

CILTI SUBMISSION TO RSA ON AGRICULTURAL VEHICLES

1. Introduction

1.1. The Chartered Institute of Logistics & Transport in Ireland (CILTI) welcomes the Road Safety Authority's call for submissions on the use of agricultural and works vehicles on public roads. The Institute congratulates the Road Safety Authority (RSA) on the important work they are doing in this regard. In seeking submissions on this subject, the RSA are opening the issue to national debate which the CILTI believes is an important step in raising road safety awareness in an area that the Institute believes received scant attention in the past.

1.2. The CILTI is the independent professional body for those engaged in logistics and all modes of transport, enhancing the professional knowledge and competence of its members through comprehensive training, continuing professional development and certified educational programmes. With members involved in all aspects of Logistics and Transport the CILTI has advised and contributed to transport developments in Ireland through its ongoing activities and through membership of various consultative bodies. As an independent professional body, the Institute does not lobby on behalf of any individual modes of transport. Rather it strives to take a considered overview grounded in best practice, and tries to influence developments that are likely to impact on the transport and logistics sector as a whole; believing that an effective transport and logistics industry is fundamental to a prosperous and sustainable Ireland. For more than fifty years the Institute has promoted expertise and professionalism in this industry in Ireland, and currently has over 1,100 members involved in all aspects of logistics and transport. The CILTI maintains close links with the Chartered Institute of Logistics and Transport International which has a

membership of about 31,000 logistics and transport professionals throughout the world.

- 1.3. Given the complexities involved in this submission the CILTI offers to meet with the RSA if required, to explore issues raised and recommendations made.

2. The Issues

- 2.1. The CILTI recognises that there is a need to facilitate the genuine movement of works and farm vehicles/machinery short distances between work sites. However, the issues of safety and fair competition must also be considered, safety being of paramount priority. The Institute believes that many aspects of the operation of agricultural and works vehicles are legally grey areas and hard information on such operations is difficult to collect. This situation makes it difficult to make a submission based on firm statistical evidence. However, there are facts regarding vehicle construction and driver licensing that can provide a firm basis on which to complete comprehensive risk assessments. Such assessments are the basis of best practice safety management systems and are the main analytical tools used in the formulation of this submission. There is also less robust, but still compelling anecdotal evidence that can be included in an evaluation and analysis of the issues involved.
- 2.2. In assessing the risks involved; one should consider a typical situation in many towns in Ireland, with hills, narrow streets and large numbers of pedestrians. It is not unusual to find an agricultural tractor pulling a heavily loaded trailer in such a situation. This combination of vehicles, designed principally for off road use would consist of,
 - a tractor, which is not required to undergo roadworthiness testing
 - a tractor and trailer, with a braking system very likely to be inferior to a system required for other road vehicles
 - a trailer, which is not required to undergo roadworthiness testing
 - a trailer, which is not required to have a plate indicating the maximum weight that the trailer should carry
- 2.3. This type of vehicle combination in such circumstances (and it is not a hypothetical situation, as such scenes are commonplace in the towns of Ireland)

can be driven by a 16 year old with little or no experience; no L plate and no medical report. This driver will be required to meet the rest and working time requirements of the Working Time Directive but if, and this is quite likely, he or she are family members involved in a family business they are exempted from this requirement.

- 2.4. A road vehicle operating on the same street with the same load would require,
- truck/articulated tractor unit to be tested for roadworthiness
 - truck/articulated tractor unit to have a breaking system which includes a breakaway brake
 - trailer to be tested for roadworthiness
 - trailer to be fitted with a plate specifying the maximum permitted load
 - tachograph fitted and driver adherence to rest and working time rules
 - driver to be at least 18 years of age
 - driver to have passed a class B driving licence test
 - driver to hold C1 or C driving licence or learner permit for C1 or C with an experienced holder of a C licence in the cab and learner plates on the vehicle
 - driver to undergo a medical examination.
- 2.5. A comparison of risk in both scenarios indicates one of two things
- 1) the safety standards of agricultural and works vehicles using public roads is correct and the onus on normal goods vehicles to adhere to much higher safety standards is in excess of what is required given the risks involved, or
 - 2) the safety standards required for goods vehicles is correct given the risks involved and the safety standards of agricultural and works vehicles using public roads is below that acceptable for goods vehicles.
- 2.6. It is unlikely that the first scenario is correct, given the extra production and operational costs associated safety equipment and systems. Therefore the second would seem to be correct, and the safety standards required for agricultural vehicles and works vehicles operating in the same environment as normal goods vehicles is below acceptable norms. Such a situation must impose a greater risk

of road accidents. Such a situation seems very difficult to defend in the light of National and European road safety policy.

