider will be communicated to the operator. The operator is then under a legal obligation to act on infringement reports. Additionally external providers are an independent third-party with no vested interest in

altering or falsifying records. Therefore using external providers is still considered an effective way of managing the driving time of their drivers.

As would be expected the top three things that tachograph analysis results are used for is notifying drivers of infringements (98%), monitoring driving and working time (97%) and monitoring drivers weekly rest (86%). However 81% of respondents also use the results to highlight risk and repeat offenders. This suggests that operators are proactively trying to ensure that their drivers comply with the drivers' hours rules and regulations.

The survey results also show that some operators are using tachograph analysis results to help monitor operational aspects of their fleet management. Tachograph analysis results are used by 49% of respondents to monitor vehicle activity and 46% use them to monitor vehicle speeds. Additionally 22% of respondents monitor fuel economy with the results. This highlights that tachograph analysis is not just beneficial for complying with drivers' hours regulations, it can also be used to positive effect in other operational ways that can improve efficiency and reduce costs for an organisation.

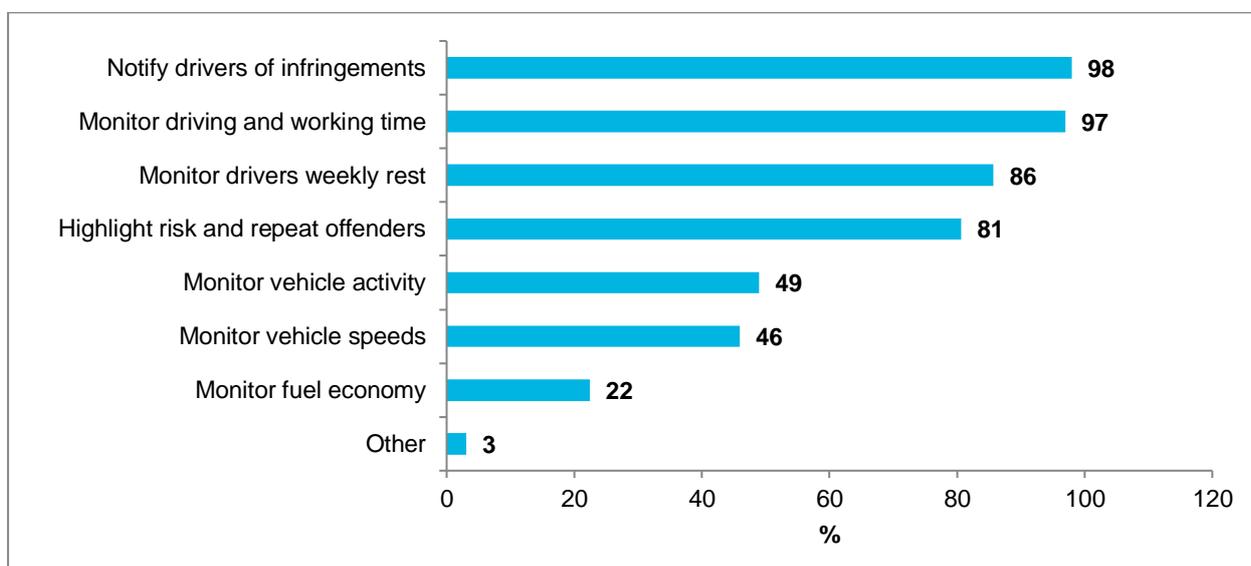


Figure 2.8 - How are the results of tachograph analysis used? (n=98)

On 6 April 2015 the maximum legal limit for downloading data from the digital tachograph vehicle unit was increased from 56 days to the EU maximum of 90 days.

Figure 2.9 shows that the majority (49%) of operators download tachograph data on a monthly basis. With 11% of operators stating they download tachograph data every 90 days and 15% of respondents downloading data 'every two weeks' and 'weekly' respectively. Interestingly 2% of operators stated they download their tachograph data daily. It is likely that this is done automatically through advanced IT systems.

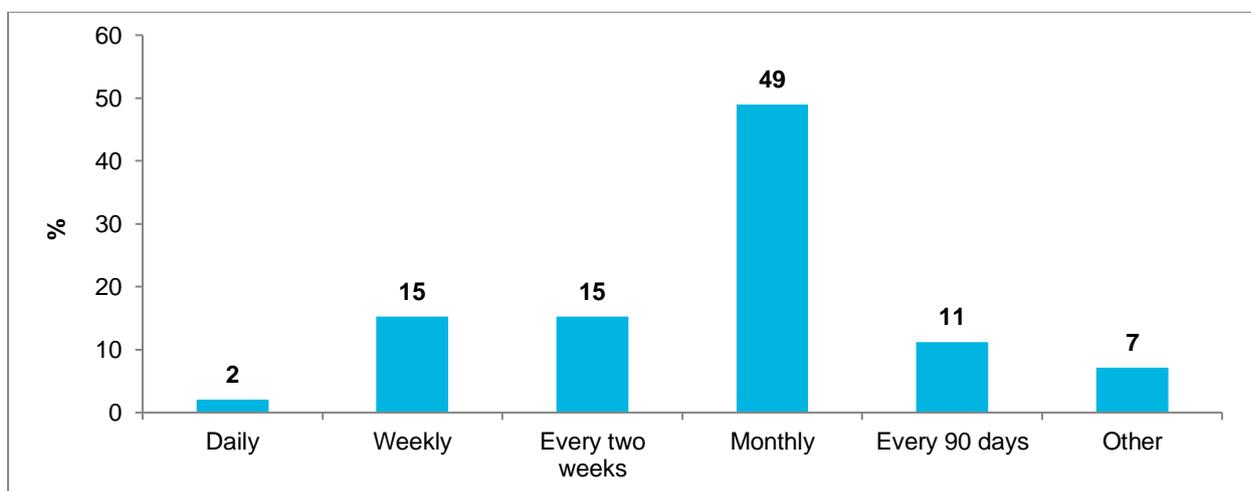


Figure 2.9 - How often do you download tachograph data from vehicles? (n=98)

A driver’s card can store up to 28 days’ worth of data. When it is full, the stored data may be overwritten by new data. Therefore it is best practice to download data in advance of the 28 day storage limit.

The majority (59%) of respondents for driver tachograph card downloads stated they download data weekly with 11% stating they do so daily and 7% every two weeks. Therefore 71% of respondents are operating to what could be considered best practice and downloading well in advance on the 28 day storage limit.

However 19% of respondents are downloading their data every 28 days. This puts them at risk of data being overwritten if there is a delay of any kind and is therefore not recommended.

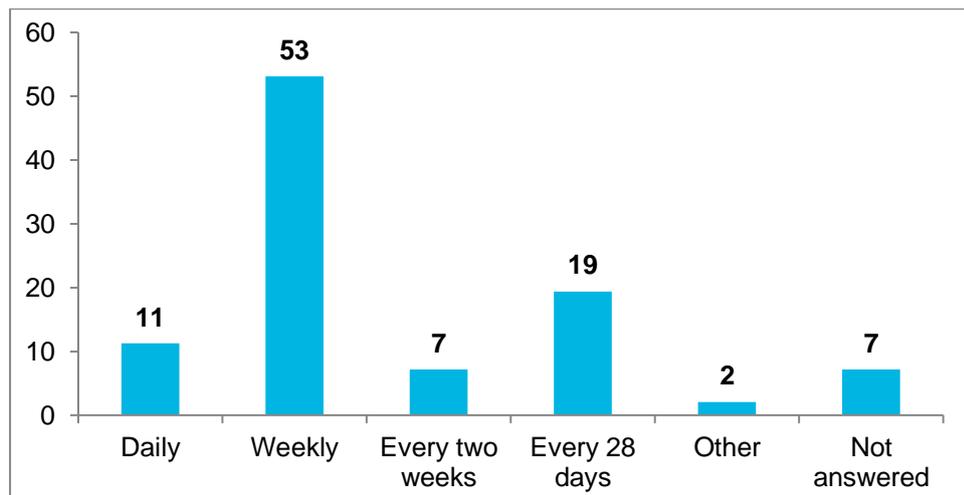


Figure 2.10 - How often do you download driver tachograph cards? (n=98)

For downloading tachograph data and driver card data a large proportion of operators are working close to the legal limit. While this is acceptable it is not considered best practice as any deviation from this would risk being non-compliant with operator license regulations.

Also many operators rely upon the services of agency drivers to fulfil their busy schedules. These drivers can often move from operator to operator during their working week. It is the responsibility of the operator to be able to secure the agency drivers’ digital driver card within 28 days. An example of good practice in this area would be for the transport office to have a digital download device available in the office 24 hours a day so that the agency driver could personally download their cards prior to retiring from work on that day. This practice originated from the DVSA and is being successfully implemented across the transport community in the UK.

2.3 Software Case studies

This section provides case studies on tachograph analysis software that is available.

Freight Transport Association



Freight Transport Association
Delivering safe, efficient, sustainable logistics

FTA provide three different solutions for analogue tachograph analysis - Analysis and interpretation at company premises, FTA Bureau Analysis - postal service and FTA Bureau Analysis - scanner service¹³.

On-site compliance services - FTA’s On-site Compliance Service provides a range of flexible support packages designed to help operators save time and money by running a well organised and

¹³ FTA (2010), Tachofta – for a clear view of tachograph compliance

compliant transport office. Experienced compliance advisors can visit premises at a frequency and time to suit the client and conduct a variety of activities with the minimum amount of supervision or instruction.

Analysis Bureau - FTA's analysis bureau team analyse over 13 million analogue and digital drivers' hours records every year. Once submitted the charts/data will be analysed and comprehensive reports will be produced to identify drivers' errors and highlight any infringements. FTA can also provide training recommendations for drivers to help rectify any potential problems and increase compliance and efficiency.

Customer Data Upload Software - FTA can provide Customer Data Upload (CDU) software which enables an upload of digital data and scanned analogue charts to FTA to be analysed and merged with any further analogue data. The software which has been exclusively developed by FTA will collate all the data from the drivers' cards, vehicle units or scanned charts and will both store it on the clients computer and FTA's servers, as it uploads directly for report production and, where required, analysis.

Road Haulage Association



RHA Analysis is a web-based, fully automated, digital and analogue tachograph analysis reporting system which is used by many of the leading transport providers to manage their tachograph analysis and compliance requirements. It delivers a modern way of working for transport offices and provides powerful KPI exception-based reporting across multiple depots, drivers and vehicles. Reports can be automatically emailed to any transport manager or multiple users to suit any fleet size.

Descartes Smart Analysis¹⁴



Smart Analysis is a cloud-based tachograph analysis 'Software as a Service' (SaaS) solution that can be accessed securely whenever and wherever there is an internet connection. Clients can sign-up to the service and create an account for free in minutes. As a SaaS solution data is safe, secure and always available. There is no need to invest in server hardware or manage software updates and maintenance. The software is maintained and updated by Descartes and when the client logs in to the service the very latest version of the system is accessed at all times.

Those operating a fleet with analogue tachographs, paper charts can be submitted to Smartanalysis by post, or electronically using Chart Scanners with the free Depotscan software. Data from digital tachographs can be submitted to Smartanalysis whenever vehicles and drivers are at the office or depot using free Digital Downloader software. In order to do this a smartcard reader and VU download device will be required.

Smartdownload is the new way of collecting driver card and VU data from the latest digital tachographs. Smartdownload will ensure that a driver card or VU download is never missed. The client sets the schedule for downloading tachograph data and it is submitted automatically to Smartanalysis. All this happens in the background over GPRS, the company card can stay in the depot and does not need to be moved between vehicles. Smartdownload takes away the headaches

¹⁴ <http://smartcompliance.descartes.com/smartanalysis/features-benefits/>

associated with managing and controlling the time-consuming process for downloading digital tachograph data. This is a problem for fleets of all sizes but especially when drivers, vehicles and depots are spread around the country.



TruTac¹⁵



TruControl is a fully web-based, completely automated, digital and analogue tachograph analysis reporting system.

TruControl is used by transport operators of all sizes and in all sectors to provide a secure system to manage their tachograph analysis and compliance requirements.

TruControl delivers a modern way of working for transport offices. The system provides powerful KPI exception based reporting across multiple depots, drivers and vehicles. Reports can be automatically emailed to any transport manager or multiple users to suit any fleet size.

¹⁵ <https://www.trutac.co.uk/>



Whether the chart analysis is undertaken internally or externally, analysts must be trained to examine records accurately. In other words, they must not merely transfer the data from the record sheet onto the computer and then believe the task is complete. Analysts must interpret records in conjunction with other data. If analysis is substandard, by way of inputting data or because software is unable to meet the complexities of the legislation, then operators will still be liable. Furthermore, if operators are not clear about their expectations and standards for analysis, they will be liable¹⁶.

TDi Analysis – Disk Check 4



- **Company Dashboard** - The opening screen “Company Dashboard” gives an overview of the key elements relating to tachograph records and infringement reporting. The system allows the operator to download monthly infringement graph bars and infringement matrix.

¹⁶ Institute of Road Transport Engineers (2008), A Best Practice Guide towards Tachograph Systems Compliance

- **Driver Debrief** – The system has a driver debrief function that allows operators to monitor driver trends and offences, to ensure they are informed if a driver is constantly offending. The system operates on a rolling 3 month period and keeps track of driver performance by allocating points per offence. The point system for the driver debrief system can be customised by a transport manager to suit their operation.
- **Working Time Directive Entry** – The Working Time Directive Entry screen allows the operator to input various Working Time Directive days such as statutory holidays and sick days. It also allows the addition of manual record for training or other work with a single selection, which will create an 8 hour day for working time purposes.
- **Driver Details** - A full management reporting suite for each driver can be produced by the operator. When a driver is selected it opens his profile screen showing his shift pattern with number of infringements, total weekly shifts and working time, the percentage infringement rate and average weekly working time for the current period.
- **Driver app** – The Driver app is specially designed for drivers on the road. It allows drivers to monitor their current legal limits based on their last download. In conjunction with the debrief system drivers are also able to acknowledge any offences generated which then automatically feed through to the operators system to be dealt with.

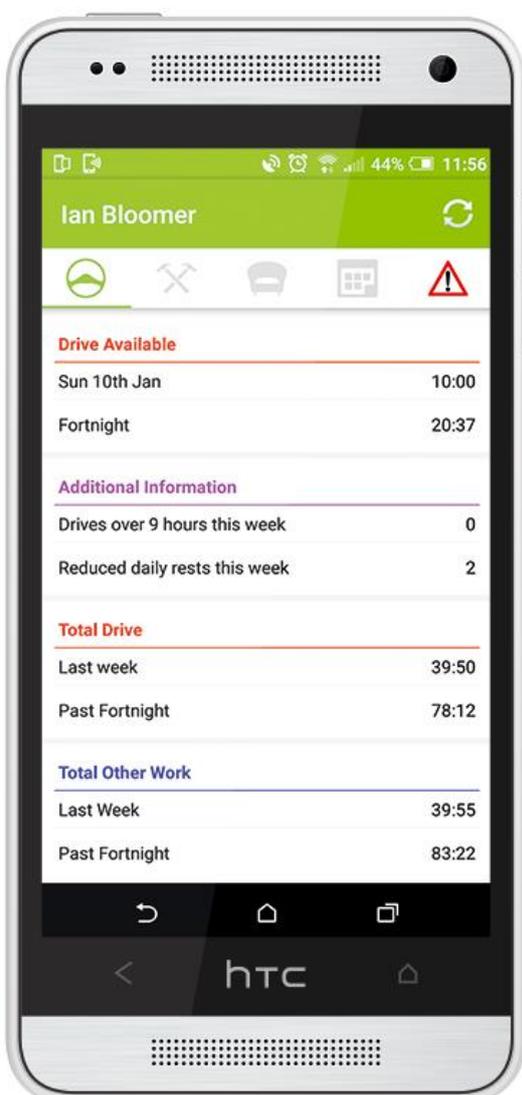


Figure 2.11 – Disk Check 4 driver app¹⁷

¹⁷ <http://www.tdianalysis.co.uk/disk-check-4>

3. Drivers' Hours Enforcement

Regulation 561/2006/EC of the European Union adopted on 11 April 2007¹⁸ specified the driving and rest times of professional drivers. These time periods can be checked by the employers, police and other authorities with the help of the tachograph.

Operators and transport managers are increasingly under pressure to meet the commercial needs of their organisations whilst at the same time ensuring compliance requirements are also met. However, as recent statistics published by DVSA (formerly VOSA) show, non-compliance with Drivers' Hours Rules and Tachograph Records remains high and represents a major threat to the smooth operational running of many UK businesses dependent on drivers¹⁹.

Failing to adhere to drivers' hours regulations can result in prosecution for a variety of offences, the penalties for which can be severe. Convictions for drivers' hours offences can also have serious regulatory implications for both operators and drivers alike. Investigations by DVSA or convictions in the Courts will often result in proceedings before the Traffic Commissioner²⁰.

Failing to keep proper records is an offence, and drivers can be fined a maximum of £5000 or face two years imprisonment. Operators who cause or permit this to happen face fines up to £5000 and possible loss of 'O' licence. Drivers also face penalties for exceeding maximum daily driving time²¹.

- Up to an hour - £100
- 1 to 2 hours - £200
- 2 or more hours - £300

There are a wide range of infringements relating to drivers' hours rules. Some practical examples of drivers hours infringements issued by Cheshire Police Commercial Vehicle Unit are provided below:

1. Driver had only 4 hours 39 minutes rest in a 31 hour day. Just under 18 hours driving and no HGV Levy. Cheshire CVU issued a £900 fine to the driver.

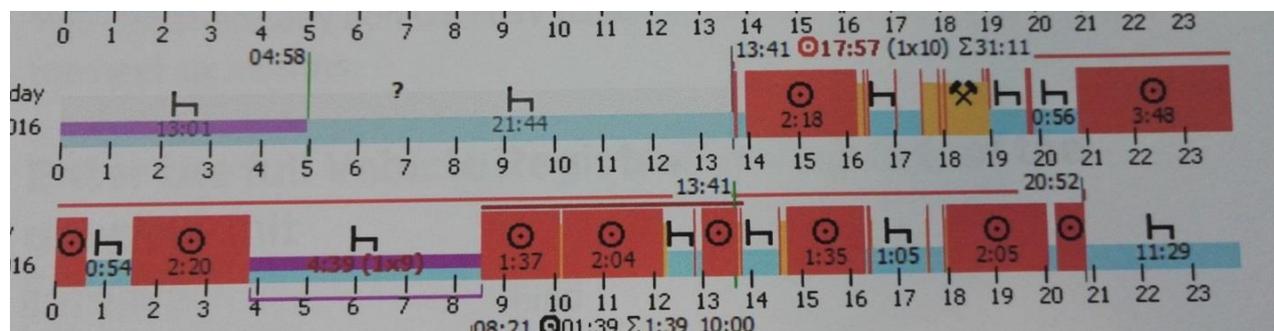


Figure 3.1 – Example of breach in drivers' hours rules²²

¹⁸ Regulation 561/2006/EC - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0561:EN:HTML>

¹⁹ Ten Live (2013), Compliance - Current Key Issues Drivers' Hours & Tachograph Infringements/CPC

²⁰ Ten Live (2013), Compliance - Current Key Issues Drivers' Hours & Tachograph Infringements/CPC

²¹ RoSPA (2014), Drivers' hours lowdown – the importance of compliance

²² Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

- Maximum daily working time limits exceeded 18 hours from start to finish of which the majority was driving time. Additionally the driver did more driving without the tachograph chart in. Cheshire CVU issued the driver with an £800 fine in this instance.

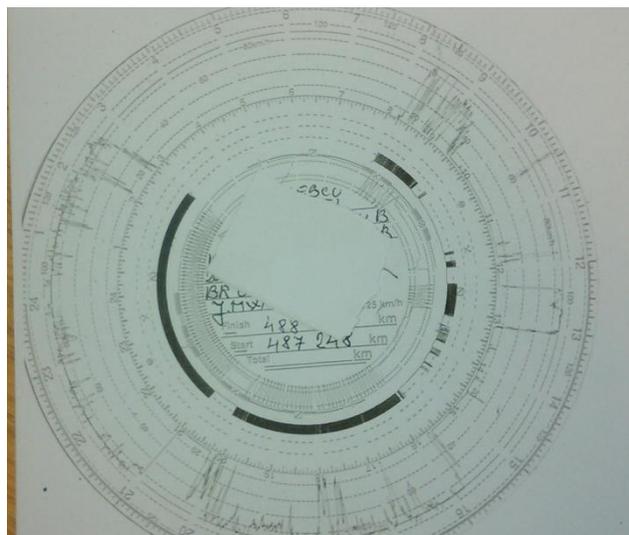


Figure 3.2 – Example of breach in drivers’ hours rules – Analogue tachograph²³

- Driver drove with and without their driver card in the tachograph. This is shown by the green shaded area in Figure 3.3.

