



The Road Haulage Association

**Response of the Road Haulage Association to the
Department for Transport.**

**“Consultation on changes to the Fixed Penalty Notice and
penalty points for the use of a hand-held mobile phone
whilst driving”**

14 March 2016

To: Consultation Co-Ordinator
Department for Transport
Zone 1/29 Great Minister House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

The Road Haulage Association (RHA) is the trade and employers organisation for the hire-and-reward sector of the road haulage industry. The RHA represents some 7,000 companies throughout the UK, with around 100,000 HGVs and with fleet size and driver numbers varying from one through to thousands. Generally, RHA members are entrepreneurs, including many family-owned businesses as well as some PLCs. Without the activities of RHA members the UK would come to a halt both socially and economically.

Essentially we agree with the need ‘to do something’ to counter the use of hand-held mobile phones illegally while driving. In fact, it is hard to argue against the proposals. Having greater deterrents might help the situation, however, it is the perceived lack of enforcement and the motorists view that the chance of getting caught that has not helped the situation. The fact that roads policing has fallen by at least 23% since 2010 does not go unnoticed.

Responses to the Questions

Question 1. Do you agree that driving whilst using a hand-held mobile phone is a dangerous activity?

RHA: We agree strongly. The degree of danger will depend on the circumstances of the road and traffic conditions and what the driver is doing but it is dangerous at all times. We note research conducted in 2012 between the IAM and TRL which concluded that using a hand-held phone for social networking/texting meant slowed reactions of up to 38% and using the device as a telephone slowed reactions by 26.5% in comparison to a driver at the UK alcohol limit being slowed by 12.5%.



Question 2. Generally, are you in favour of increased sanctions for this offence?

RHA: Yes, the use of hand-held mobile phones needs to be seen as socially unacceptable just as drink driving has become, the difference being that we have had many decades of education on the latter matter. We would prefer that enforcement action be enough of a deterrent however use of handheld devices while driving seems to be getting more popular not less. Enforcement and penalties will support companies in their efforts to ensure their drivers comply with the law.

Question 3. Do you support an increase in the FPN for this offence?

RHA: Yes, for the same reasons as question 2

Question 4. If so, do you agree that we should increase the FPN from £100 to £150 for all drivers (including HGV)? If not, please explain your reasons why.

RHA: Yes, and again for the same reasons as question 2 and 3

Question 5. Do you support an increase in the Penalty Points for this offence?

RHA: Yes

Question 6. If so, do you agree that we should increase the penalty points for non-HGV drivers from 3 to 4 penalty points? If not, please explain your reasons why.

RHA: There should be no difference in the penalty imposed on HGV and non-HGV drivers. We oppose that both on the merits of this specific case and as setting an unwelcome precedent. The differentiation should rest with the industry regulator.

HGVs drivers already face the prospect of a further sanction when the penalty is reported to the haulage industry's regulators (traffic commissioners). They have made clear that they are likely to impose a further discipline in the form of a suspension of the driver's licence for a first offence; and, if the employer is judged to be at fault, to review its suitability to operate HGVs. The RHA is currently working with the TCs to highlight appropriate driver behaviours and the consequences if they are not followed in this and other circumstances to both drivers and operators and there will be evidence of that later in 2016.

The RHA strongly supports the work of the TCs in this area and it is important that they be appropriately resourced to carry it out.



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The RHA's members take the issue of hand-held mobile phones very seriously. In 2013, we surveyed members and received 204 completed surveys, quite evenly spread from the very smallest members through categories to more than 25 trucks. 80% said they have a written policy against mobile phone use but many of the others have a strict policy that is not written down. 80% (again) said they actively manage the issue as it arises but 11% indicated that the issue does not arise. 14% of respondents had a policy of dismissing drivers found using a hand-held mobile on first instance.

When asked whether they make their policy clear in writing to agency drivers, 59% said they do not use agency, 28% said they did and 16% said they did not. Some of those 16% will have reviewed that position as a result of it being highlighted in the survey.

Question 7. Do you support a specific offence for drivers of Large Goods Vehicles (HGVs)?

RHA: No, for the reasons above.

Question 8. If so, do you agree that a specific offence for Large Goods Vehicle (HGV) drivers who offend whilst driving should be created which carries 6 penalty points and a £150 FPN? If not, please explain your reasons why.

RHA: No, as above.

Question 9. Do you support an increase in both the FPN and the Penalty Points for this offence AND a specific penalty for HGV drivers? If not, please explain your reasons why.

RHA: No, as above.

Question 10. Do you agree that HGV drivers who commit their first mobile phone offence whilst driving an HGV should be offered a remedial training course as opposed to a FPN? If not, please explain your reasons why.

RHA: Yes. They should also continue to face a driver conduct hearing before a TC.

Question 11. What role might the mobile phone industry play in improving road safety? For example, promoting new technology with 'drive safe modes'

RHA: Members are clear that the best mode is hands-free, and that used to a minimum. HGV manufacturers should ensure that a high quality hands-free system is available in their trucks as standard.



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We would welcome an industry initiative to fund education matters on the subject and one of the best places to tackle this might be in schools and higher education centres. The use of some sort of motion lock would be fraught with problems as no doubt the same motion for example might be replicated on a train where the use may be entirely legal. The education could tackle all areas of road safety surrounding the use of the mobile telephone and we recognise for example that pedestrian use of such devices may also be adding to road incidents or indeed path incidents.

Question 12. What role might the insurance industry play in improving road safety? For example, promoting new technology with 'drive safe modes'.

RHA: We believe the insurance industry will currently play a role as we understand that if a driver's licence is endorsed with penalty points then these are taken into account by way of increasing premiums. We are unsure of 'drive safe modes'.

Question 13. Do you think it would be beneficial to target new technologies at certain groups of drivers? For example, young drivers, van drivers or those driving for work.

RHA: Hands-free technology, as above.

Question 14. What else would you recommend should be done regarding mobile phone offences whilst driving?

RHA: We believe the real issue is that the motorist in general does not believe they will be caught. There is plenty of evidence via social media such as Twitter from roads policing units that action is being taken but the percentage chance of being caught is still viewed as a risk that many motorists consider worth taking. The action itself is also we believe akin to an illness, especially in younger drivers where they literally feel compelled to 'keep in touch'. Greater enforcement and visible enforcement are required along with education for instance through continued and prolonged use of television or other media such as through the THINK campaign.

Question 15. Please provide your contact details, the most frequent mode of transport you use, and whether you are responding as an individual or on behalf of an organisation.

RHA: We are responding as the main trade association representing the road haulage and logistics sector, from one-vehicle operators to the UK's largest fleet.

Road Haulage Association, 14 March 2016