- 2.7. While the CILTI does not have statistical evidence linking the driving practices of works and agricultural vehicles to accidents, the CILTI holds a view that some observed behaviour carries a high risk of accident. The use of working lights on tractors is often quoted in this regard, but the Institute feels that other behaviour such as driving “teleporters” (building site fork lift trucks) with forks at an elevated level carry a high risk. Likewise attachments like loading spikes for bailed straw or ploughs, which are often mounted on land tractors in such a way as would turn minor collisions with other road vehicles into very serious accidents. These attachments are very often wider than the tractor and often difficult to see.
- 2.8. Again considering the two scenarios discussed above it is possible that the agricultural vehicle combination could be hauling a non agricultural load. Anecdotal evidence indicates that construction materials and machinery is often carried in this manner. This evidence also indicates that some of this non agricultural haulage is for reward. This is highly discriminatory and anti competitive, being unfair to heavy goods vehicles (HGV) operators and in particular to licensed hauliers. There is along list of cost advantages the land tractor operator has over the haulier. The CILTI however, believes that operator licensing issues are competitive rather than safety issues and only consider this issue insofar as the RSA is the body responsible for road haulage operator licence enforcement.
- 2.9. The regulatory environment of HGV operation is clearly defined in law, whereas the operation and regulation of agricultural and works vehicles is, at best unclear. There is a perception among HGV operators, noted by the CILTI in its frequent dealings with this sector, that their vehicles are much more often the subject of roadside checks from Gardai, Custom and Excise Officers and RSA Transport Officers checking,
- gross vehicle weights
 - roadworthiness

- driving licences
- excise duty on fuel
- operator licence compliance
- tachograph regulation compliance

2.10. The figures* taken from the 2004 census show 159,531 agricultural tractors in use, While the number registered in 2005 was 66,669. Presumably the unregistered tractors are not registered because they are not driven on the public road. Given such high numbers and the number of farms split by public roads, the CILTI feels that it would be naive not to think that some of the unregistered tractors do not use the public road from time to time. While the Institute believes that such movement on the public road is necessary for efficient farm operations, they are worried that such operations are not covered by insurance and that other road users who may become involved in an accident would have difficulty in seeking compensation if they were the injured party.

2.11. The CILTI is mindful of agricultural safety work carried out on the railway system whereby dangerous accommodation crossings were removed. In many cases single lane tracks were laid to facilitate the movement of farm machinery to safe field exit points close to safer controlled railway level crossings. The Institute believes that many road crossing points between lands owned by an individual may represent a safety risk.

2.12. The CILTI believes that parking of agricultural and works vehicles, particularly those that have sharp or protruding attachments is a safety issue.

❖ Figures above quoted in RSA consultation document July 2008

3. Conclusions

3.1. A farm tractor and trailer carrying a load of freshly picked potatoes from a field to a nearby sorting and packing shed along the public road, or a forklift

truck crossing a road between two parts of a manufacturing premises are examples of vehicles engaged in the type operation for which the current regulations were intended. The CILTI believe that in so far as such operations are carried out safely and are adequately insured, these operations, subject to some improvements in regulation, should continue. However other types of operations are not so clear-cut, and difficulty remains.

- 3.2. While there have been recommendations made in the recent past on the improvement of safety equipment on farm vehicles, and there has been progress made, a considerable number of owners and drivers of vehicles may have ignored the recommendations. The CILTI believes that in this instance voluntary compliance is insufficient and will not work, compliance must have legal standing.
- 3.3. The CILTI holds the view that training and the passing of at least a preliminary theory test before a person can operate agricultural and works vehicles on the public road would reduce the risks of injury and loss of life.
- 3.4. Further the Institute believes that the age, experience, and training of drivers of agricultural and works vehicles must be commensurate with the size, speed and complexity of modern farm and works vehicles and the environment they are working in.
- 3.5. Given the range of vehicles that fall within the meaning of agricultural and works vehicles, the CILTI feels that having qualified to drive one type, does not adequately prepare a driver for other types of vehicles covered by the same licence, i.e. class W driving licence.
- 3.6. The CILTI concludes that the ambiguity in the law regarding the use of agricultural and works vehicles on the public roads is such, that the enforcement agencies have been reticent in dealing with them. The CILTI believes that revision of the law in this regards is urgent.
- 3.7. The CILTI believes that parking of agricultural and works vehicles, particularly those that have sharp or protruding attachments holds a high risk of serious injury or damage to people and vehicles.

- 3.8. The CILTI believes that agricultural and works vehicles engaged in work such as grass, hedge and tree cutting on or adjacent to public roads sometimes operate in a way contrary to best operational and safety practice. The Institute feels that a law requiring the adoption of best practice procedures by organisations and individuals undertaking such work should be enacted. Further, such law should require the involvement of the RSA, Health and Safety Authority and Gardai in the regulation and administration of such procedures.
- 3.9. The CILTI is unclear as to the exact mandatory insurance requirement for agricultural and works vehicles engaged in work on or adjacent to public roads and who may not be registered. The Institute holds the view that a practice may have developed for such vehicles, travelling very short distances, not being registered and not carrying adequate or relevant third party insurance. The CILTI believes that such practices, where they occur should not continue, and the uncertainty in this regard should be removed.
- 3.10. The CILTI believes that many road crossing points between lands owned by an individual pose a risk that could be reduced.