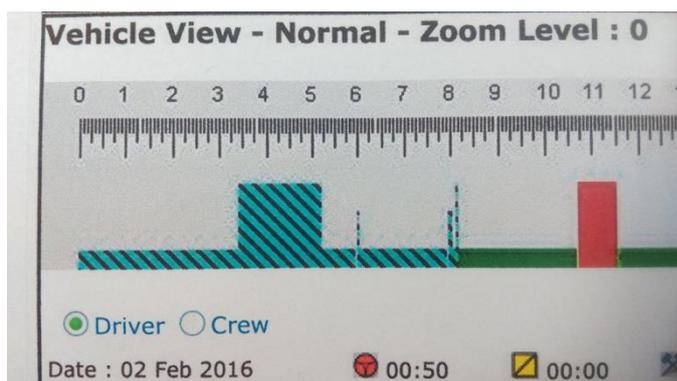


Figure 3.3 – Example of breach in drivers’ hours rules – driving without driver card in²⁴

Drivers hours’ enforcement in the UK is currently conducted by the Police and the Driver and Vehicle Standards Agency (DVSA). This section outlines what enforcement is conducted by each organisation.

3.1 Police

Data on drivers’ hours enforcement activity is provided to Highways England on a regular basis by 39 police forces of varying specialisms (e.g. collision investigation unit, road policing unit etc.). However it should be noted that data is only provided for the polices forces who are making use of the Highways England Optac funding so does not provide full coverage of drivers’ hours enforcement for all police forces in the UK. Also some of the responses are from collision investigation units and hence would be expected to be low.

The data collected using the Optac system shows the level of enforcement conducted varies significantly with the Metropolitan Police Service conducting the most driver checks at 12,463 between 2013 and 2015 and Northumbria Collision Investigation Unit conducting the least with only 5 checks over the same period.

²³ Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

²⁴ Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

Figure 3.4 outlines the police forces that conducted the highest (top 10) number of driver checks and Figure 3.5 shows the Police forces with the lowest (bottom 10) number of driver checks in relation to drivers hours' between 2013 and 2015.

Figure 3.4 shows the Metropolitan Police Service conducted the highest number of driver checks (12,463) for drivers' hours. This is substantially more than any other police force with Essex Police having the second highest number of checks with 3,676.

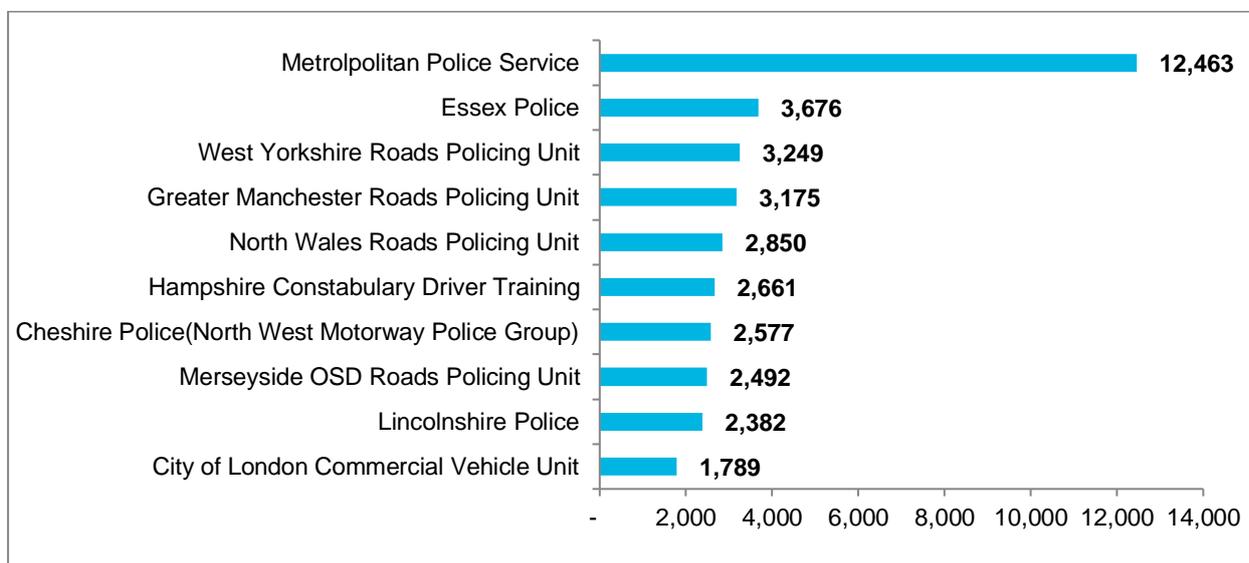


Figure 3.4 – Numbers of drivers checked (2013-2015) – Top 10²⁵

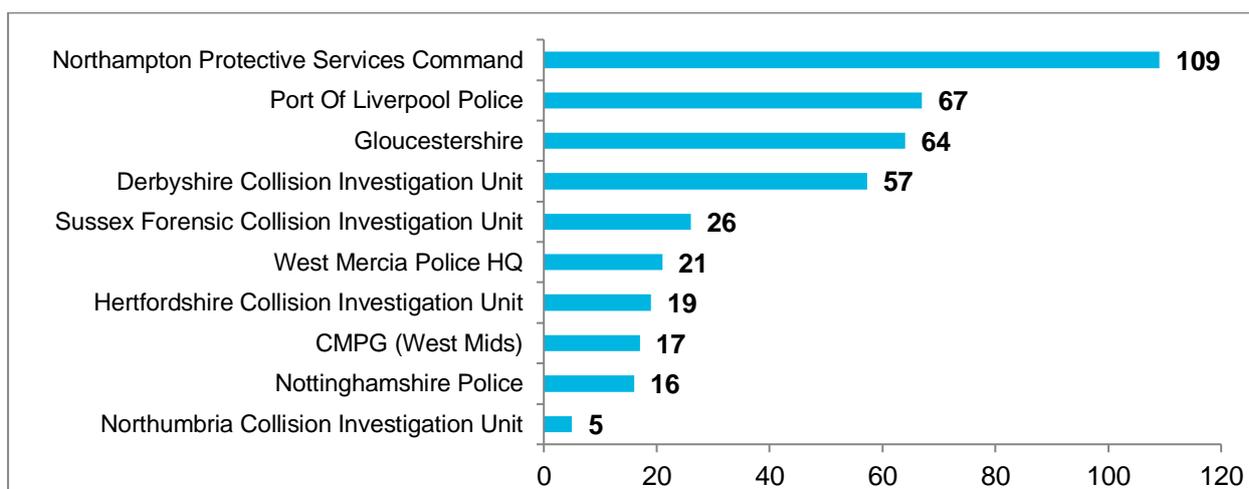


Figure 3.5 – Numbers of drivers checked (2013-2015) – Bottom 10²⁶

Based on these enforcement figures the project team consulted with various police forces across the UK to build up an overall picture of the enforcement that is being conducted and why some forces do more enforcement than others. This engagement also sought to uncover wider issues with regard to drivers' hours enforcement and identify any potential recommendations going forward.

The findings from this consultation exercise are presented in the following section.

3.1.1 Consultation

The project team engaged with the following police forces to gain their views and further information on enforcement activities in their jurisdiction:

- Cheshire Police Commercial Vehicle Unit
- Humberside Collision Investigation Unit
- Greater Manchester Roads Policing Unit

²⁵ Highways England, 2016 - Tachograph Returns Record

²⁶ Highways England, 2016 - Tachograph Returns Record

- City of London Police Commercial Vehicle Unit
- Metropolitan Police Commercial Vehicle Unit
- Hertfordshire Road Policing Unit
- Warwickshire Collision Investigation Unit
- Hampshire Constabulary Driver Training
- Kent Police Commercial Vehicle Unit
- Northamptonshire Police
- Merseyside Commercial Vehicle Unit

Findings from this stakeholder consultation are presented in the following sections.

Cheshire Police Commercial Vehicle Unit (CVU)

Enforcement activity: High
Contact: Martyn Campbell and Paul Mullen

The Cheshire Police Commercial Vehicle Unit (CVU) is very proactive with regard to the enforcement of drivers’ hours and have two full time officers.

It was stated that a higher prohibition rate is achieved on foreign operators. They recall a Dutch firm who have accrued around £11,000 of fines in the last 2 years.

It was stated that companies can sometimes change their names to try and get around the OCRS scoring system. For example in 2015 a company might be called Allan haulage and then in 2016 it might have changed its name to Allan Haulage 2016. If Cheshire CVU spots a name change they consider this suspicious and will investigate further.

Tachograph fraud where the drivers use magnets and switches was recognised as a major issue. Cheshire CVU have a cabinet containing all the magnets they have found during enforcement (Figure 3.6) and also pictures of switches that have been found on the stopped vehicles (see section 3.3).



Figure 3.6 – Cabinet with magnets in evidence bags

The number of magnets found fluctuates in any given month but generally 1 is found per month. The use of a magnet carries a £900 fine. If a vehicle is doubled manned then the fine is £900 per driver. This is made up of an accumulation of three fines:

- Failing to keep records - £300
- Failing to use drivers card - £300
- Obstruction - £300

It was stated that the police could arrest drivers who commit tachograph fraud however this would incur extra costs and resource. They feel it is currently more effective to fine the driver £900 as this is relatively quick to administer.

It was suggested that magnets are being handed to the Police to prevent the Police from looking for any switches that might be being used. This is something that requires further investigation.

Cheshire CVU stated that they do apply a certain amount of leniency for operators if they commit minor offences. This is because they are after the 'bigger fish' that have regularly exceeded weekly driving limits or have used magnets or switches. It was stated that the DVSA are more likely to pursue £100 fines as they can only prosecute for offences on that day.

When drivers are stopped by the enforcement units they are generally passive. They recognise that they are 'playing the game' and accept that being caught is part of this.

Drivers are given one hour to pay. If they take over one hour then there is an additional £80 immobilisation cable fee charge. It was stated that drivers normally pay quickly as they want to continue with their journey.

It was stated that ANPR logs all vehicles coming into the country via the ferry and data is kept by HMRC. The police can contact HMRC in order to access the information. This log records details of who bought the ticket and what sailing they were on. However the channel tunnel is not as heavily regulated.

Cheshire CVU keeps a wall planner up to date with events such as operation stack. This provides advanced warning that there may be drivers who have had to exceed driving time due to unforeseen circumstances.

Twitter Account

Cheshire CVU have a twitter account which is regularly updated with examples of drivers' hour offences they have identified, information on road closures and incidents on the network etc.

With 5,724 followers, this use of twitter acts as an effective mechanism to raise awareness across the freight industry and also helps to make operators and drivers aware that enforcement of drivers' hours is being conducted in the Cheshire area. It may also help to spread awareness amongst other police forces across the country.



Figure 3.7 – Cheshire CVU Twitter account

Humberside Collision Investigation Unit

Enforcement activity: Medium

Contact: Sally Acomb – PC Serious Collision Unit

Humberside Collision Investigation Unit conduct a medium level of enforcement for drivers hours. It was stated that it depends on the interest of senior colleagues in the unit as to whether drivers' hours and tachograph offences are enforced.

Traffic officers use Digi fob technology that provides officers with an indication of whether drivers are in contravention of drivers' hours rules. Optac software is used to fully analyse tachograph data, however it was stated that this software is not very user friendly. It was also mentioned that it would be beneficial for all police forces to use the same tachograph analysis software.

Stakeholder engagement revealed there is no regular commercial vehicle training for all traffic officers and that they only receive training if interested in commercial vehicles and drivers' hours enforcement. It was voiced that there is a serious lack of training across the police forces for drivers' hours / tachographs.

There is no Commercial Vehicle Unit in Humberside therefore enforcement of drivers' hours and tachograph offences is not considered a main priority unless a national strategic campaign is implemented by senior management. Enforcement is therefore conducted as and when officers have availability depending on the specific interest of the traffic officers.

It was reported that the funding cuts experienced in the public sector are having an impact on the amount of enforcement that can be conducted for commercial vehicles and resources are very thin on the ground.

It was recognised that with the ports of Hull and Immingham located in the area much more enforcement should be undertaken. However they simply do not have the resource.

When a collision occurs, especially if it is serious, the tachograph data is downloaded to see if the driver was operating within the rules. This information is then used as evidence if required.

Foreign drivers are targeted as much as UK drivers are. They focus more on the vehicles that are likely to be on longer journeys.

The unit has an awareness of magnets and switches that are used to commit tachograph fraud. However this is only because they are interested in the topic and have been in contact with the DVSA.

Often the DVSA will ring Humberside Police to ask if they are available to come and prosecute against a historic offence they have identified. This is because the DVSA can only prosecute for offences on that day.

The following recommendations were derived from this interview:

- All new traffic officers to be trained on drivers' hours and tachograph analysis.
- Highways England could fund or part fund training courses for the Police
- National awareness campaign for traffic officers in relation to drivers' hours and tachograph offences

Greater Manchester Commercial Vehicle Unit

Enforcement activity: High

Contact: Alex Steeles - PC - RPU and Dangerous Goods Adviser

The Commercial Vehicle Unit of Greater Manchester Policing Unit is conducting a high level of enforcement. Between 2013 and 2015 they conducted 3175 checks for drivers hours²⁷.

They are able to focus their enforcement on commercial vehicles due to them being a CVU. However many forces across the UK have disbanded their CVU's. It is felt this is the reason for low levels of enforcement in some areas.

²⁷ Tachograph Returns Record, 2016

Another factor that relates to enforcement levels is the nature of the surrounding area. If it is a rural area with limited highways, enforcement of drivers' hours tends to be low, however if it is an area with a large freight presence and network of highways in close proximity the enforcement levels will be higher.

In 2013 the commercial vehicle unit consisted of around 8 traffic officers, however currently there are only 2 traffic officers. This is mainly due to lack of replacing staff when there are retirements. However a recent review concluded that they would aim to increase the numbers of officers to around 5 as of April 2017.

In order for an officer to conduct enforcement they need to be externally trained. Manchester CVU attend training provided by AITS²⁸ in Gloucestershire (approx. £1200 per person). This trains officers on drivers' hours rules and the use of tachographs. However the course does not recommend specific software for analysis. This training is conducted to avoid civil litigation from wrongful prosecution. If there are sufficient numbers AITS can deliver the course at Police premises reducing the cost and saving time.

However amongst general policing units there is a general trend towards training a small number of officers in drivers' hours and tachographs that have an interest. This is to avoid the risk of unnecessary costs on training courses that are rarely used. Anecdotal evidence was provided that indicated West Yorkshire Police trained 17+ officers but the enforcement is rarely carried out.

Generally it is felt that commercial vehicle enforcement is coming to the forefront, especially in Greater Manchester due to political will from Transport for Greater Manchester (TfGM) to enforce against drivers' hours from a safety standpoint.

Generally Manchester CVU target drivers that are likely to be on long haul journeys or that have come from a long way away. Drivers on these type of journeys are often foreign hauliers that have come across by ferry or through the Eurotunnel. Vehicles on local routes (mostly UK registered) are unlikely to have drivers' hours offences as the routes are much easier to manage from an operators point of view.

Similar to Cheshire CVU they do not tend to prosecute a driver who has gone slightly over their daily driving limit. This is due to the time it takes to deal with a fine meaning an officer may be out of action for a few hours. However they also feel it is a fairly complex piece of legislation for drivers and operators to comply with. If one 15 minute break is wrong across a period of 28 days then the operator is doing a good job and is clearly not a serial offender.

A potential issue was highlighted in relation to the way the DVSA interpret drivers' hours legislation resulting in them only prosecuting offences on the day drivers are stopped. The Police consider the 28 day control period as a 'current' offence as otherwise there would be no reason to monitor across 28 days.

It was explained there is potential for the Police to issue a summons for a driver with a satisfactory UK address. This enables the police to summon the driver to court to face trial on any offences committed over the last 3 months. However if it is a foreign driver without a UK address the maximum fine that can be issued is three fixed penalties of £300 (£900 total).

It was recognised there is an issue with the use of magnets and switches by drivers and that these are very difficult to find unless you catch them in the act. Technology would be useful however the cost may be an issue.

It was stated that training was the most important issue currently, in relation to commercial vehicle enforcement. One particular issue mentioned was the lack of PG9 training meaning that officers are unable to take vehicles off the road that are considered unroadworthy.

Hampshire Commercial Vehicle Unit

Enforcement activity: High

Contact: Paul Diamond - CVU and Hazmat Officer

The CVU in Hampshire consists of two officers and a Sergeant and has remained the same size, despite the trend of forces losing their dedicated HGV enforcement units. The teams focus covers

²⁸ AITS http://aitsuk.com/Courses_Tacho_Home.html

drivers' hours, carriage of dangerous goods, hazmat response, mechanical prohibitions and some HGV specific investigative functions.

Although the team is relatively small, it is enough to control the problem. It is noted that if there is no policing the situation gets out of control.

The current cost of a fine for parking on a hard shoulder is £30 and this is considered to be too low as a drivers' hours offence can result in a fine of up to £300. Therefore a driver may opt to park on the hard shoulder to avoid a potential drivers' hours fine.

Hampshire commented that the Commercial Vehicle Units are disbanded for a variety of reasons, including the geography of the area and how many strategic roads are in the area.

It is noted that collaboration helps significantly when conducting enforcement, especially since almost all enforcement is intelligence led and targeted. Since ports are where foreign drivers enter the country there is need for more enforcement here. An example of collaboration can be seen from the targeting of the arrivals on the early morning ferry in Portsmouth which is run in coordination with the DVSA. Any enforcement policy is run parallel to the DVSA for consistency. The team uses Inelo tachoscan control software for drivers' hours enforcement and use the graduated fixed penalty notice matrix for decision making. It is believed that a more holistic approach is needed and that this multi-agency work is the way forward.

It was stated that there is no reason why the DVSA cannot prosecute over 28 days, it is a misinterpretation of the legislation by the DVSA. The differing organisation strategies mean that the police focus on the very serious and most serious offences and the DVSA focus on minor and serious offences. The Police are more interested in offences from a road safety and criminal point of view and therefore may let a minor offence go whereas the DVSA are more likely to prosecute due to the economic benefit of breaching drivers' hours. The close ties between the Police and the DVSA extend to the sharing of visual intelligence reports. Hampshire Police also have ties with tachograph calibration companies that are used to look for illegal alterations in tachographs.

Hampshire Police own a tractor unit, very similar to the vehicle provided by Highways England (See Section 3.1.2). This contains cameras which can catch potentially dangerous commercial vehicle driver behaviour. The technique has been very successfully used across the UK and the introduction of it has been shown to decrease the amount of offences in the area.

Hampshire CVU are in favour of the Highways England funding system (currently in the planning stage) that will provide funding based on the enforcement activity conducted. Since the funding system works using funding bands it means that smaller forces are able to build up the amount of checks they carry out over time as they move up the funding bands.

City of London Police Commercial Vehicle Unit

Enforcement activity: High

Contact: Howard Taylor

City of London Commercial Vehicle Unit consists of 1 Sergeant and 3 Police Constables (1 part time). The unit is funded by Transport for London who cover wages and any equipment required.

Drivers' hours enforcement conducted over a week long period – Truck and Bus – Tispol – 3 dedicated days to drivers hours enforcement. This is an effective way to deal with more vehicles.

All officers on the CVU are fully trained in drivers' hours regulation and tachograph analysis. Additionally some officers in the Road Policing Units are trained too and can contact the CVU for support where required.

Optac used to be employed as it was funded by Highways England. City of London are now implementing Inelo Tachoscan software. This is partly because the funding is no longer available for Optac through Highways England, however the Tachoscan software is also considered to be more user friendly.