4. Recommendations

- 4.1. Having regard to the issues raised and reviewed the CILTI makes the following recommendations,
- 1) The current W driving licence should not continue in its current format and should be completely revised.
 - 2) Works vehicles should be classified into four or five categories, to enable the preparation of a more focused theory examination and driver licence tests.
 - 3) The W licence/learner permit should only be issued to people over 18 years of age who have passed an improved theory test appropriate to the category of works vehicle they are to drive (see 2 above).
 - 4) Applicants for the W learner permit should hold a B driving licence.
 - 5) Vehicles being driven by holders of W learner permits should carry an L plate.

- 6) There should be restrictions on the size and gross vehicle weight of vehicles/trailers being operated by W learner permit holders where such vehicles are not equipped for the carriage of a passenger.
- 7) W learner permit holders should be allowed to operate vehicles or combination of vehicles up to the normal maximum allowable for that vehicle, when such vehicles have provision for a passenger; and a passenger who has held an appropriate driving licence for the vehicle for at least two years is present in the vehicle.
- 8) Agricultural vehicles and works vehicles intended for unhindered use on public roads should be subject to the same construction and use regulations with regard to braking, lighting, dimensions and weights as other road vehicles.
- 9) Agricultural vehicles and works vehicles intended for unhindered use on public roads should be subject to the same rules of the road regulations with regard to their operation, speed, parking etc. as other road vehicles.
- 10) Agricultural vehicles and works vehicles intended for unhindered use on public roads should be subject to the same road worthiness regulations, road tax, excise duty etc. as other road vehicles.
- 11) Agricultural vehicles and works vehicles intended for unhindered use on public roads should be subject to the same Abnormal Load Permit system as other road vehicles.
- 12) Agricultural vehicles and works vehicles intended for unhindered use of public roads should be subject to the same ADR regulations as other road vehicles.
- 13) Agricultural vehicles and works vehicles intended for unhindered use of public roads should be subject to the same tachograph regulations as other road vehicles.
- 14) Agricultural vehicles and works vehicles intended for unhindered use on public roads and intending to carry goods for reward should be subject to the same operating licence regime as road hauliers carrying for reward.

- 15) The drivers and operators of agricultural vehicles and works vehicles intended for unhindered use on public roads should be subject to the same rules of the road, tachograph and ADR regulations as appropriate in each instance to the drivers and operators of other road vehicles.
- 16) Agricultural vehicles and works vehicles intended for limited use on public roads should be allowed some concessions with regard to, road tax and excise duties, weights and dimensions of vehicles.
- 17) For agricultural vehicles and works vehicles intended for limited use on public roads the current road tax regime should remain and the use of green diesel should be continued subject to a change in the law specifying a maximum operating range from the vehicle owner's base. The actual distance is difficult to specify. There are instances where farm or work sites are quite distant from each other, but obviously some limit must be imposed. A longer distance could be allowed subject to a ban on driving such vehicles through a residential area or narrow streets.
- 18) Subject to a restricted operational range and a ban on residential areas, agricultural vehicles that by their nature must be large; could be permitted to be in excess of vehicle construction and use rules. For example an extra wide vehicle like a combined harvester allowed move from one site to another with minimum formality once registered as an agricultural vehicle.
- 19) Agricultural and works vehicles allowed operational and fiscal concessions which because of the nature of their various working attachments e.g. ploughs, forks etc. may not have permanent vehicle lighting systems on the attachments. These vehicles should be required to affix a board, at the front or rear of the vehicle, where attachments are attached. The board to be white in colour, the full width of the vehicle, and its attachments; and to be connected to the vehicle lighting system and carrying side lights, direction indicators and a lighted number plate bearing the number of the vehicle.
- 20) Agricultural and works vehicles allowed operational and fiscal concessions should not normally be allowed to park on public roads.

- 21) Vehicles allowed operational and fiscal concessions should have speed restrictions of 40kph by way of a manufactures declaration of this, or an approved speed limiter fitted to the vehicle.
- 22) Trailers allowed operational and fiscal concessions should also be limited to a particular operational range and in the loads they can carry. Such loads should only be specific farm produce, livestock or goods owned by the vehicle owner and used solely for agricultural purposes on a farm owned or operated under a rental agreement by the vehicle owner.
- 23) Agricultural and works vehicles allowed operational and fiscal concessions should be required to operate an amber flashing light when on the public roads
- 24) Agricultural vehicles and trailers and works vehicles allowed operational and fiscal concessions intending to use the public road should be tested for roadworthiness to a degree appropriate to their maximum permitted loading and speed.
- 25) Agricultural and works vehicles engaged in work on or adjacent to public roads and such that this work impedes other road traffic, e.g. hedge and tree cutting; should be subject to a mandatory code of safety and operational practice. The operation of such work under this code should be subject regular checks for compliance by the state safety authorities and the Gardai.
- 26) A study/risk assessment of road crossing points between lands owned by an individual should take place with a view to reducing the risk by implementing engineering work to relocate access points to safer locations.