Tachograph fraud is not so much of an issue in the City of London. It is thought this is because most journeys are local in nature (only 5-10% foreign vehicles) reducing the potential advantages of using magnets and switches.

Training is a big issue in terms of the cost (around £800) and also availability of courses. City of London CVU have used the following training centres:

- Avon and Somerset Road Policing Unit²⁹
- Police Scotland National Training Centre

It was suggested that the best approach would be to train all Police in the drivers' hours rules and regulations so all officers have an understanding.

It was stated that the police follow the same prosecution guidelines as the DVSA (set out in Enforcement Sanctions Policy³⁰). This means that 15 minutes leeway is given for driving time and break time (see section 3.4.1 for more details) in the majority of instances.

It was also suggested that the Driver CPC course could be used as a mechanism to ensure that all drivers are aware of the drivers' hours rules and regulations. Additionally similarly to how drivers who are caught speeding are sent on speed awareness courses, drivers exceeding their hours could potentially be sent on 'drivers' hours awareness courses'. However this would require change in legislation.

Metropolitan Police Commercial Vehicle Unit

Enforcement activity: High

Contact: Paul Thomas

The Metropolitan Police Commercial Vehicle Unit is the largest CVU in the country with a total of 47 officers. The CVU is fully funded by Transport for London.

Currently they work closely with the DVSA as part of the HGV task force. This involves 7 permanent staff from the Met Police and 1 from City of London working with DVSA staff to conduct commercial vehicle enforcement.

All officers are trained in house at the Metropolitan Police Specialist Training Centre. This centre is only formally used for training by the Met Police. This is due to capacity constraints.

Stated that fines for drivers' hours infringements tend to be much higher across the rest of Europe when compared to the UK. For example a fine in France can be up to 3000 euros. This means that drivers are treating the fines in the UK as part of the job.

The DVSA not issuing graduated fixed penalties for historical offences is believed to be due to a misinterpretation of the legislation.

The police follow national guidelines for enforcement set out by the DVSA (see section 3.4.1 for more details). This means that minor offences are often dealt with by means of a verbal warning.

Warwickshire Collision Investigation Unit

Enforcement activity: Low

Contact: Grant Dumbleton

In Warwickshire, not only is there no Commercial Vehicle Unit, there is also no dedicated Traffic Unit. There are only 4 dedicated Traffic Officers across the county so normally only one double manned car for the whole unit.

Most commercial vehicle enforcement is through the collision investigation unit which has 1 Sergeant and 3 Police Constables. All 4 of these officers are trained in drivers' hours and tachograph analysis. There are 2 other officers across the wider force who are also trained.

It was suggested that the Police should group together for training to reduce the cost. The same could be achieved for the use of tachograph analysis software.

²⁹ <https://www.avonandsomerset.police.uk/media/8372528/training-brochure-e-book-july-2014.pdf>

³⁰ DVSA Enforcement Sanctions Policy - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503068/enforcement-sanctions-policy.pdf

No dedicated enforcement activity is conducted for drivers' hours. Drivers' hours are only checked for the investigation of serious or fatal RTC's involving a commercial vehicle. However if it is a nationally organised enforcement initiative (Mermaid check) then the force will do all it can to be involved. In the past enforcement activities of this nature have been conducted at Corley Services which is a very busy service station for commercial vehicles.

However, currently despite a national initiative, it may still be difficult for Warwickshire Collision Investigation Unit to assist as they are so stretched for resources and budget. It was suggested that Highways England could potentially fund the wages of officers for the day of enforcement allowing extra Police resource to be brought in.

The Optac software is used for basic reports with Digianalyst used for fine details.

Hertfordshire Road Policing Unit

Enforcement activity: Low

Contact: Karl McDermott

There is not a Commercial Vehicle Unit in Hertfordshire; this enforcement is conducted by the Road Policing Unit. However all cars carry digifob and all PCs have basic drivers hours legislation. It was stated that all officers are expected to check at least 5 commercial vehicles a month for drivers' hours. However often this is not being met as officers are understandably wary of tackling the complex drivers' hours rules. According to their records 194 commercial vehicles have been checked for drivers' hours so far in 2016.

If an officer shows particular aptitude for drivers' hours regulations and interpreting and analysing tachograph data then further training is provided. This used to be provided through City and Guilds and enables officers to have prohibition powers.

It was stated that commercial vehicle enforcement on drivers' hours should be in the national policing strategy. However currently it is low down on the priority list for senior police, with crimes such as burglary and drug dealing the main focus.

Optac analysis software is used for analysis of tachograph data. It was suggested that getting all the police forces to use the same software would be challenging. An example was given for police cars - there is an agreement that all police cars will be BMW's however the way they are fitted out (racking, interior etc.) is different across the different police forces as they cannot agree.

The unit is very aware of tachograph fraud however they do not have sufficient resource to train officers to be able to identify magnets and switches. It was suggested that advanced courses could be provided for tachograph fraud identification.

Hertfordshire Road Policing Unit receives intelligence from the DVSA outlining target operators for them to look out for. However this is not received often enough. It was highlighted that potentially not all police forces have access to this information and those that do may not be taking action on it. Data sharing between police forces could also be improved.

Awareness could also be raised at a senior level aiming to highlight the very real dangers of drivers who are operating in contravention to the drivers' hours on the road network.

If a driver is caught stopping on the hard shoulder of the motorway they can only be fined £30. Therefore some drivers are taking advantage of this and using the hard shoulder to avoid the risk of a higher fine for exceeding drivers' hours limits. Legislation could therefore be amended to increase the fine for HGV's stopping on the hard shoulder.

Hertfordshire have used the Police tractor unit for enforcement activities. However they also have access to a previously decommissioned observations van (Vauxhall Movano 2.5 CDTI MWB HR 3300 FWD Panel Van, 2005 Model) converted van with side facing cameras.

The van is unmarked, other than rear chevrons, and is purposely designed to look like a works or motorway maintenance van so that it can blend in on the strategic road network. "Motorway Maintenance" signs are also being sourced so that the vehicle can be used for more covert ANPR evidence/intelligence gathering if required.

The van is fully response capable and is fitted with (Figure 3.8):

- 360 Blues
- Head lamp flashers
- Rear blues
- Rear reds
- Rear Ambers (to make it look like a works / motorway maintenance van)
- Left and right alley lights
- Sirens
- Air horn
- Low level front blues
- Low level rear blues and reds



Figure 3.8 – Observations van – Hertfordshire Road Policing Unit

The van is equipped with a 3 camera ANPR system. The cameras are fitted;

- Front facing camera
- Rear facing camera - no IR facility (Figure 3.9)
- High level side facing camera (Figure 3.10)

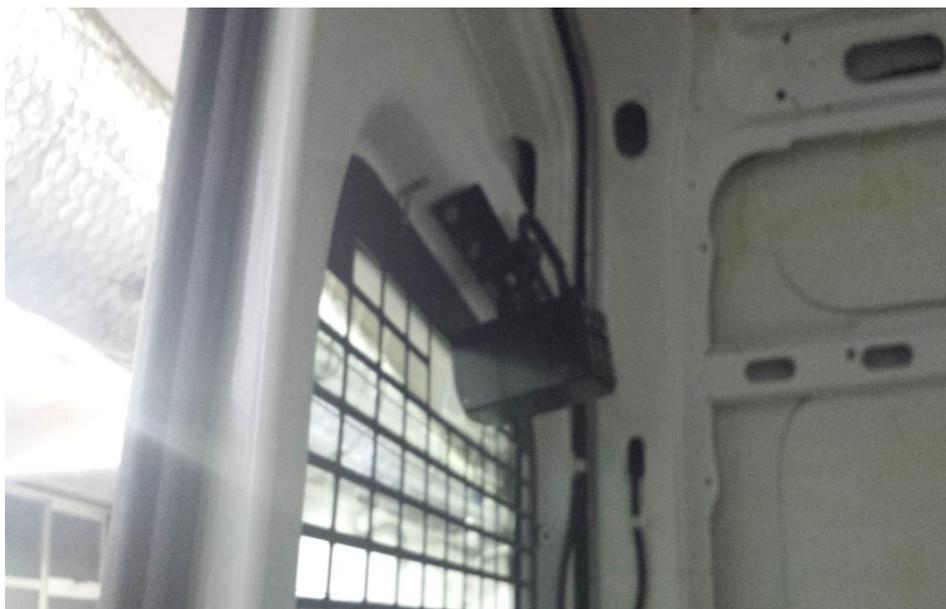


Figure 3.9 – Rear facing camera

The side facing camera is designed for capturing evidence of drivers committing driving offences. An ANPR screen is also fitted to the dash.



Figure 3.10 – High level side facing camera

Most of the equipment has been sourced free other than adding a video card to the ANPR system and coach works to the rear compartment of the van. All the lighting and sound systems have been sourced free of charge by Counter Terrorism Command (CTC) and have all been fitted, including the ANPR system for free.

The van also carries additional stocks of cones, signs, lighting and other items that may be required at lengthy incidents.

Kent Police Commercial Vehicle Unit

Enforcement activity: Medium

Contact: Karl McDermott

The CVU in Kent has two officers, and they stated that this is the same in Essex, Sussex, Dorset and Cheshire (verified in the Cheshire CVU findings).

They have their own intelligence based list (around 24 operators) that they use to target enforcement. If an operator from the list is spotted it is always stopped for enforcement. Additional randomised checks are carried out to dip test other operators.

The truck drivers are aware that parking on the hard shoulder is illegal, however there is not enough capacity for truck parking in Kent. It is thought that this is the main reason for drivers taking breaks on the hard shoulder. Also it can cost up to 600 euros a month to use dedicated truck parks which some truck drivers simply aren't willing to pay. It was stated that often a group of trucks will be parked together on the hard shoulder.

In Kent if the Police find a driver parked on the hard shoulder they are moved to the nearest service station where they are dealt with. The appropriate fines are issued in a safe place rather than at the roadside. This approach is taken as otherwise a driver may be tired on the road.

The local councils in the area do not want HGV parking in their industrial sites, this causes further issues with parking capacity for HGVs.

It was stated that the main issue in relation to drivers' hours was that operators are pushing their drivers to continue to drive and ignore the rules, with cash provided so that the driver can pay any fines. In one instance in Kent a truck driver that was stopped had kept all of the text messages from his transport manager. There also appears to be a lack of planning from the operator which means that drivers' hours may be difficult to adhere to for the driver.

However, it was claimed that sometimes it is ignorance or stupidity on the drivers part. They may have been told the rules by a colleague over a lunch break so think they know the rules but their understanding is incorrect. It was stated that it is not always European drivers, often UK drivers are caught driving without their drivers' card in the tachograph.

There is sometimes an issue when a case is taken to court as the magistrates are not always clued up on drivers' hours regulation.

The police can only prohibit a vehicle if the offence is within the last week. Otherwise the driver must be allowed to drive after a fine has been paid. Two types of prohibition are permitted:

- 11 hours – If a driver has missed a daily rest period
- 24 / 45 hours – If a driver has not had enough rest through the week

If driver is stopped and has 4 or 5 minor offences over the last 28 days then normally a verbal warning is issued to educate and improve awareness. This is because there are much more serious offenders that need catching, resource should be focussed on these where possible.

If a fine is required a maximum of three can be issued at one time, even if a driver has many more offences over the last 28 days. In these cases a fine is issued for the three worst offences. It was stated that potentially this may increase to five, however this still was not considered enough. Additionally even if a driver is summoned to court only three offences can be considered.

The following recommendations were suggested:

- Increase the number of fines that can be issued at one time.
- Permission to list all offences for consideration on court summons.

Northamptonshire Police

Enforcement activity: Low

Contact: Brian Johnson

In Northamptonshire there is not a CVU as it was merged with the Traffic Unit. Also the number of police officers covering Northamptonshire and Leicestershire has fallen dramatically. In 1992 there were 80 officers and in 2016 there are only 22 officers.

It was stated that direction from senior police is required in order to get police forces with no CVU to conduct reasonable levels of enforcement. However there is a belief that it will require some high profile fatal incidents involving HGVs for this to occur.

Merseyside Commercial Vehicle Unit

Enforcement activity: High

Contact: Mark Hemans

Merseyside CVU used to have 1 Sergeant, 3 Constables and a permanent VOSA (now DVSA) staff member working with them. However they were merged with the Stolen Vehicles Department and now only have 3 Constables.

They are now based in an office in Liverpool city centre which means they have had to change the way they conduct enforcement. The majority of their enforcement is conducted out of a patrol vehicle. This makes detailed analysis and tracing of tachograph data very challenging. As a result it is difficult for the Merseyside CVU to identify instances of tachograph fraud.

Due to the lack of resources, Merseyside CVU try to complement the enforcement conducted by DVSA rather than replicate it.

It was stated that the College of Policing have recently released standardised guidance including a curriculum based on the skill set that officers specialising in Commercial Vehicles require.

Recently 12 officers outside of the CVU have been trained in drivers' hours and tachograph enforcement. The training was conducted through AITS.

3.1.2 Enforcement Tractor Unit

The police have been targeting drivers of HGV's using the tractor unit shown in Figure 3.11. It is being used as it allows the police to see clearly into the driver's cab, which is not possible from a normal police vehicle.



Figure 3.11 – Tractor unit used for enforcement

The tractor unit is being loaned to police forces across the UK by Highways England who have provided the funding for the initiative. The tractor unit has been used by 21 different police forces across the UK. Table 3.1 shows the number of days each police force has used the cab and the total number of offences they have identified as a result.

Table 3.1 – Number of days tractor unit has been used by police forces

Rank	Police force(s)	Days used	Total offences
1	Beds/Cambs/Herts	50	284
2	West Midlands	17	349
3	GMP	16	139
4	Kent Police	14	185
5	Devon & Cornwall	13	158
6	CMPG	10	121
7	Hampshire & TV	10	402
8	North Yorkshire	10	51
9	South Yorkshire	10	172
10	West Yorkshire	10	162
11	Surrey & Sussex	9	329
12	Cheshire	8	188
13	Surrey	8	463
14	Hampshire	5	211
15	Notts / Leics	5	84
16	Cumbria	4	20
17	Humberside	4	126
18	Surrey Police	4	15
19	Cleveland & Durham	3	32
20	Tri Force Team A	3	76
21	Wiltshire	2	37
	Total	215	3604

The deployment of this cab by the police has resulted in a total of 3604 drivers being caught for varying offences. Table 3.2 shows the offences that have been issued to drivers. The vast majority of offences were for the use of mobile phones (48%) and not using a seat belt (21%). However a total of 108 drivers (3%) were found to be in contravention of drivers' hours.

Table 3.2 – Offences identified by tractor unit

Rank	Offence	Total	%
1	Mobile Phone	1713	48
2	Seat Belt	761	21
3	Other	277	8
4	Not in Proper Control	173	5
5	Speed	160	4
6	Drivers Hours	108	3
7	Construction & Use	104	3
8	Due Care	70	2
9	Stopping on H/S / Leaving Vehicle in a Dangerous Position	48	1
10	Use M/Way Verge	43	1
11	No Insurance	40	1
12	Red Light/ X Offence	27	1
13	Prohibited Vehicle O/S Lane	24	1
14	Insecure Load / Excess Weight	22	1
15	Crime	16	0
16	Driving on H/S	8	0
17	Drink/Drug Driving	7	0
18	Vehicle Condition	3	0
	Total	3604	-

While this is not directly related to drivers' hours enforcement it shows willingness amongst the police forces using the cab to enforce commercial vehicles. Therefore these forces could be targeted for initiatives relating to drivers' hours enforcement as they have shown an interest in that area.

3.2 Driver and Vehicle Standards Agency (DVSA)

The findings outlined in this section have been gained from stakeholder engagement with David Wood (Enforcement Policy Manager) and Clive Taylor (Technical Tachograph Expert).

The DVSA aim to focus their enforcement on non-compliant operators and drivers to reduce the burden on compliant operators. To do this they use tools such as Operator Compliance Risk Score (OCRS). However visual aspects are also used to identify vehicles.

There are designated DVSA check sites throughout the UK that have ANPR and WIM technology, Sandbach is an example of one such site. A 24/7 enforcement team operates at Doxey.

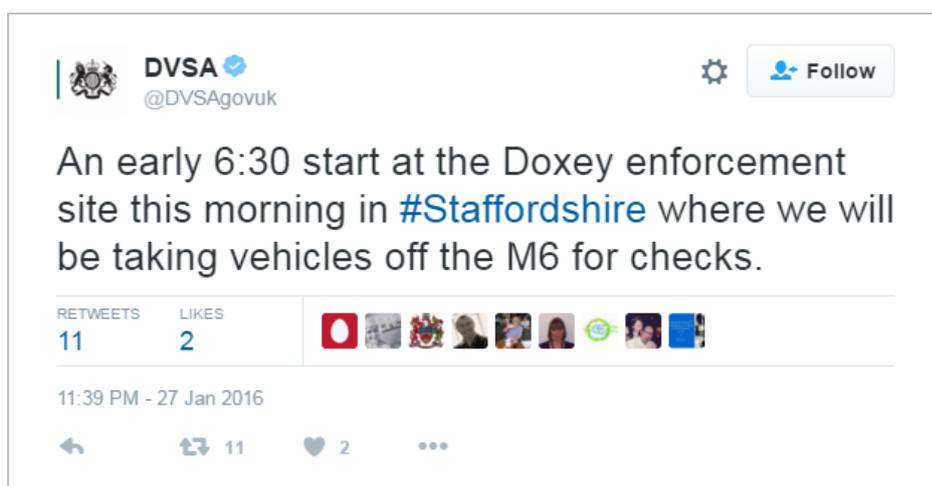


Figure 3.12 – DVSA Twitter account

The DVSA have around 500 roadside examiners:

- **Traffic examiners** – Drivers hours and legislation of O licence and driver licensing
- **Vehicle examiners** – Mechanical condition checking for roadworthiness

The normal procedure is a mixture of the two to be present at enforcement activities to allow both sides of enforcement to be conducted. However sometimes specific enforcement in one area is conducted. When a vehicle is identified an assessment is conducted to decide who examines the vehicle.

The DVSA issue graduated fixed penalties and deposits. For historical offences over the last 28 days they can also prosecute and do follow ups through Operator Licensing. This is normally done for serious infringements. The ability to enforce against historical offences is being looked at with a decision being made in time for the start of the 2017/18 financial year.

'Most serious' infringements must be reported to the traffic commissioner (UK operators). For Non-UK operators infringements are reported to the relevant European Authorities. This process is being changed to also include 'serious' and 'very serious' offences.

The DVSA can also immobilise vehicles if they are considered to be immediately dangerous. A cable is used through the wheel to achieve this.

Tachograph manipulation was recognised as an issue with the use of magnets and switches prevalent. However it was stated that trying to identify the switches is very challenging and often the driver will use magnets to hide the use of switches. Additionally it was stated that it is difficult to keep up with the methods being used to commit tachograph fraud, some drivers are now manipulating at a CanBus level. DVSA are constantly trying to upgrade the skill level of checkers. However they no longer have a research and development team which limits what can be achieved.

It was suggested that the graduated fixed penalties for committing tachograph fraud (£900) were not high enough and that European operators are paying for drivers fines. It was stated that the potential for higher sanctions is currently being looked at.

The DVSA have a high profile joint operation planned with the Police in which drivers will be arrested if they are found to be committing tachograph fraud. However details of the location cannot be provided.

The DVSA have an Enforcement Sanctions Policy that sets out guidelines on enforcement. Section 4 covers drivers hours and tachographs. The Police follow this for their enforcement activity to ensure consistency (see section 3.4.1 for more details).

The DVSA have a national data system that feeds into their OCRS. The MoT is one of the most consistent feeds for the OCRS. The Earned Recognition Scheme which is currently being developed will supersede OCRS for some operators when the DVSA implement it. Figure 3.13 shows that the majority of survey respondents were planning to join the Earned Recognition Scheme.

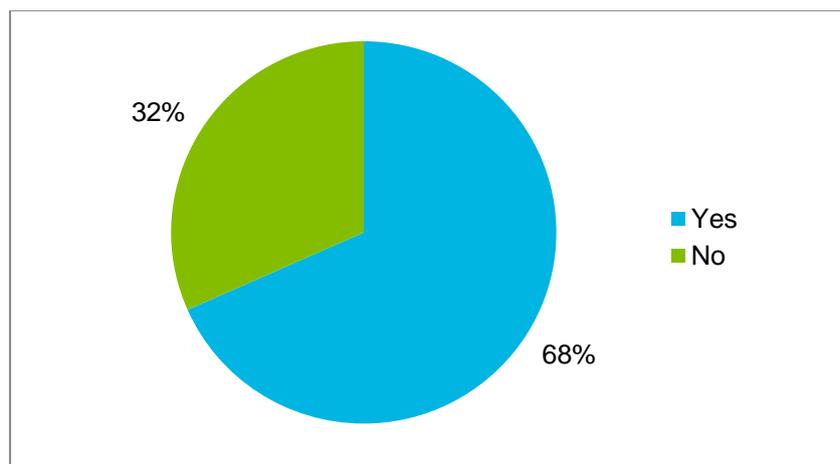


Figure 3.13 - Do you intend to join the DVSA Earned Recognition Scheme?

Police enforcement data does not feed into the OCRS with regard to action on operators. More transparency would be beneficial. Discussions are currently ongoing with Senior Traffic Commissioner Beverly Bell to help achieve this. The current aim is to get an MOU signed with the Police. This will help to ensure that the full picture is obtained when reporting operators to the Traffic Commissioner for their compliance.

The DVSA are keen on a holistic approach to enforcement and are working with police in various parts of the country (e.g. London Task Force etc.)

Enforcement data is available publicly through two main sources:

- **Fleet compliance report** – This is a national view of where random checks are conducted. This information is used as a baseline of the compliance levels.
- **Effectiveness reports** – These are published in the form of Excel spreadsheets and provide statistics on enforcement and testing conducted.

An internal modular training course is provided to all DVSA examiners before they start working for the organisation. A week long intensive drivers' hours course is included. Additionally examiners that have been conducting practical enforcement on the roadside and have 'earned their stripes' are sent on City and Guild course provided by Continental Tachographs in Birmingham. Also periodic internal training is provided through TISPOL on latest infringements. DVSA are currently in the process of deploying the Inelo Tachoscan software. They are working with Inelo to enhance the system to improve the effectiveness of their enforcement. While software is used to help identify offences examiners are required by law to validate offences to check the system is reporting correctly.

The current infrastructure investment for Smart Motorways is having an impact on the enforcement activities of the DVSA. The main issue is that unlike the police, DVSA enforcement officers must abide by the Smart Motorways speed restrictions by law which makes catching and pulling over trucks for enforcement very difficult. This issue has led to the closure of Perry Bar check site which was previously a busy site for enforcement.

It is also impacting the amount of enforcement that the Police are able to do in certain areas where joint working between DVSA and the Police was conducted. For example Cheshire Police CVU used to send the DVSA out onto the network from the Sandbach check site to identify and pull over trucks for enforcement. This allowed the organisations to maximise the resource available. However now that the 50mph average speed limit is in force the DVSA can no longer aid the police in their enforcement activities as they can't catch up with trucks to pull them over.

Figure 3.14 presents all of the smart motorways across the UK (correct as of July 2016) and highlights whether they are fully operational, under construction or planned to be built. Clearly the motorways that have been chosen to become smart motorways (i.e M6, M1, M62 etc.) are some of the busiest routes for traffic and therefore have very high truck traffic volumes. The inability of the DVSA to go faster than the speed limits on these key routes will have a marked impact on the levels of enforcement able to be conducted. DVSA are therefore looking at speed exemptions to allow them to speed in the same way the Police can for enforcement purposes.

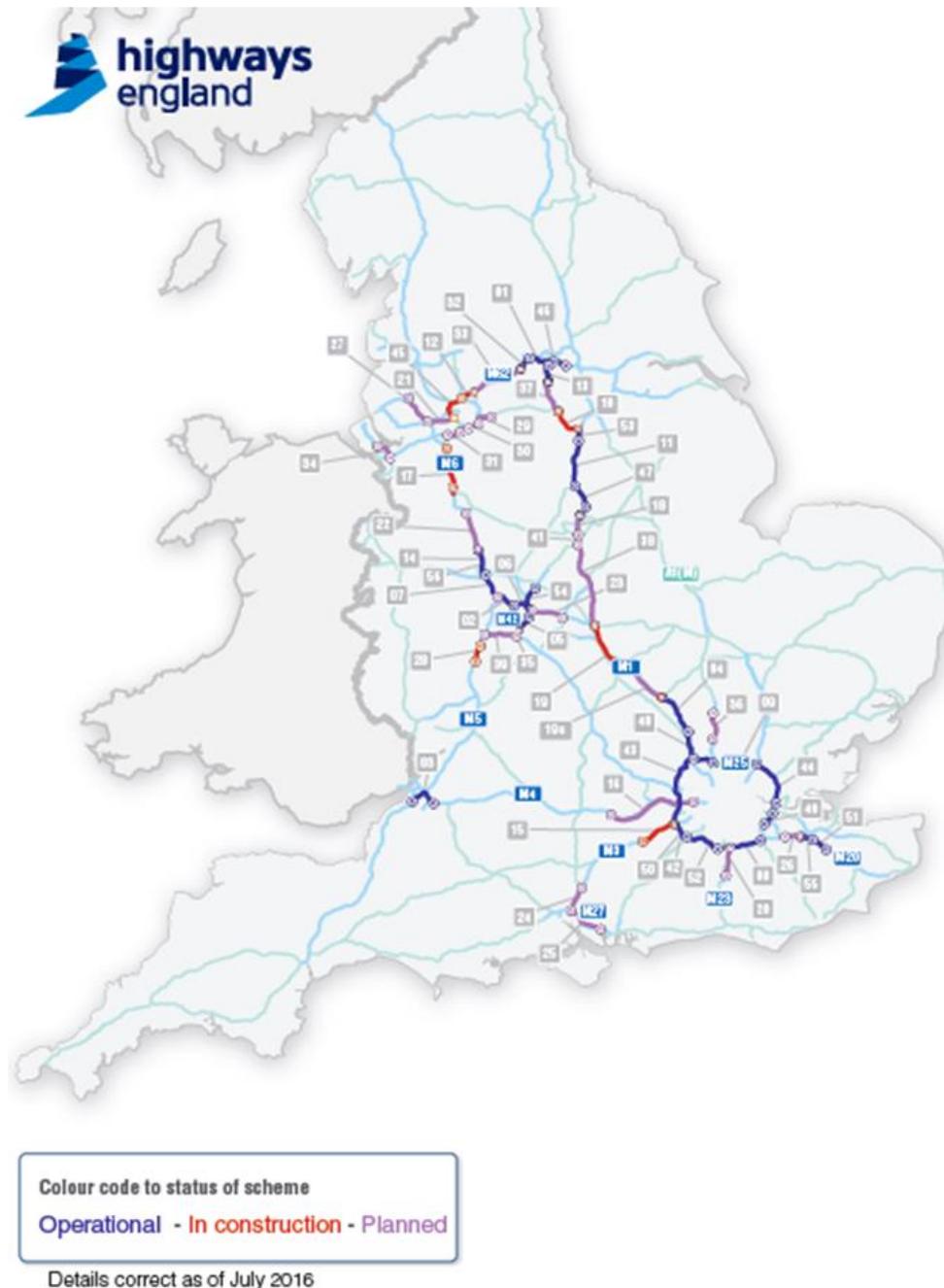


Figure 3.14 – Smart motorways in the UK

3.3 Tachograph Fraud

As outlined in section 3.2 and 3.3 drivers' hours offences are becoming more challenging for enforcement agencies to identify. This is because drivers are using devices to fraudulently manipulate their tachographs to make it look as if they have kept within daily and weekly drivers hours limits. In reality this is not the case and in some instances these limits have been significantly exceeded.

A common use of magnets or electronic switches is to override the tachograph and make it appear as if the tachograph mode is set to rest. Evidence from consultation with the various police units shows that equipment aimed at overriding the normal functionality of tachographs to allow drivers' to work and drive for longer periods is becoming ever more prevalent.

An example of how these pieces of equipment are used by drivers to override tachographs in order to fraudulently gain driving time is provided below.

Example 1 – Use of a magnet / switch before morning pick up to gain driving time:

- Driver arrives at distribution centre at 9:00pm ready for a 9:00am pick up the next morning.
- Driver wakes up at 8:00am places a magnet / turns on switch to override the tachograph
- Driver drives to distribution centre to pick up load with tachograph set to **rest**.
- Consignment is loaded at 10:30am
- Driver takes off the magnet / turns off the switch and sets the tachograph to **driving**

The use of the magnet / switch in this instance allows the driver to alter the recording mechanism on the tachograph and make it appear as if he/she is still 'at rest' until they are fully loaded and ready to depart the collection point. At this point the magnet / switch is disengaged leaving them with a full working day (potentially up to a 15 hour shift) of which 10 hours could be dedicated to driving.

Although all tachograph fraud is considered a serious offence by the Police as it means drivers are much more prone to fatigue while driving, some offences are much more serious than others. The example above is a relatively minor offence with regard to tachograph fraud and is being used by the driver to effectively extend the working day by a few hours. Some instances of tachograph fraud are much more serious and involve drivers driving for long periods of their day with the tachograph set to rest.

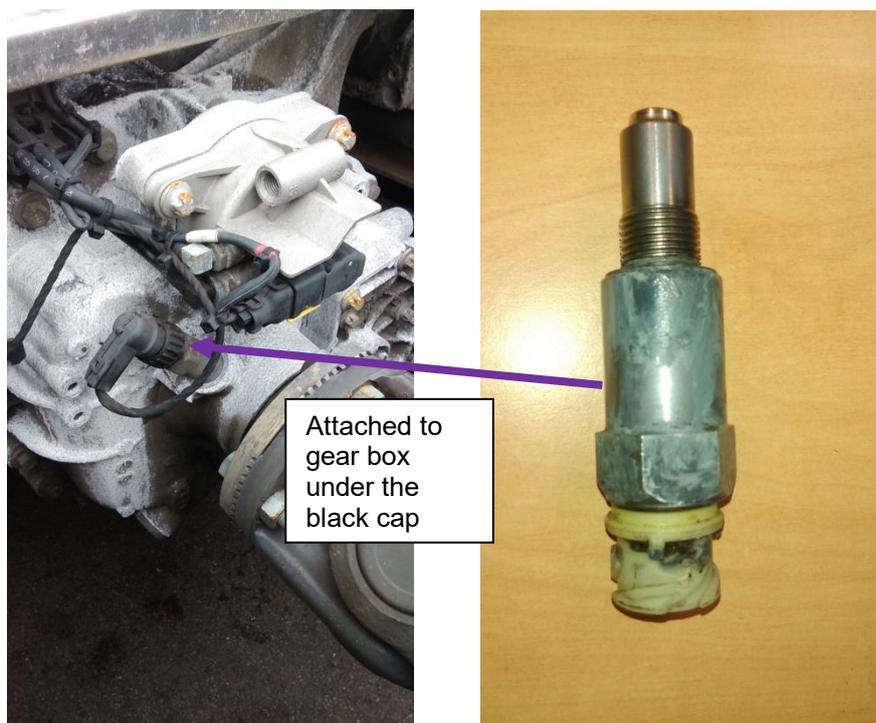
If a driver is found to be using a magnet or a switch to fraudulently manipulate their tachograph, then they are normally fined for three different offences totalling £900:

- Failing to keep records - £300
- Failing to use drivers card - £300
- Obstruction - £300

If the vehicle is double manned then the fine would be £900 per driver. The police could prosecute the drivers for fraud however, it is felt that this may be counter productive as the resource required to arrest a driver is considerable and would mean the police officer would be unable to conduct any other enforcement duties for the rest of the day. Additionally it can be difficult to get a driver undertaking international haulage to turn up on the specified court date as by this time they may be out of the country.

There is also a feeling amongst police that when a driver is stopped on suspicion of committing a drivers' hours offence they hand over a magnet as a makeweight to prevent them from searching for a switch within the engine.

These switches have been found in various places on the vehicle and the picture we saw had the switch located in the gearbox (Figure 3.15 and 3.16).



Attached to gear box under the black cap

Figure 3.15 – Switch attached to gearbox



Extra circuit board added that can turn tachograph on and off

Figure 3.16 – Extra circuit board enabling the tachograph to be switched on and off

As a result switches are very hard to find. The DVSA have a device that detects the additional voltage emitted by the switch. This has potential to be very effective for enforcement and should be investigated. However consultation with Clive Taylor (Tachograph Technology Expert) from the DVSA warned that the technology used by operators and drivers is becoming more advanced and

sometimes involves altering with the CANbus so equipment detecting voltage changes may no longer be effective.

Some practical examples of tachograph fraud are presented below:

- Magnet was used to disguise morning delivery. Cheshire CVU issued £980 fine to the driver and demobilised the vehicles for 24 hours



Figure 3.17 – Example of breach in drivers’ hours rules – use of a magnet³¹

- This magnet was used to disguise delivery during the rest period on a Bulgarian HGV



Figure 3.18 – Example of breach in drivers’ hours rules- use of a magnet³²

- This magnet was used by an HGV driver on their tachograph to disguise driving hours offences.

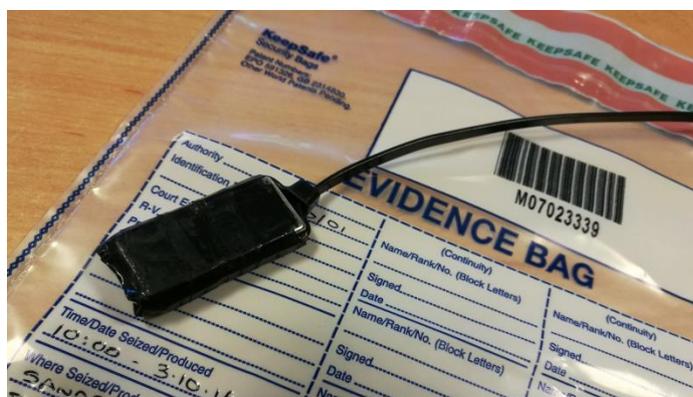


Figure 3.19 – Example of breach in drivers’ hours rules – using switch³³

³¹ Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

³² Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

³³ Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

- Turkish HGV tampered with seal on gearbox to unplug sender unit to hide collection - £900 fine.



Figure 3.20 – Example of breach in drivers' hours rules – using switch³⁴

3.4 Consistency of Enforcement

Consistency of enforcement is important so that industry do not perceive that offences are being unfairly distributed. Consultation has revealed that the DVSA have an Enforcement Sanctions Policy (Figure 3.21)³⁵ that sets out guidelines on enforcement. Section 4 covers drivers' hours and tachographs. The Police follow this for their enforcement activity for consistency purposes.

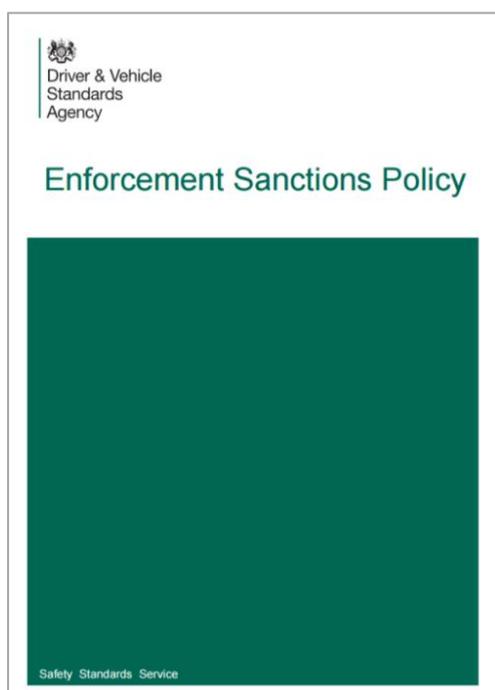


Figure 3.21 - DVSA Enforcement Sanctions Policy

³⁴ Cheshire Commercial Vehicle Unit, 07/10/2016 – Twitter post

³⁵ Enforcement Sanctions Policy -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503068/enforcement-sanctions-policy.pdf

Figure 3.22 shows that only 5% of operators stated they have found inconsistency in the way fines and penalties are issues for drivers' hours offences.

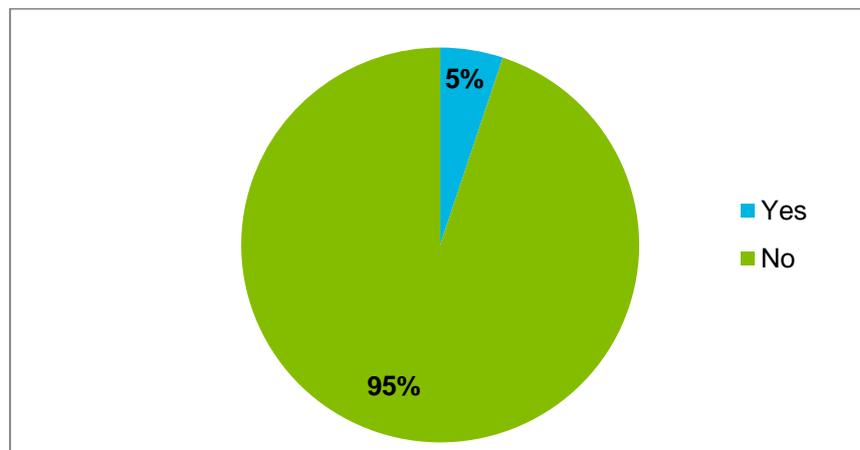


Figure 3.22 - Have you found any inconsistencies in the way fines/penalties are issued for driver's hours?

Consultation with various police forces (section 3.1) and the DVSA (section 3.2) has revealed that there are differences in the way that enforcement is conducted.

The Police are able to prosecute for any offence (historical or current) committed within the last 28 days. However, the DVSA only issue fines to drivers committing offences on that particular day and not for any historical offences committed over the last 28 days. If they do find historical offences they are unable to prosecute unless they coordinate with the Police.

Some police forces have suggested that the reason for the different approaches to enforcement conducted by the DVSA and the Police may be down to the ways in which the DVSA and Police legal teams interpreted the legislation when it was first implemented.

As DVSA have the same enforcement powers as the Police when dealing with commercial vehicles, they should be able to issue graduated fixed penalties for historical offences in the same way that the Police do.

Consultation with the DVSA has highlighted that there are plans to amend legislation to allow them to enforce against historical offences from the beginning of the 2017/18 tax year.

Additionally while both the DVSA and Police follow the same Enforcement Sanctions Policy there is anecdotal evidence from consultation that the enforcement strategy between the two organisations differs.

The police are more likely to apply a certain level of leniency for minor drivers' hours offences with various police units stating that they often give verbal warnings to drivers instead of issuing £100 fines. This is because they are more concerned with identifying the serious offenders who regularly exceed drivers' hours limits or have committed tachograph fraud using magnets and/or switches as these are the drivers most likely to impact on road safety.

The DVSA are more likely to issue penalties for minor offences identified through roadside enforcement. This may be because they currently only issue graduated fixed penalties for current offences so if any offences are identified they issue an infringement.

4. Trends in Infringements and Incidents

When looking at drivers' hours infringement and tachograph break incidents on the network, it is possible to highlight trends. Any identified trends can be used to help develop targeted recommendations to help reduce the number of infringements and incidents that occur.

This section looks at the trends in tachograph and drivers' hours offences committed in the UK.

The following data sources have been used:

- Highways England closure code database (2013/14)
- Tachograph Returns Report (2013-2015) - provided by Highways England
- VOSA Effectiveness Report (2013/14)

4.1 National Summary

Data from the DVSA Effectiveness Report (Table 4.1) shows that on a national level between 2009/10 and 2013/14 the top two HGV offences in terms of total number of convictions were drivers' hours and tachograph records.

Table 4.1 – Top 10 HGV infringements between 2009/10 and 2013/14³⁶

Offence	2009/10		2010/11		2011/12		2012/13		2013/14	
	No. of convictions	% of total convictions	No. of convictions	% of total convictions	No. of convictions	% of total convictions	No. of convictions	% of total convictions	No. of convictions	% of total convictions
Drivers' hours	2717	44%	2211	49%	2346	46%	2130	44%	2219	45%
Tacho/records	1391	23%	1153	26%	1619	32%	1664	34%	1831	37%
Driver licence	281	5%	220	5%	278	5%	247	5%	306	6%
No 'O' Licence	332	5%	282	6%	263	5%	239	5%	174	4%
Overloading	745	12%	181	4%	166	3%	231	5%	147	3%
Plating & Testing	244	4%	228	5%	190	4%	156	3%	101	2%
C & U	238	4%	122	3%	91	2%	100	2%	89	2%
Miscellaneous	102	2%	71	2%	67	1%	60	1%	52	1%
Other 'O' licence	50	1%	27	1%	30	1%	35	1%	18	0%
Vehicle excise duty	16	0%	5	0%	10	0%	10	0%	4	0%

³⁶ VOSA Effectiveness Report 2014

Figure 4.1 shows that in percentage terms, tacho/records offences have risen from 23% of total conviction in 2009/10 to 37% in 2013/14. This highlights that there may be an increasing trend towards tachograph manipulation and/or misuse, falsifying records and lack of accurate record keeping. However drivers' hours offences have remained fairly constant across the five years rising to a peak of 49% in 2010/11.

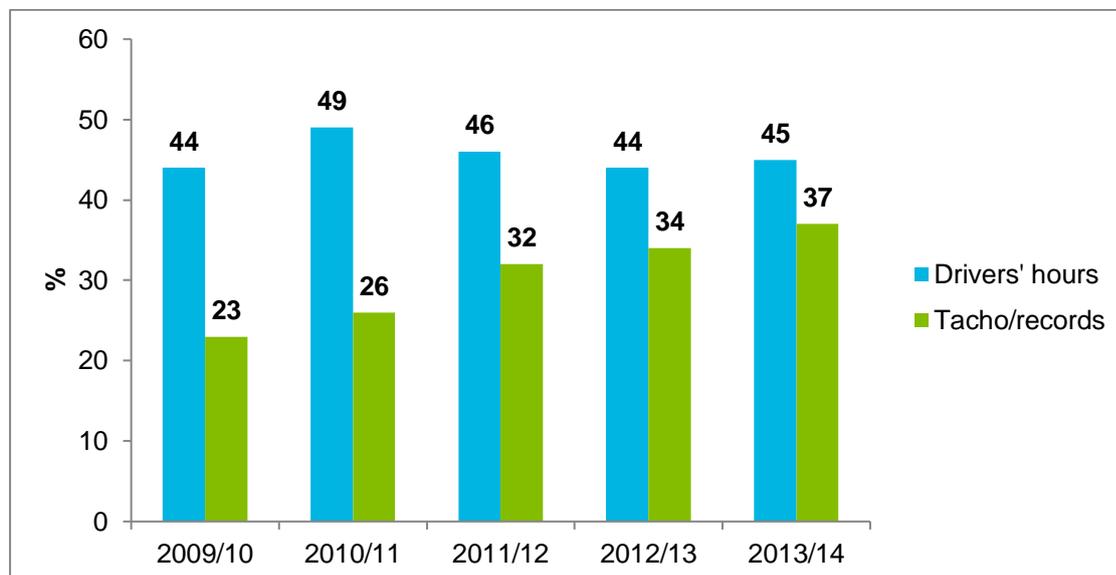


Figure 4.1 – Tacho/records and drivers' hours offences as a percentage of total convictions

Table 4.2 outlines that the number of tachograph break incidents are fairly consistent between 2013 and 2014 with the total number of incidents recorded on the motorways reducing by 4% .

Table 4.2 – Tachograph break incidents on the motorways (2013-2014)

Year	Number of incidents
2013	1429
2014	1368
Total	2797

4.2 Hot spots

Using the various data sources, hot spots for drivers' hours incidents and infringements' have been identified across the UK.

Using tachograph return records, areas of particularly high prohibition rates have been identified. Figure 4.2 shows that Merseyside OSD Road Policing Unit has the highest prohibition rate of 83% with Hampshire Constabulary Driver Training at 80%.

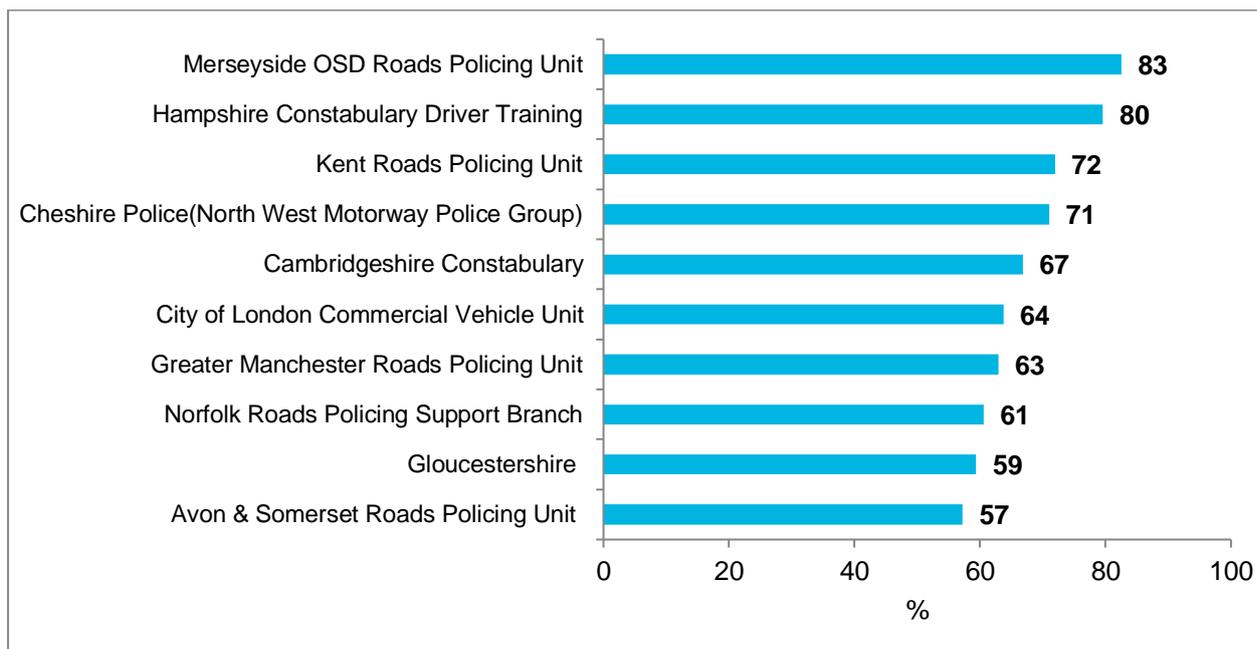


Figure 4.2 – Top 10 drivers' hours prohibition rates (2013-2015)³⁷

Conversely, Figure 4.3 shows that West Mercia Police had the lowest prohibition rate for drivers hours offences (5%). Derbyshire Collision Investigation Unit and Northampton Protective Services Comman have a prohibition rate of 12% respectively.

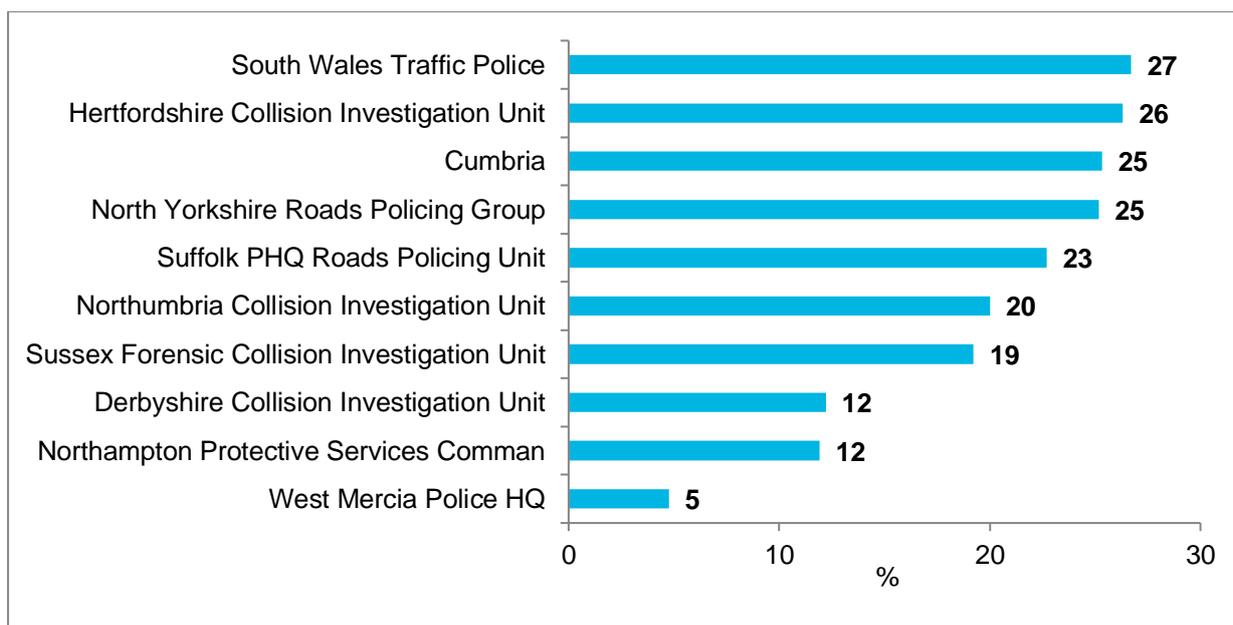


Figure 4.3 – Bottom 10 drivers' hours prohibition rates (2013-2015)³⁸

Highways England's closure code data highlights that the West Midlands has the largest number of tachograph break incidents accounting for 29% of all incidents (Figure 4.4). The North East and South East are the second and third highest, accounting for 18% and 17% of incidents respectively.

³⁷ Highways England, 2016 – Tachograph Returns Record

³⁸ Highways England, 2016 – Tachograph Returns Record

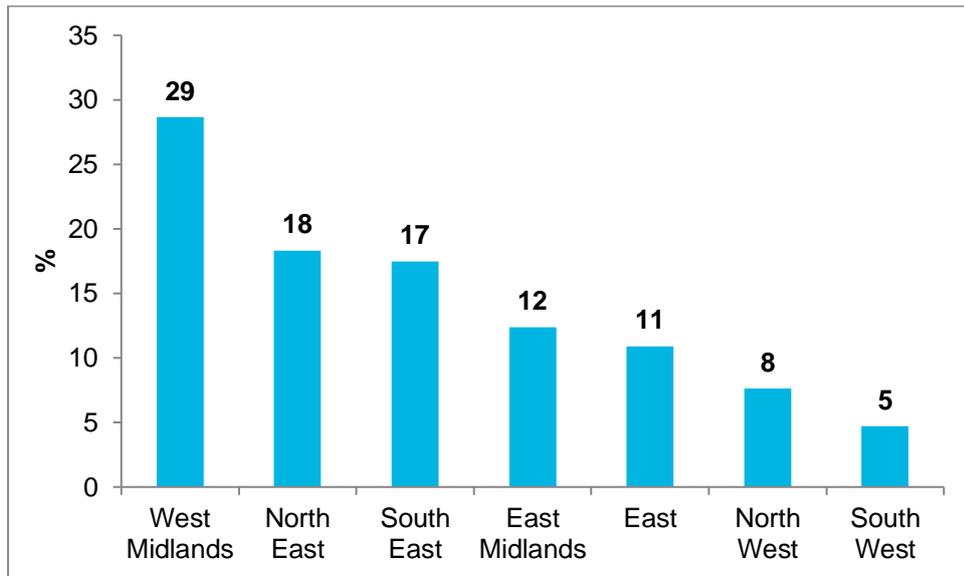


Figure 4.4 – Percentage of tachograph breaks on the motorway by region (2013-2014)³⁹

When considering the motorways across the UK (Figure 4.5) the M6 and M1 have the most incidents accounting for 20% and 18% of incidents respectively. The M25 and A1(M) are also hot spots for tachograph breaks accounting for 12% and 11% of all incidents. These top four account for 61% of all issues recorded.

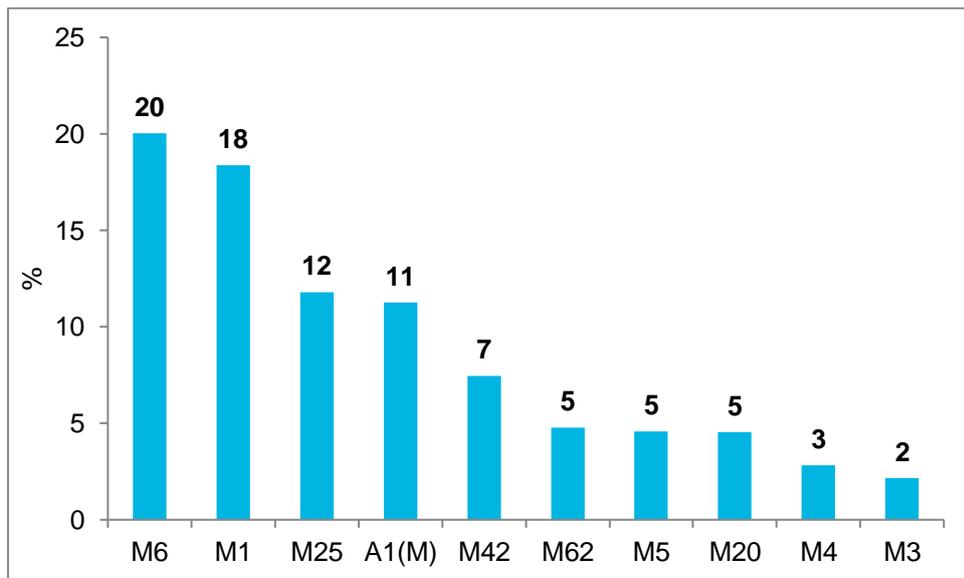


Figure 4.5 – Tachograph breaks on the motorway by highway name (2013-2014)⁴⁰

Analysis of the closure code data by ‘road link description’ (Figure 4.6) allows specific areas on the network to be identified as areas where HGV drivers regularly take tachograph breaks on the hard shoulder.

The A1 between A684 and A61 experienced the highest number of tachograph breaks with 58 across 2013 and 2014.

³⁹ Highways England – Tachograph Break Command and Control data (2013-2014)

⁴⁰ Highways England – Tachograph Break Command and Control data (2013-2014)

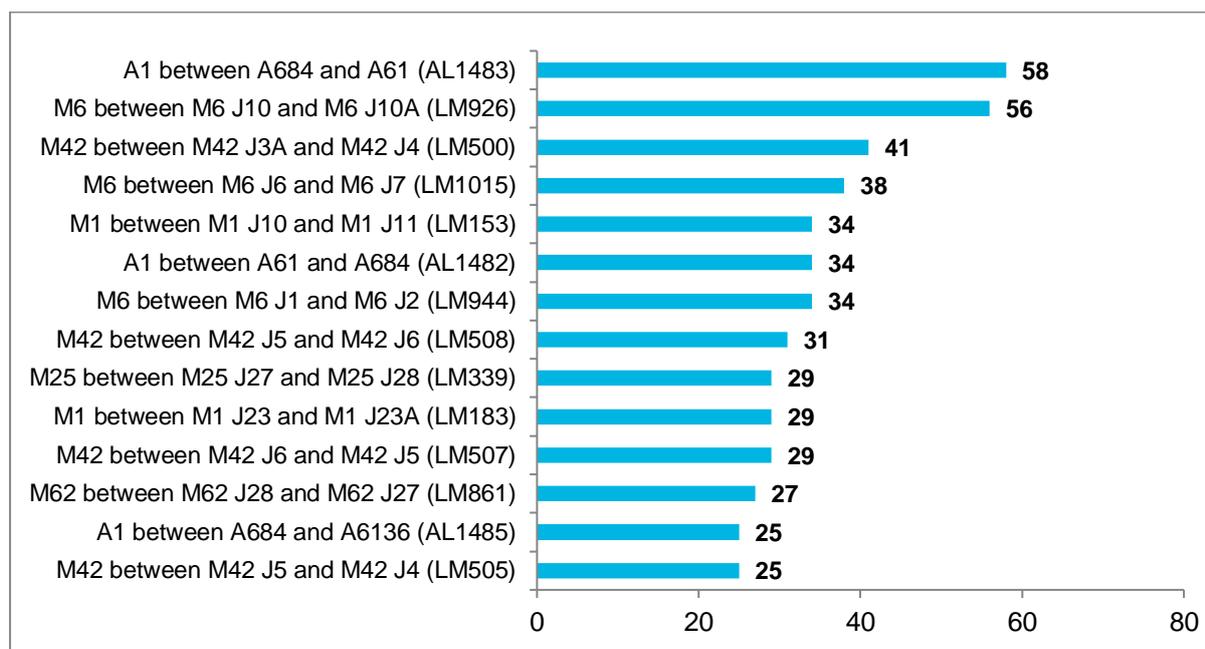


Figure 4.6 – Number of tachograph breaks on the motorway by road link description (2013-2014)⁴¹

4.2.1 Summary

It has been identified in this section that there are hot spots for tachograph break incidents of varying geography and scale (i.e. regional, road specific, junction specific etc.). This data could be used to develop recommendations in relation to identifying the reasoning for these tachograph breaks occurring on the network.

4.3 Foreign drivers

The advent of the graduated fixed penalties has meant that foreign operators and drivers can be policed on a reasonably equal footing to their domestic counterparts⁴². Foreign drivers must pay their fines on the day and appeal later (if they wish) unlike UK drivers who have 28 days to pay.

With UK operators, enforcement agencies can follow these fines up under the remit of operator licensing and report serious offenders to the traffic commissioner. However, there is little that enforcement agencies can do to follow up on foreign operators.

Anecdotal evidence from the Police has been provided that indicates that drivers are given cash by their fleet managers to pay for fines in case they are stopped. This is done to limit the amount of time they are held up when stopped for enforcement. It is felt that foreign operators / drivers widely expect that they will be stopped and are willing to break the rules and risk being caught as the operational cost benefits that can be gained far outweigh the cost of the fine.

Following the examination of tachograph records, the Road Haulage Association (RHA) has reported that non-UK trucks are “significantly more likely” than UK-operated vehicles to be found to have seriously infringed drivers’ hours laws in a manner that would attract penalty notices. Some 37 per cent of non-UK vehicles were found to have historical drivers’ hours’ offences, while in the case of UK trucks the figure was 20 per cent.”⁴³

“DVSA also found that 42 per cent of the tachograph records of non-UK vehicles showed offences that would have been subject to fixed penalties, with the figure for UK trucks being 28 per cent.”⁴⁴

Anecdotal evidence from police units also suggests that foreign drivers are more commonly in contravention of drivers’ hours’ regulation.

⁴¹ Highways England - Closure Codes (2013-2014)

⁴² Woodfines Solicitors LLP (2015), Roadside enforcement - now and in the future

⁴³ Road Haulage Association (2015), RHA highlights drivers’ hours compliance gap for foreign trucks

⁴⁴ Road Haulage Association (2015), RHA highlights drivers’ hours compliance gap for foreign trucks

Figure 4.7 shows that the prohibition rate for UK and non-UK drivers is fairly even. In 2011/12 and 2012/13 the prohibition rate for non-UK vehicles was actually lower than for UK vehicles. However, in 2013/14 prohibition rates for non-UK vehicles were higher (16%) than UK vehicles (12%).

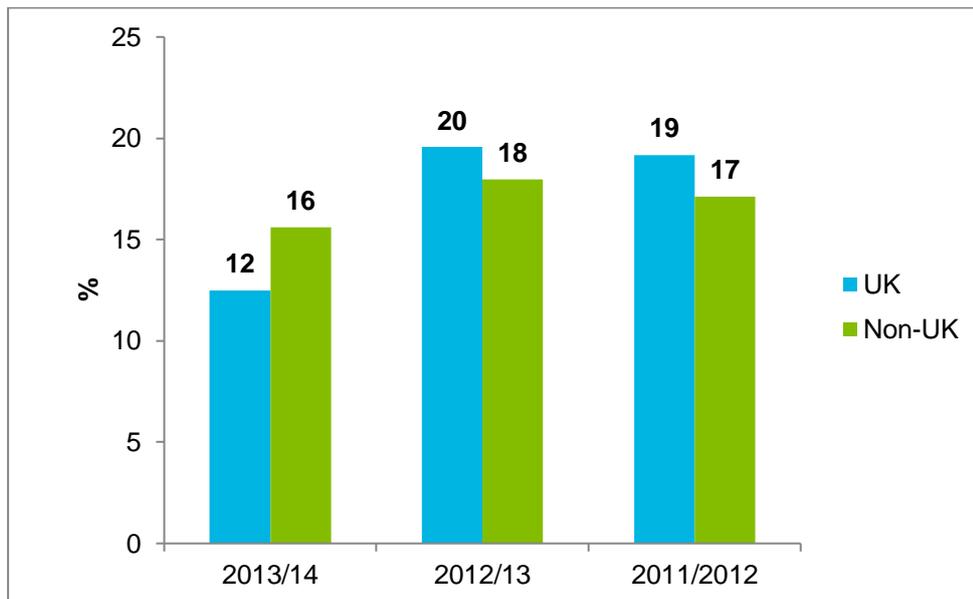


Figure 4.7 – Prohibition rate - Vehicle enforcement checks at roadside and operators' premises⁴⁵

When considering the number of tachograph breaks taken on the hard shoulder, non-UK vehicles account for only 20% and 18% in 2013 and 2014 respectively (Figure 4.8).

Non-UK vehicles account for around 3.3%⁴⁶ of total vehicle kilometres travelled on the strategic network therefore this highlights that foreign drivers are proportionally more likely to take a tachograph break on the hard shoulder.

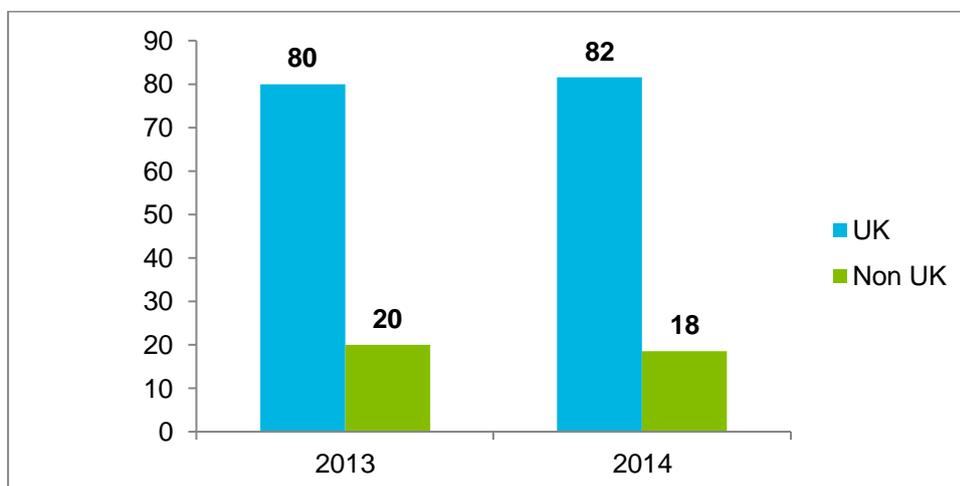


Figure 4.8 – Tachograph breaks on highways in the UK by UK and Non UK vehicles⁴⁷

⁴⁵ VOSA Effectiveness Report 2013/14

⁴⁶ Department for Transport, 2015 - Road Traffic Estimates: Great Britain 2014 (R)

⁴⁷ Highways England – Tachograph Break Command and Control data (2013-2014)

In relation to the command and control data Table 4.3 outlines the data already collected across the three incident areas.

However to improve the usefulness of data recorded for tachograph breaks the additional data outlined in Table 4.4 should be collected. Table 4.4 also outlines why the additional data is required.

Table 4.3 - Current Command and Control Data for Diesel Spills, Tyre Incidents and Tachograph Breaks

Current Data Collected

-
- Incident number
 - Road link description
 - RCC Region
 - Location description
 - Start date
 - Road type
 - Month
 - Highway name
 - Year
 - Final closure code description
 - Incident impact duration
 - Other closure code
 - Road link reference
 - Vehicle type (Large Goods Vehicle: over 7.5 tonnes / Large Goods Vehicle: under 7.5 tonnes)

Table 4.4 - Additional data to collect for tachograph breaks

Additional data to collect	Why data is required
Country of vehicle registration	To be able to differentiate between UK and Non-UK vehicles in more detail. There may be some countries where vehicles have been involved in a high number of incidents. This data can be obtained from the registration plate on the rear of the vehicle.
Company name	To be able to identify repeat offenders and to help identify industry type.
Vehicle Registration	To be able to differentiate between UK and Non-UK vehicles in more detail. There may be some countries where vehicles have been involved in a high number of incidents. This data can be obtained from the registration plate on the rear of the vehicle
Industry Type	To identify if particular industries are being involved in a higher proportion of incidents than others. This may help to develop recommendations to reduce incident numbers in the future.
Vehicle body type	To identify if particular vehicle body types are being involved in a higher proportion of incidents than others. This may help to develop recommendations to reduce incident numbers in the future.
Number of axles	Identify whether the tractor unit has 2 axles or 3 axles, this is important because there is space on a 2 axle tractor unit for a larger and more exposed fuel tank, which may result in more serious spillage.
Photograph	Traffic Officers should take a photograph of the vehicle at the scene for future reference. In the case that a TO does not take photograph, the Command and Control operators should take screenshots of the vehicle involved in the incident.
Break type	This will help to identify is a break is a daily rest or a driving break.

5. Managing Driver Infringements

Under the terms of operator licensing all driver infringements must be dealt with appropriately. This section explores how operators deal with driver infringements relating to drivers' hours and what software is available to assist with this process.

5.1 Terms of Operator's Licence

When applying for an Operator's licence to the Traffic Commissioners, operators will have made the following undertakings:

- "The laws relating to the driving and operation of vehicles used under this licence are observed; and
- The rules on drivers' hours and tachographs are observed, proper records are kept and that these are made available on request."

As well as their obligations under operator licensing, operators also have legal obligations under legislation (see the Transport Act 1968) to ensure that their drivers observe the law on drivers' hours. Failure to do so leaves them exposed if infringements are discovered by an enforcement officer (ie the police and VOSA officers). This can lead to criminal prosecutions against the operator as well as the driver.

While some driver infringements will not automatically result in action against the operator, such action could be taken if the operator has failed to make correct arrangements, eg:

- the operator designed a schedule for a driver in such a way that the only way to complete that job would have required excessive driving
- where an operator is shown to have failed to deal with regular infringements by a driver.

5.2 How Operators Manage Driver Infringements

It is important to understand the current situation with regard to how operators manage drivers' hours infringements when drivers receive them.

Figure 5.1 below shows that the 99% of respondents had a process in place to deal with drivers' hours infringements. This is to be expected as having a process in place is a requirement that must be met in order to maintain a transport operator's license in the UK. The respondent that stated they do not have a process in place is an owner driver. They are therefore likely to deal with the infringements as and when they are received rather than have a specific process set out in company policy.

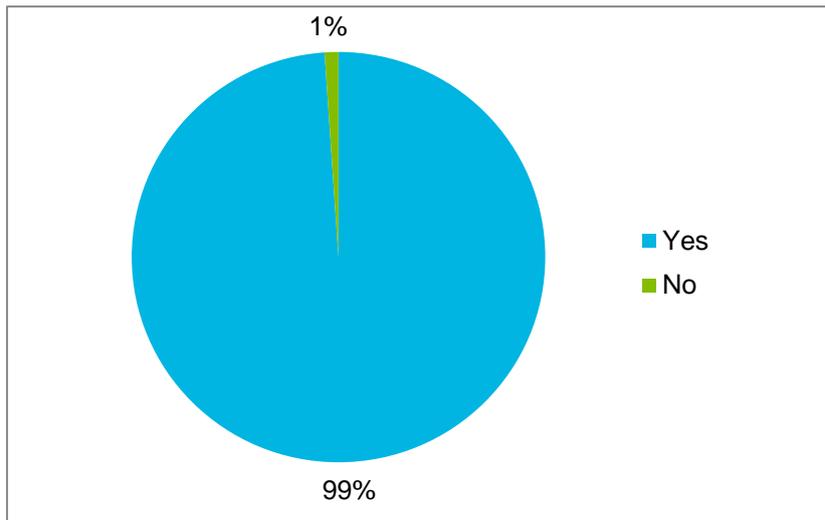


Figure 5.1 - Do you have a method in place for dealing with drivers' hours infringement reports? (n=98)

In terms of the actions operators take when dealing with drivers' hours infringements the vast majority (93%) meet with driver to get a full explanation with 76% issuing warnings (verbal, progressing to written, then dismissal). Furthermore 68% and 61% of operators 'consider retraining the driver' and 'consider disciplinary action related to seriousness of offence' respectively.

This suggests that operators are operating to best practice when dealing with driver infringements.

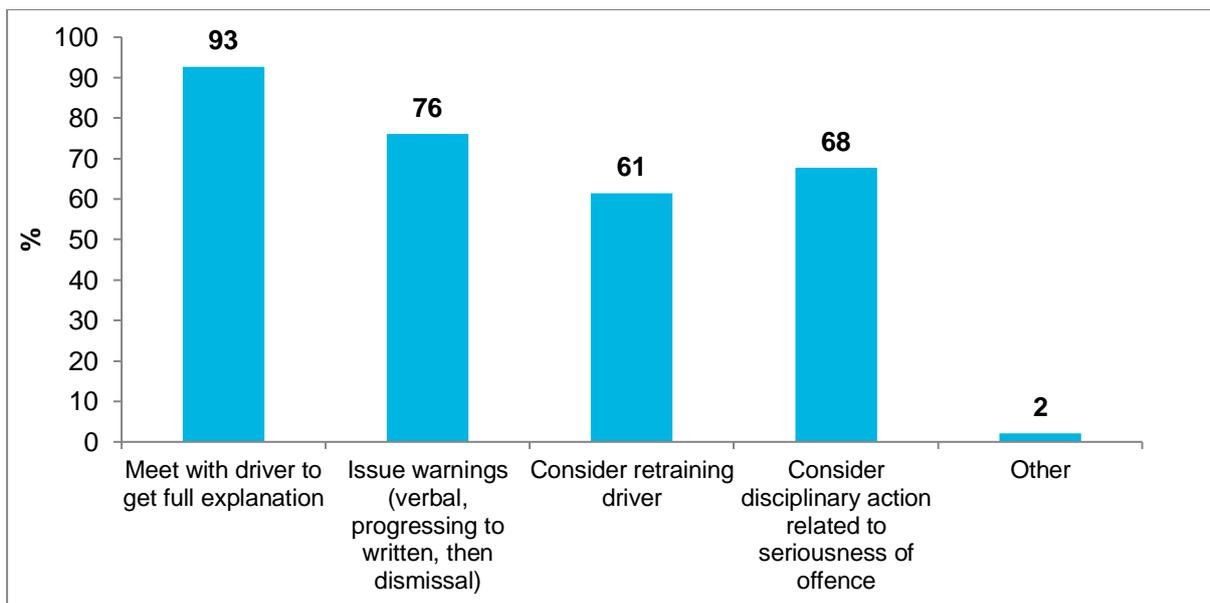


Figure 5.2 - How do you deal with drivers who receive drivers' hours infringements? (n=98)

5.3 Software Solutions

As stated in Section 2.2.1 the computer software solutions used by operators to manage and analyse tachograph data can have functions within them to allow infringements to be dealt with effectively. This can help to reduce the amount of manual analysis and interpretation which transport managers are required to do, and it also reduces the chance of them being missed.

This section provides examples of software solutions that are available to deal with driver infringements.

TDi Analysis - Driver Debrief Function



Tachograph analysis software provider TDi Analysis offer a driver debrief function as part of their full software package. The driver debrief function allows operators to monitor driver trends and offences, to ensure they are informed if a driver is constantly offending.

The system operates on a rolling 3 month period and keeps track of driver performance by allocating points per offence. The point system for the driver debrief system can be customised by a transport manager to suit their operation.

Tachomaster also provides a function that allows driver infringements to be managed and dealt with when they arise. An email is sent to the driver in question outlining details of the infringement(s) that have been reported (Figure 5.3).

Figure 5.3 shows an example for a driver that has had insufficient breaks in a driving period. A visual representation of the drivers working day is provided along with exact duration of driving, work and rest time for the period in question.

In this example the driver in question has driven for 4 hours 49 minutes and conducted 'other work' for 4 hours 52 minutes but has only had a 1 minute rest period.

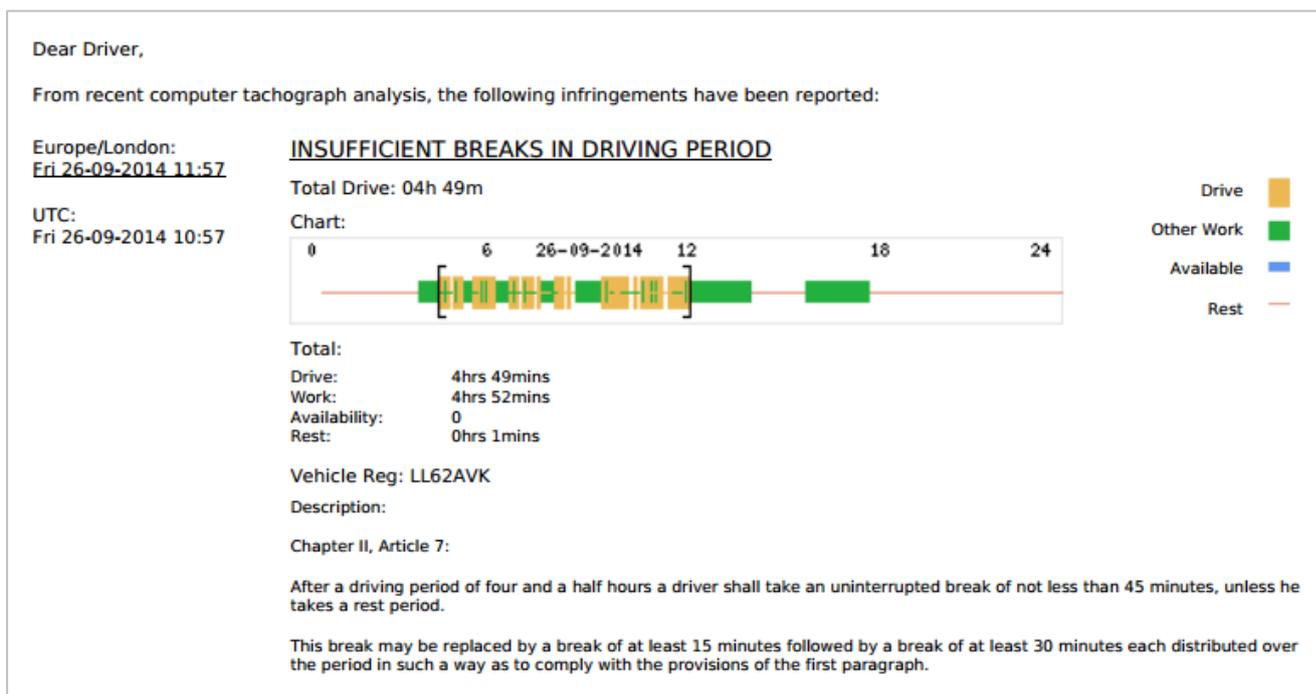


Figure 5.3 – Example of how infringements can be reported using TachoMaster⁴⁸

5.4 Best Practice

Infringement reports are generally reviewed by the operator’s Transport Manager. This report will identify breaches of drivers’ hours, no matter how small, that have been found upon the analysis of the tachograph records.

Where a driver has infringements noted, Transport Managers should always discuss these with each driver in question, seeking any explanations for this or, if none is available, explaining the cause for concern with the driver. The driver and the Transport Manager, as a matter of good practice, should sign and date the report. This allows operators to have a written record evidencing a system in place for ensuring that the laws on driving are being observed, as required under the operator licence.

⁴⁸ TachoMaster - <http://www.tachomaster.co.uk/features/?gclid=CJnUvpWY2s8CFYU6GwodTLEAPA>

When an infringement report is reviewed by the Transport Manager for the operator, this should not be done in isolation. Looking at a single report may not highlight any issues or a few minor issues that do not cause any concern. However, if infringement reports are monitored collectively, operators may begin to establish a series of frequent mistakes made by a driver or a group of drivers.

Where a driver is found to be making the same mistake repeatedly, this may not be a result of him or her flouting the rules, but simply failing to properly understand the rules. In that situation, a fair and reasonable employer would not go straight to disciplinary proceedings, but rather look towards re-training.

Clearly, where a driver is failing to grasp the point, despite regular refresher training and guidance from the Transport Manager, the operator may feel that there is little option but to discipline the driver. Also, where the infringements are found to be serious, such as being grossly over the set limits, and no explanation for this is forthcoming, again, an operator may feel that disciplining the driver is essential.

Persistent failure to take any action upon the identification of breaches, that are more than very minimal, be it through training, warnings or termination of contracts, could lead to an enforcement officer or a Traffic Commissioner being left with the view that the operator is condoning illegal activity and potentially putting other road users' safety at risk. This would have dire consequences for the future of that operator's ability to operate vehicles.

6.Route Planning

This section focuses on how operators currently plan their routes and whether this is considered to be best practice.

6.1 How do operators plan their routes?

Figure 6.1 shows that the vast majority (76%) of operators are manually planning the routes for their vehicles with only 19% using a computer routing system.

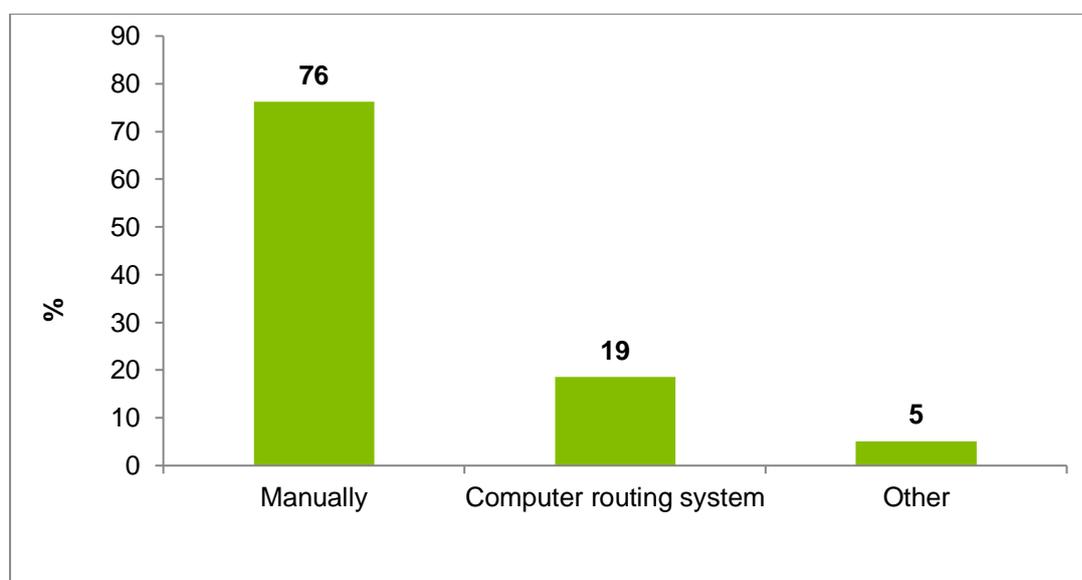


Figure 6.1 - How do you plan your fleet vehicles daily routes? (n= 98)

The following computer routing systems are used by operators who responded to this survey:

- Chameleon
- DPS
- Mandata
- Microlise
- Paragon
- Roadrunner
- Roadtech

One operator stated that they use an internal bespoke system with another stating they use a vehicle based satellite navigation system.

One operator commented that they use a computer routing system in conjunction with Google maps. This highlights the growing availability of free of charge routing systems that can be used commercially by operators to improve their route planning. Figure 6.2 is an example of google maps planning a route from Dover to Daventry International Rail Freight Terminal (DRIFT). The blue line denotes the suggested route with orange and red areas indicating congestion and yellow markers indicating roadworks or incidents on the network.

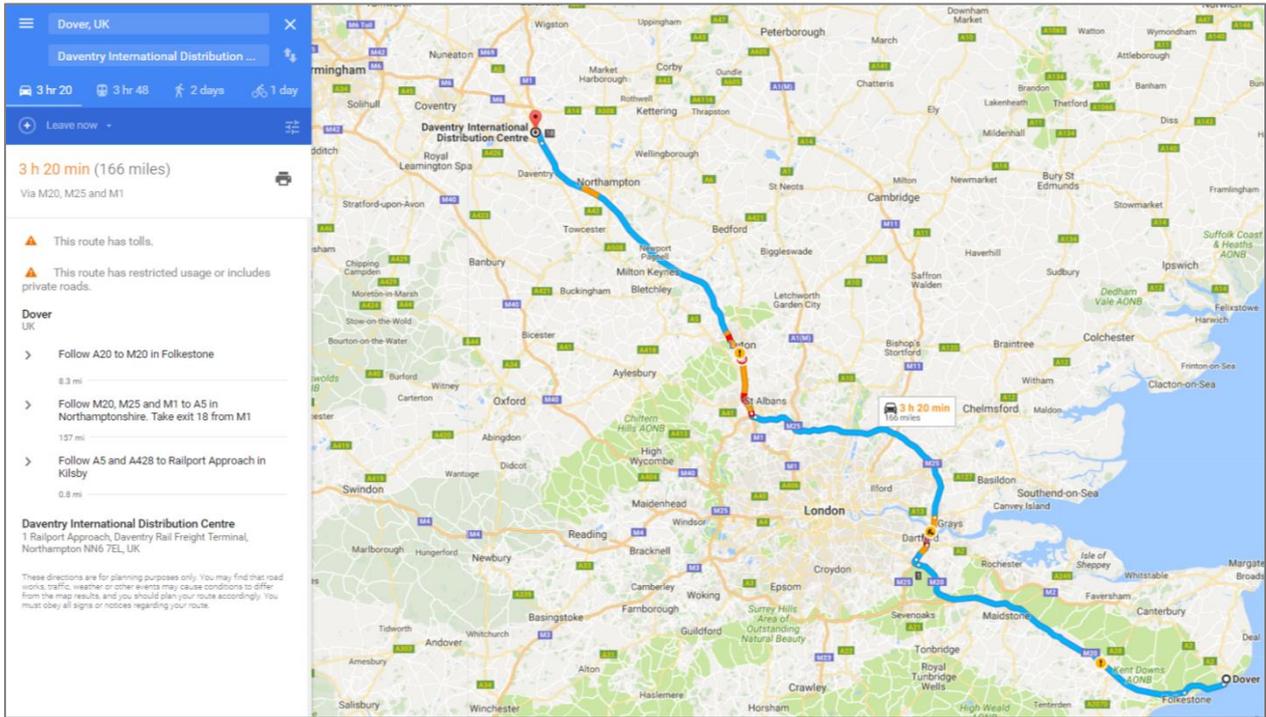


Figure 6.2 – Google maps routing example – Dover to Daventry

6.2 What factors affect how routes are planned?

Figure 6.3 shows that road restrictions (85%) and providing high levels of customer service (85%) were the most common considerations for operators when planning routes. This highlights the operators focus on profits. Providing high levels of customer service by ensuring drops are made on time and reducing costs by minimising the vehicles helps operators to achieve this.

Only 41% of operators stated that ensuring there are suitable rest areas on route was a consideration for their route planning. This was the second least chosen answer. It could be argued that this shows that the welfare of the driver is not regarded too highly amongst those planning the routes with many other factors being taken into consideration first.

Additionally only 58% of operators stated that they consider alternative routes in case of unforeseen events.

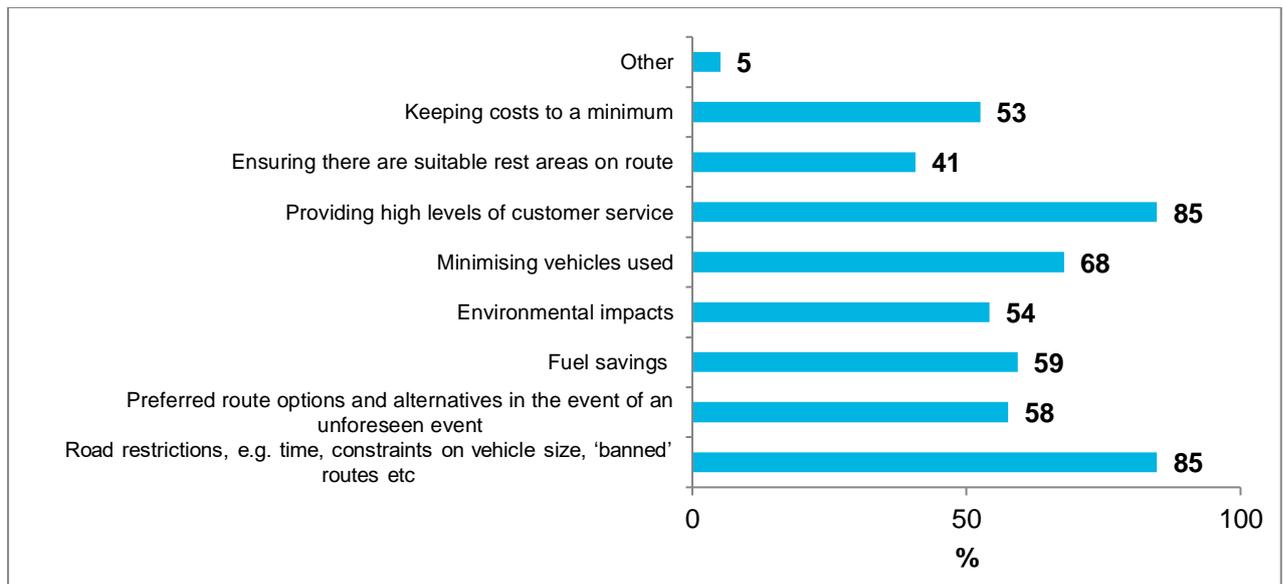


Figure 6.3 – What do you take into consideration when planning your routes? (Please tick all that apply)

Figure 6.3 shows the variety of considerations operators have to include in their route planning and shows the complexity of the task. Logistics has undergone considerable change in recent times to adapt to the needs of both businesses and consumers. An example of the change is the trend towards organisations requiring smaller deliveries more often, within a tight time window and strict schedules. Coupled with this is the issue of factories and other businesses operating to lean and just-in-time principles. The number of goods available, their place of origin and their channels to market has increased hugely leading to a dramatic change in the functioning of freight logistics.

Due to the increasing number of complexities involved with logistics it is increasingly important for organisations to take a sophisticated approach in order to improve operational efficiency. Technologies, such as computer routing systems, have allowed operators to maximise existing assets and also increase complexity in order to drive efficiency and save money.

6.3 Unforeseen Events

During the operation of a fleet of goods vehicles it is inevitable that unforeseen events will disrupt some movements and cause delays. An unforeseen event could include but is not limited to the following:

- Ferry delays
- Traffic collision
- Road closure
- Adverse weather (i.e. snow, high winds etc.)
- Operation stack on the M20

Under these circumstances drivers are able to continue until they find a suitable place to stop. As long as the driver deals with this in accordance with the regulations and is not doing so fraudulently then this is not considered as an infringement.

The definition for unforeseen events and how they should be dealt with is outlined in the Road Haulage Association Manual and The Freight Transport Authority Handbook, see below.

Road Haulage Association Manual

Provided road safety is not jeopardised and to enable the driver to reach a suitable stopping place, a departure from the EU rules may be permitted as far as is necessary to ensure the safety of persons, the vehicle or its load. The driver must note the circumstances on a tachograph chart or digital print out, at the latest on reaching a suitable place to stop.

Examples of the type of event envisaged are: severe weather conditions, any road traffic accidents, breakdowns, ferry delays or any event that causes or is likely to cause danger to the life or health of people or animals. This concession does not allow the driver to do more than reach a suitable stopping place and operators are expected to reschedule subsequent work to remain compliant with the regulation in place.

NB: Repeated or regular use of this concession might indicate to enforcement authorities that work is not being scheduled correctly

Freight Transport Authority Handbook

In order to reach a **suitable stopping place** in an emergency, a driver may breach the regulations to the extent necessary to ensure the safety of persons, of the vehicle or of its load – as long as road safety is not put at risk. This does not provide carte blanche to return to the depot in any circumstance. The driver must indicate the reasons and circumstances on the tachograph chart on arrival at the suitable stopping place at the very latest. A European Court ruling in 1996 made it clear that such emergencies must by definition be unforeseen and cannot be worked into a driver's schedule.

However, this relaxation of the rules cannot be viewed as a “back up” by operators, thus allowing them to push drivers to get as much driving done per day as possible. Repeated and regular occurrences of drivers relying on this point might indicate to enforcement officers that employers are not scheduling work to enable compliance with the applicable rules.

Figure 6.4 shows that 64% of operators surveyed stated that drivers have had to exceed drivers' hours limits due to unforeseen events.

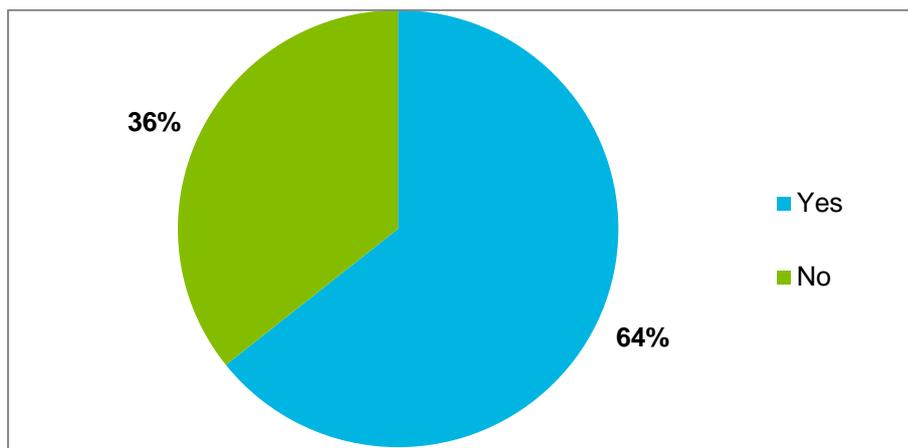


Figure 6.4 – Has there been any times whereby drivers have had to exceed drivers' hours limits due to unforeseen events?

Figure 6.5 shows the reasons for drivers having to exceed drivers' hours limits due to unforeseen events. This graph has been created by coding open responses into quantitative themes.

The most common unforeseen event causing drivers to exceed drivers' hours limits is road traffic accidents / incident (53%). Also 33% of respondents stated congestion was an unforeseen event causing drivers to exceed drivers' hours limits. while road closures / diversions and no safe parking were stated as reasons by 20% of respondents respectively.

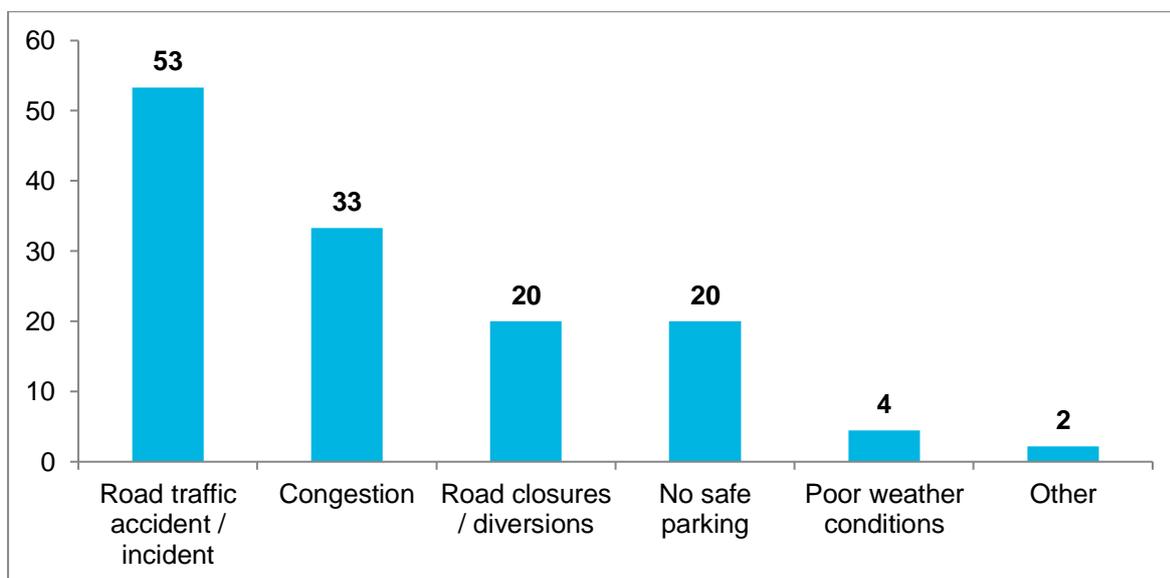


Figure 6.5 – Has there been any times whereby drivers have had to exceed drivers' hours limits due to unforeseen events? - Can you provide examples of the reason

Some open responses stating the unforeseen events faced by drivers are outlined below:

- RTA's on motorway/trunk roads where there are no available secure rest/parking places
- Diversions or accidents that cause delays in no stop areas.
- M25 closed due to Dartford bridge closure
- These offences are usually caused because of lack of parking facilities or traffic congestion.
- Usually due to road closures on main routes stopping drivers getting to service areas for their break
- These offences are usually caused because of lack of parking facilities or traffic congestion

It appears that operators are aware of the types of events that constitute an unforeseen event and are aware of the process that must be followed in order to keep records of these events. One respondent commented:

“Typically if there is a major incident on the M25 where our vehicles are subject to infrequent movement. This is dealt with by driver duplicate printouts with explanation written on reverse.”

However Highways England Closure Code data shows that a large proportion of drivers are taking tachograph breaks on the hard shoulder of motorways, further work is required to understand exactly why these incidents are occurring on the network. However as a process is in place for unforeseen events allowing drivers to go over the permitted hours, adapting tolerance for drivers' hours regulation would not be an effective way of reducing incidents on the network.

6.4 Best practice

Best practice for route planning is to use a computer routing system that takes into account any issues on the network such as congestion, road closures and route restrictions ideally in real time. The most advanced versions of routing software are updated in real time so can reroute a driver while they are on a journey.

The finding in this chapter suggests that the majority of industry is not following best practice with considerable room for improvement. The amount of operators following a policy of manual planning is a surprising finding when considering the complexity of route planning.

The benefits of computer routing systems are numerous for both the operator (efficiency and time management) and the wider sector (environmental and congestion). In terms of cost it can result in overall cuts but the reduction can be hard to quantify. Despite the potential savings the cost of software licences, for small and medium companies, poses a financial barrier. This may be the reason for operators manually planning routes.

New technologies allow increased functionality, including: multi-tripping, overnight runs, weekly scheduling, route combining deliveries, street level routing, central planning of multi-depot operations and full “integrated fleets” optimisation, with its increased back-loading and reduced empty running.

Of concern is that only 41% of operators take into account whether there are suitable rest areas on route for drivers. Since the majority of operators plan their route manually it may be that taking rest areas into consideration may take longer. Therefore if more operators were to follow best practice they would find their efficiency would improve and drivers would have appropriate places to rest.

Following best practice also allows operators to remain within the law when legislation changes since routing systems such as Paragon update systems in line with changes⁴⁹. In relation to drivers' hours this allows operators to confidently plan routes with the knowledge that all routes will be safe for the driver and other road users.

It would be advisable to inform operators on the benefits of incorporating drivers' breaks into route planning whilst including information on the current regulations. The study has shown cost to be a priority for operators and therefore to encourage more operators to take drivers' hours into consideration it would have to be cost effective.

Manually deciding on rest areas would increase costs but doing this using routing systems adds little extra cost. The routing system itself can lead to cost reductions and therefore this may provide the most effective method of drivers' hours being taken into consideration.

⁴⁹ Paragon (2016) Mastering logistics complexity: taking control with technology

7. Recommendations

This section outlines interventions for how the number of drivers' hours incidents on the SRN can be reduced. The recommended interventions have been collated into the following groups:

- Drivers' hours enforcement
- Operator awareness campaign

Table 7.1 outlines how the interventions have been grouped and provides an indication of the timescale for each intervention.

A more detailed explanation of each intervention is then provided throughout the rest of the chapter with the following information provided:

- Issue being addressed
- Evidence of the issue
- Potential Solution
- Staged approach

Table 7.1 - Drivers' hours – Recommendation groupings

Ref	Group	Intervention	Timescale
DH1	Drivers' hours enforcement	1. Develop an awareness / education campaign aimed at influencing Senior Police / Crime Commissioners.	Short
		2. Identify all training courses that are available and which courses benefit the police officer the most with a view to providing funding. This should initially be rolled out as a pilot aiming to enhance the levels of police enforcement in one area of the SRN	Medium
		3. Highways England to promote and potentially help facilitate data collection and sharing between enforcement agencies. This should cover both data on offences committed by operators and enforcement activity conducted by the Police and DVSA.	Medium
		4. Develop / join national challenge group consisting relevant stakeholders such as DVSA, Police, Fleet operators, Traffic Commissioners, FTA, RHA, FORS, tyre manufacturers, tyre fitters and any other specifiers etc.	Medium
		5. HE to fund enhanced levels of Police enforcement in one area of SRN – e.g. Cheshire / Hampshire Police CVU's as they are keen on enforcement – Drivers' hours rules and tachograph fraud (i.e. switches). Then potentially roll out to other parts of the SRN.	Medium
		6. Review the Highways England process for informing relevant European agencies about foreign operators who commit offences in the UK	Medium
		7. Lobby to review fines issued for parking on the hard shoulder to bring them in line with drivers' hours fine. Lobby to increase GFPs so that operators are absolutely discouraged from offending.	Long
		8. Work with the DVSA to help them to achieve a speeding exemption, for sections of the SRN subject to SMART motorway conditions.	Medium
DH2	Operator Awareness Campaign	1. Develop a good practice guide and raise level of awareness / education for drivers and operators	Short
		2. Develop guidance for operators focusing on the benefits of using computerised route planning software as a means of instructing drivers' when and potentially where to take breaks.	Short
		3. Investigate reasons for drivers taking tachograph breaks on the hard shoulder and develop an awareness / education campaign for drivers.	Short
		4. Develop enforcement system	Medium

Detailed write-ups of what the interventions involve, what has led to their creation and how they can be implemented are provided in the sections below.

7.1 DH1 Drivers' hours enforcement

Issues

- A lack of Police funding is leading to low levels of drivers' hours enforcement particularly in certain parts of the UK
- Lack of drivers' hours enforcement by the Police due to a low level of knowledge of commercial vehicle operations
- Senior Police do not prioritise commercial vehicle enforcement, due to having higher priorities
- Lack of drivers' hours training for Police. Without the necessary training it is impossible for a police officer to identify offences effectively.
- Also a lack of training capacity for courses covering drivers' hours regulation and tachograph analysis
- Lack of drivers' hours enforcement by the Police due to a low level of interest and lack of training in commercial vehicles.
- Tacho fraud methods are always changing and becoming more advanced
- Fines for parking on the hard shoulder are much lower than those issued for drivers' hours offences. This in some instances may cause drivers to risk the hard shoulder fine rather than risk getting the higher fine associated with drivers' hours offences.
- Smart motorways are causing issues with DVSA enforcement as the variable speed limits mean that it is technically illegal for them to intercept and pull over HGVs when a variable speed limit is in place. This is causing some DVSA sites to close (e.g. Sandbach) as they are no longer effective for enforcement purposes.
- The issue of variable speeds on SMART motorways is only going to get worse in the future as more and more of the Highway's England network is upgraded.
- Graduated fixed penalty fines for drivers' hours offences are too low. Some drivers choose to run the risk of being caught as the economic benefits of breaking the rules are greater than the fines.

Evidence

- Findings from Police and DVSA interviews
- Tachograph Returns Records – Highways England
- Police stated that enforcement on commercial vehicles is only conducted by officers that have an interest in the area
- Some police forces stated that there are only a few training centres in the UK that offer training on drivers' hours regulation and tachograph analysis
- Enforcement Agencies have limited powers to enforce against foreign drivers if they do not have a suitable UK address. They can either issue a graduated fixed penalty fine or prosecute the driver.
- No action can be taken against foreign operator licences by UK enforcement agencies
- Enforcement information is not being effectively shared between organisations. This is a problem both between the DVSA and Police and between Police forces themselves
- Lack of strategic direction for commercial vehicle enforcement across the different enforcement agencies.
- Levels of enforcement activity within the Police vary considerably dependant on the level of interest and training of officers.
- Infrastructure investment on the network (i.e. SMART motorways) is having detrimental effects on the level of enforcement that can be conducted.
- Tachograph fraud (i.e. magnets, switches etc.) is becoming very complex and is therefore difficult to identify and enforce against.
- Discussions with DVSA, Police, former Police Traffic Officers have highlighted that DVSA cannot legally stop vehicles on Smart Motorways when a variable speed limit is applied
- Police resourcing issues have been identified for vehicle enforcement along with Police training issues and approval to issue PG9 vehicle prohibitions
- Different enforcement agencies are using different methods and software for analysis of drivers' hours'
- The way DVSA and the Police interpret the Graduated Fixed Penalty legislation is different
- Closure Code Database showing that 2797 drivers took a tachograph break on hard shoulder in 2013 and 2014
- The fine for parking on the hard shoulder is £30

- Graduated fixed penalty fine for drivers' hours offences varies from £100 to £300 per offence. A maximum of three fines can be issued at one time per driver.
- Police have stated they feel they should be able to issue larger fines and more than three in one go.
- Evidence from stakeholder engagement shows that European operators are providing drivers with cash so they can pay the fines quickly, therefore minimising hold up. This shows that operators are not worried about the fine, it is the impact on operations that they are concerned about

Staged approach to delivering this intervention

1. Develop an awareness / education campaign aimed at influencing Senior Police / Crime Commissioners

Highways England should develop an awareness campaign aimed at influencing the Crime Commissioners and Senior Police across the UK. The campaign should focus on the very real and potential fatal consequences of driver fatigue caused by exceeding drivers' hours limits. The campaign should also highlight the good work that the police are doing in other areas which could potentially be used as a benchmark for other forces.

Highways England should consider developing a suite of documents and a presentation that can be used for raising awareness. This suite could either be sent out by email or delivered in person at a workshop or stakeholder presentation.

Other things the awareness campaign suite could include are as follows:

- Video footage of a truck causing an incident due to driver fatigue. Similar footage was recently released in relation to the driver jailed for causing death by dangerous driving due to using his mobile phone.
- Video / audio of an interview with a driver who has dealt with the consequences of causing an incident due to driver fatigue.
- Video / audio of an interview with a family member whose relative has been injured or killed in a driver fatigue related incident involving a HGV.
- Statistics highlighting the prevalence of drivers' hours offences.
- Evidence of tachograph fraud and its complex nature.

In practice this could be achieved initially through the national Commercial Vehicle Enforcement Group (CVEG) chaired by Glyn Jones, National Police Liaison Officer from the DfT. This group involves the sergeants and inspectors from CVUs from across the country and would therefore be a good basis for starting this discussion. This group should then aim to get on the agenda for the National Police Chiefs Council (NPCC) which the Chief Constables and Assistant Chief Constables attend periodically.

Summary of elements:

- a) Engage with the Commercial Vehicle Enforcement Group (CVEG) to raise awareness of the HE Incident Prevention team and discuss the issue of raising the awareness of Senior Police.
- b) Meet with the CVEG and agree the campaign suite required to raise awareness of Senior Police.
- c) Develop campaign suite to be used in the awareness campaign
- d) Engage with senior police (Chief Constables / Assistant Chief Constables) through the National Police Chiefs Council (NPCC) to gain buy in
- e) Implement the awareness campaign with senior police through the periodic NPCC meetings

2. Identify all training courses that are available and which courses benefit the police officer the most with a view to providing funding. This should initially be rolled out as a pilot aiming to enhance the levels of police enforcement in one area of the SRN

Research could be conducted to identify all training courses that are available covering drivers' hours regulation and tachograph analysis. Consideration should also be given to the quality of the courses and their cost. Once this information has been obtained guidance should be developed for the Police forces based on this information.

A gap analysis could also be conducted using this information to identify areas where more training provision may be required.

Based on the recommendation from the training gap analysis Highways England could provide funding for Police training. HE should use the DVSA and Police HGV load security training model that was previously implemented. A forum was also used for this training programme with industry representation.

Summary of elements:

- a) Consult with Police forces, and training providers to identify all training courses available across England – This should include a breakdown of cost, duration, capacity etc.
- b) Identify which Police forces are currently utilising the training
- c) Create database / guidance of available courses and make this accessible by the Police
- d) Conduct gap analysis to identify:
 - Which police forces require training
 - Geographical areas where training / training providers is lacking
 - Topics that are not widely covered but need to be
- e) Agree training that is most useful and cost effective – findings from training research intervention can be used for this.
- f) Identify Police Forces that are in need of training
- g) Agree funding arrangement / requirements – consider using the DVSA and Police HGV load security training model

Pilot

Highways England could provide funding to the Police in return for targeted enforcement in certain areas (i.e. drivers hours' and tachograph infringements). Additionally the Enforcement Tractor Unit that is funded by Highways England should be utilised. The HE have a target of three Enforcement Tractor Units. This should be piloted in particular police forces to begin with. If successful the funding mechanism could be rolled out across other parts of the network.

Any roll out of this intervention should be targeted and carefully monitored through a Service Level Agreement (SLA) to maximise any return on investment. The following aspects should be taken into consideration when considering police forces to conduct the pilot.

- **Busy parts of the road network** – This will ensure that sufficient commercial vehicles are present to allow effective targeted enforcement
- **Police forces which have a large proportion of motorways in their jurisdiction** – This will help to ensure that investment in enhanced police resource is maximised
- **Police forces which have large ports within their jurisdiction** – Evidence shows that truck drivers on long journeys are more likely to be at or near their maximum Driver Hours and hence more likely to be tired
- **Police forces with well-established CVU's** - This would provide support and on the job training to any new recruits and also ensure that the resource is used predominantly for commercial vehicle enforcement

Initial investigation suggests that Cheshire, Hampshire and Greater Manchester Commercial Vehicle Units may be good candidates for his enhanced level of Police enforcement as they are busy areas of the network, have high levels of current enforcement and have CVU's already present and well established.

Key performance indicators (KPIs) should also be outlined as part of the SLA to enable clear targets to be set and monitored.

Summary of elements:

- a) Identify suitable police forces
- b) Gain buy-in from identified police forces
- c) Agree police forces to conduct pilot study
- d) Agree number of officers to be recruited
- e) Agree enforcement areas to concentrate on
- f) Agree targets / KPIs for the police force to meet
- g) Monthly progress meeting / report to be provided against agreed targets
- h) Assess success of pilot using findings from progress meetings / reports
- i) Decide if the intervention should be rolled out to other areas of the SRN

3. Promote the implementation of Drivers' Hours Enforcement Champions who can be used to spread awareness within their police force and amongst other police forces with low levels of enforcement.

Highways England might consider promoting the implementation of Drivers' Hours Enforcement Champions who can be used to spread awareness and drive enforcement activity within police forces. These champions could also act as a point of contact for any Police queries.

High levels of enforcement are conducted in some areas of the country with very high levels of expertise (for example Cheshire CVU and Hampshire CVU). Officers from these CVUs could be utilised to help improve the enforcement in other areas of the country. However this would require careful management to ensure that resources available for enforcement in their own police force are not affected.

Cheshire CVU have a Twitter account that is used to spread awareness and highlight instances of infringements. A Drivers' Hours Enforcement Champions Twitter account could be used as part of this intervention.

- a) Summary of elements:
- b) Agree how many Champions are required across the country
- c) Identify suitable Drivers' Hours Enforcement Champions in Police Forces across the UK
- d) Agree what responsibilities Champions will have
- e) Implement across the Police Forces in England

4. Highways England to promote and potentially help facilitate data collection and sharing between enforcement agencies. This should cover both data on offences committed by operators and enforcement activity conducted by the Police and DVSA.

There is an issue with data sharing between and within enforcement agencies in the UK (Police and DVSA). This leads to a disjointed approach to targeting enforcement. Highways England should help to promote and potentially facilitate the sharing of data on offences committed by operators.

Currently Highways England collates tachograph returns provided by Police forces that make use of the current HE finding for the Optac analysis software and training. This procedure of collating information could be expanded to cover all Police forces in the UK requiring them to submit enforcement data for drivers' hours on a monthly or quarterly basis.

Police offence data does not currently feed into the DVSA's Operator Compliance Risk Score with regard to action on operators. Discussions are currently ongoing with the Senior Traffic Commissioner to help achieve this. The current aim is to get an MOU signed with the Police. This will help to ensure that the full picture is obtained when reporting operators to the Traffic Commissioner for their compliance.

The DVSA produce an intelligence report that is distributed to the Police however evidence from stakeholder engagement suggests that not all Police forces are aware of this.

Summary of elements:

- a) Formalise what information is currently collected by the DVSA and Police with regards to drivers' hours enforcement
- b) Identify any gaps in data collection
- c) Formalise what data sharing is conducted already – i.e. DVSA intelligence report
- d) Identify opportunities for further data sharing
- e) Develop mechanism for additional data sharing

5. Develop / join national challenge group consisting relevant stakeholders such as DVSA, Police, Fleet operators, Traffic Commissioners, FTA, RHA, FORS, tyre manufacturers, tyre fitters and any other specifiers etc.

The national challenge group would encourage its members to take ownership of its agreed priorities and could follow a similar format to the North West Maintenance Advisory Committee or load-security forum that HE was previously involved in. The Maintenance Advisory Committee is chaired by The Ambulance Group and hosted by Wincanton. The RHA owns the forum and takes minutes.

Highways England may even consider joining this forum and attend regularly rather than set up their own forum from scratch as this will save time and money as this forum is already well established and has buy-in from a number of key stakeholders.

This challenge group could be used to:

- Review / develop guidance documents
- Develop direct relationships with Traffic Commissioners, DVSA, Police, TfL, TfGM, FORS, FTA and RHA etc.
- Promote joined up thinking between all the organisations involved
- Develop best practice
- Promote the collection and sharing of operator and vehicle data
- Keep the partnership board up to date with the latest events
- Explore collaborative funding / resourcing

RHA / Wincanton have been contacted to find out if the forum is regional or national, what lines of communication are used to distribute minutes and whether there is scope for HE involvement and national expansion in the future (if not already).

Summary of elements:

- a) Where a national challenge group is already established:
 - Join group and work with RHA, Wincanton and other relevant stakeholders such as Traffic Commissioners, DVSA, Police, TfL, TfGM, FORS, FTA
 - Attend meetings regularly, develop relationships and promote joined up thinking between all organisations involved
- b) Where a national challenge group is not already established:
 - Agree chairperson for the National Challenge Group
 - Agree location and regularity of National Challenge Group meeting (i.e. monthly, quarterly)
 - Contact each stakeholder to request them to nominate a representative to attend the meetings
 - Hold a launch meeting to introduce the National Challenge Group and define its scope

6. Review the Highways England process for informing relevant European agencies about foreign operators who commit offences in the UK

Highways England might consider undertaking a project to review the process for informing relevant European agencies about foreign operators who commit offences in the UK. The review should identify if the current process is working and how it could be improved.

Currently the DVSA have to report all 'most serious' offences to European agencies but it is unknown what follow-up action is taken. Therefore the review should take this into account and learn from the DVSA issues. Engage with relevant European Authorities to understand exactly how they act on this information and suggest changes, where applicable.

Additionally if countries aren't following EU laws e.g. drivers hours or driver CPC they may be subject to fines by the EU. Investigate if issues with foreign vehicles can be raised to this level.

The OCRS implemented by the DVSA could be extended to cover foreign vehicles to help with the identification of problem operators.

Summary of elements:

- a) Formally outline the Highways England process for reporting offences to European agencies
- b) Identify European agencies that Highways England report to and create a list of contacts within each
- c) Consult with European enforcement agencies to identify how they use the information provided by Highways England
- d) Assess current internal Highways England reporting process and make recommendations
- e) Assess the process European agencies use to deal with offences and make recommendations
- f) Implement recommendations internally within Highways England
- g) Lobby European agencies to implement recommendations

7. Lobby to review fines issued for parking on the hard shoulder to bring them in line with drivers' hours fine. Lobby to increase graduated fixed penalties so that operators are adequately discouraged from offending

Currently the fine for parking on the hard shoulder is £30. This is considerably lower than the potential graduated fixed penalty fine for breaching drivers' hours, which varies from £100-300 per offence. A

maximum of three fines can be distributed at one time per driver. Therefore £900 is the maximum fine for three offences unless a driver is taken to court. Therefore a driver may opt to park on the hard shoulder to avoid a potential drivers' hours fine as the hard shoulder fine is much less.

The Highways England should lobby to review fines issued for parking on the hard shoulder to bring them in line with drivers' hours fines. To amend the legislation the Department for Transport will need to conduct a public consultation on the matter and then put the legislative change to parliament if as a result of the consultation it is decided that the fine should be raised. A similar process is currently being conducted to raise the fine for using mobile phones while driving⁵⁰.

Evidence of stakeholder engagement with the DVSA shows that they are currently looking into this however, it would be beneficial for Highways England to provide support to help achieve it.

Highways England might also consider lobbying to increase the graduated fixed penalty fines that can be issued to drivers. This could be achieved by:

- Increasing the fines for a single offence, currently set at £300;
- Increasing the amount of fines that can be issued, currently set at three per driver;
- Increasing fines and increasing the amount of fines that can be issued

This increase would aim to make fines more severe so that operators do not consider them as part of the 'game' and start to comply with legislation to avoid having to pay them.

Currently there is an initiative in Kent known as operation KINDLE whereby the HE Traffic Officers identify vehicles and inform the police who then issue the fines. This operation could be extended nationally to help enforce against this issue. Summary of elements:

- a) Engage with DVSA to understand what stage they are at progressing this.
- b) Agree actions to be taken dependent on stage the DVSA are already at

8. Work with the DVSA to help them to achieve a speeding exemption, for sections of the SRN subject to SMART motorway conditions.

Work with the DVSA to help them to achieve a speeding exemption. They are currently progressing this but may require support.

To amend the speed exemption legislation the Department for Transport will need to conduct a public consultation on the matter and then put the legislative change to parliament if as a result of the consultation it is decided that the fine should be raised. This process was used to review the speed exemption legislation in 2012⁵¹.

Summary of elements:

- a) Engage with DVSA to understand what stage they are at with progressing this.
- b) Agree actions to be taken dependent on stage the DVSA are already at in relation to achieving the speed exemption.

⁵⁰ Department for Transport (2016) - A consultation on changes to the Fixed Penalty Notice and penalty points for the use of a hand-held mobile phone whilst driving: Response to Consultation - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565099/hand-held-mobile-phone-driving-consultation-response.pdf

⁵¹ Decision Letter Following Consultation Amendment Of The Speed Limit Exemption Regulations Through The Implementation Of Section 19 Of The Road Safety Act 2006 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269588/consultation-response.pdf

7.2 DH2 Operator Awareness Campaign

Issues

- Drivers taking breaks on hard shoulder. There is also a lack of evidence showing why drivers are doing this, and the number of occurrences.
- Operators manually planning routes and not considering suitable parking areas for their routes

Evidence

- Closure Code Database showing that 2797 drivers took a tachograph break on hard shoulder in 2013 and 2014. It is thought that in many cases drivers have finished their break before they are challenged and hence true numbers are unknown.
- 76% of respondents manually planned routes.
- Only 41% of operators ensure there are suitable rest areas on route.

1. Develop a good practice guide and raise level of awareness/education for drivers and operators

Highways England might consider developing a guidance document that outlines a best practice approach to drivers' hours regulations and advice to drivers on the dangers of driving while tired. Further to this, the guidance could outline the merits of using computerised routing software to prevent unnecessary mileage when looking for suitable parking and driving infringements.

Highways England should develop any guidance in conjunction with existing guidance material that is available and use trade associations and other relevant organisations to help distribute the guidance materials (e.g. DVSA, FTA, RHA, CILT and FORS).

The materials could also be carried by HE Traffic Officers, who could distribute to HGV drivers in a number of European languages.

The drivers hours best practice guide may include the following elements:

- The responsibilities of the driver with regards to managing their own drivers' hours and maintaining vehicle records
- A summary of the drivers' hours rules (e.g. Driving, breaks and rest) for both EU and working time directive
- Tachograph modes and how they apply
- Best practice procedures with regards to downloading the driver card and what to do if the card is lost or stolen

It is important to note that there are various pieces of existing material which should be used to develop the contents of the guidance. There is no point in creating new material if some already exists.

Summary of elements:

- a) Consult relevant stakeholders such as Traffic Commissioners, FTA, RHA, DVSA, FORS, Police and gather existing material
- b) Develop preliminary best practice guide and obtain feedback from stakeholders
- c) Translate into multiple languages
- d) Raise awareness of best practice procedure via FTA, RHA, FORS, trade fairs etc.
- e) Enforce on network

2. Develop guidance for operators focusing on the benefits of using computerised route planning software as a means of instructing drivers' when and potentially where to take breaks.

Evidence shows that the majority of operators manually plan their routes and under half ensure that there are suitable rest areas on route. This is against best practice, therefore guidance material should be developed for operators focusing on the benefits of using computerised route planning software and ensuring suitable rest areas are available on routes.

The guidance material should take the form of a short booklet and a summary presentation providing information relevant to both transport managers and drivers. The presentation should be designed to allow transport managers to use it to conduct driver briefings to help communicate the message.

Summary of elements:

- a) Collate information on computerised route planning software
- b) Collate information on examples of software that can be used to plan routes
- c) Develop the guidance document and any supporting materials
- d) Develop summary presentation material facilitating an easy to use briefing pack for the transport managers to enable them to conduct briefings
- e) Decide how the guidance document is to be distributed – e.g. RHA, FTA, FORS etc.
- f) Distribute guidance material to industry

3. Investigate reasoning for drivers taking tachograph breaks on the hard shoulder and develop and awareness / education campaign for drivers

A project should be conducted to investigate the reasoning for drivers taking tachograph breaks on the hard shoulder. Currently there is no information recorded by Highways England Traffic Officers or the Police when they attend these types of incidents.

When the Commercial Vehicle Unit in Kent find a driver (often 2 or 3 trucks together) parked on the hard shoulder they move them onto the next service station where they can be dealt with appropriately. Therefore a joint operation between the HE and Police of this nature could help to identify the reasons why drivers are parking on the hard shoulder.

Once the main reasons are identified appropriate awareness campaigns can be developed to improve awareness and educate drivers of suitable parking areas for their trucks. Any awareness campaign should be translated into European languages common to truck drivers (e.g. Polish, German, Austrian etc.) so these drivers are covered by the campaign.

The awareness campaign could use variable message signage and leaflets to educate truck drivers that it is illegal to park on the hard shoulder and educating them of how to deal with unforeseen circumstances (i.e. they are allowed to go over their hours so long as they follow the correct procedure).

Highways England Traffic Officers could hand out leaflets outlining laws and where to find appropriate parking facilities when they find a driver parked on the hard shoulder. Motorway Buddy could be used for this.

Other ideas to consider as part of this intervention are:

- Explore the potential to outline rules / educational messages on the road levy receipt in different languages
- Reinstate the Highways England Traffic radio station.
- In laybys you could have signs (pictogram) which deter drivers from having tacho breaks on the hard shoulder

Summary of elements:

- a) Agree mechanism to record the reason for drivers parking on the hard shoulder

- b) Agree incident details to be recorded
- c) Instruct HE Traffic officers and the Police to record the data
- d) Analyse data collected
- e) Decide what documents / leaflets are to be included in the awareness campaign
- f) Develop the awareness campaign for truck drivers
- g) Translate the awareness campaign into foreign languages
- h) Explore potential to use part of the road levy receipt for communicating the awareness messages to drivers
- i) Explore potential to reinstate the Highways England traffic radio station

4. Develop Enforcement System

Highway England should work with the relevant bodies to develop an enforcement strategy and process. There are a number of enforcement options, however one possibility could be a three strikes policy:

- Stage 1: Letter informing them of the occurrence
- Stage 2: Stronger letter informing of second occurrence and consequences of a third breach
- Stage 3: Enforcement letter and invoice based on consequential losses or other metric.

This option would be consistent with the proposed approach for overweight vehicle enforcement.

