



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

### **“Consultation on introducing testing for fast tractors and other technical changes to vehicle testing legislation”.**

**2 November 2016**

#### **Background about the RHA**

1. The RHA is the leading trade association representing road haulage and distribution companies, which operate HGVs as profit centres. Our 7,000 members, operating near to 100,000 HGVs and ranging from single-truck firms to those with thousands of vehicles, provide essential services on which UK businesses and the economy depend.
2. We proactively encourage a spirit of entrepreneurship, compliance, profitability, safety and social responsibility. We do so through a range of advice, representation and services, including training.
3. We would like to thank the Department for the consultation and this opportunity to comment on the issues raised.
4. In addition to answering the questions directly we have added further comments on related issues where we feel these are relevant.

#### **General Comments**

5. The RHA and its members are active supporters of road safety. We see regular roadworthiness testing of vehicles as a key core component of that commitment by our members to road safety for all road users.
6. We strongly disagree with parts of the consultation where it appears to limit itself to consideration of fast tractors only used for “commercial haulage”. Where questions limit the scope inappropriately we include our observations in our response to the question.
7. We believe all fast tractors used on the roads that tow any goods should be annually tested for roadworthiness. We see a road safety justification to do this. We are aware that some operators of these vehicles have them inspected for roadworthiness; however it seems proportionate that all vehicles capable of operating on public roads at up to 31 tonnes with a load should be subject to at least an annual test, especially one that costs less £200.

8. Tractors that are not considered “fast tractors” are outside the scope of this consultations, we think that consideration should be given to ensuring that all tractors that carry significant loads on the road should be regularly inspected for roadworthiness.
9. We are concerned that the Department appears to be encouraging the use of T5 tractors for commercial haulage in parts of this consultation. We are not sure this is the intention with this consultation. Our view is that these vehicles are not of the required standard for regular commercial haulage and they should not be seen as an alternative standard HGV’s. Encouraging the use of T5 vehicles for road haulage, even inadvertently, is not appropriate.
10. We have used the term “T5” in this response to cover the tractors capable of operation above 40km/h.

## Responses to the Questions

### **Question 1. Do you have any views on the road safety risk posed by fast tractors used for commercial haulage?**

11. We believe that vehicles and trailers used on the road should be roadworthy, this is especially important for larger vehicles, even more so when these vehicles carry significant loads. T5 tractors are large vehicles and they will often tow loads up to 18.3 tonnes, therefore failures in roadworthiness can have very significant impact on drivers and other road users when an incident occurs.
12. Members have reported to us a growing number of these vehicles carrying significant loads on the road. Often carrying agricultural related goods and construction plant.
13. We note that there is no evidence provided that separates out the impact of “non-agricultural” use and commercial haulage use. It is also noted that agricultural tractors (which is by far the largest observed group by our members) are “five times more likely to have vehicle defects”.
14. We believe that these vehicles pose a significant safety risk on the roads. As a result of the lack of roadworthiness compliance (and the lax rules on who may drive these vehicles) we believe the risk is far higher for these vehicle types than for other vehicles moving the same goods. Further, we do not believe that there is any road safety justification for limiting consideration of these vehicles for regular roadworthiness testing to just “non-agricultural” use. Regardless of what the vehicle is used for we believe these vehicles should be subject to common rules.

**Question 2. Do you anticipate a growth in the number of fast tractors used for commercial haulage? Please provide supporting evidence.**

15. The distinction about “commercial haulage” is inappropriate if agricultural and forestry “commercial haulage” is excluded. There has been growth observed by members in the agricultural sector and we do not see any reason why this growth will stop given the current lax road safety regulation for these vehicles.

**Question 3. Do you agree with the proposed approach to identifying vehicles in scope of the mandatory roadworthiness test? Are there any unintended impacts that we should be aware of? If not, please give your reasons.**

16. The RHA does not agree with the proposed approach in a number of areas.
17. The definitions in paragraph 13 and 14 are acceptable.
18. The definition and proposal made in paragraphs 15 and 16 may be a way of separating out agricultural vehicles from scope, but given the significant levels of commercial transportation these vehicles are observed to do by our members, we do not believe they should be exempted from roadworthiness testing. We doubt the current rules to control activity to actions “only incidental to the operation performed on the land” are ever enforced. Any attempt to use the definitions will be open to abuse we believe by agricultural sub contractors and will not be **enforced**.
19. Given this, a practical possible solution that the Department may wish to consider is that **all T5 tractors that are used to tow loads on public roads** should be subject to annual testing. This will be easier to enforce than any exemption based on what the vehicle is used for and should be compliant with the requirement of the directive that vehicles “used mainly on the public road” are to be tested. This approach will allow T5 vehicles used mostly off road to sometimes use public roads for travel between off-road sites (providing they do not tow a load).
20. Paragraphs 17 and 18 deal with short distance operation in an effort to again create an exemption. We do not see how this can be properly enforced as suggested and suspect that it any consistent enforcement in very unlikely. However, if self-declaration is used in combination with the exemption suggested above in paragraph 18 there may be an enforceable system.

**Question 4. Do you agree with the proposed approach to exemptions? If not, please give your reasons.**

21. No, the RHA believes that vehicles used for haulage purposed **should** be subject to annual roadworthiness testing. The weight of T5 tractors and their loads leads us to

conclude that the proposed low cost annual testing is a proportionate support for road safety.

22. We do understand why the small island exemption exists, given that testing in remote areas will be difficult and expensive to arrange.

**Question 5. Do you agree with the proposed testing frequency? If not, please give your reasons.**

23. The proposed frequency is not justified on road safety and cost grounds. Waiting four years from first registration for vehicles capable of operating with a load up to 31 tonnes appears irresponsible. It is grossly out of proportion when we consider that a motorcycle is subject to annual testing and has to have its first test after 3 years. Annual inspection should be introduced from year 1 for road safety reasons.

**Question 6. Do you agree that a significant number of ATFs would be likely to accommodate fast tractor testing? If not, please give your reasons.**

24. The RHA supports the use ATF's to test these vehicles, we cannot comment on the numbers that could be used for testing.

**Question 7. Do you agree with the proposed approach to delivering the testing: DVSA staff testing vehicles at suitable ATFs? If not, please give your reasons and indicate your preferred approach.**

25. The RHA does not believe that there is a need for DVSA staff to conduct the tests themselves as suggested in paragraph 22 and this question. The current system of DVSA testing is inflexible and inefficient and it should not be imposed on T5 testing.
26. The roadworthiness directive allows DVSA to act as the supervising body for independent, qualified, authorised inspectors (that is what is done for motorcycle, car and van MOT tests).
27. The RHA believes that allowing authorised inspectors, independent from DVSA and the vehicle operator, will provide a higher quality tests and a more flexible, responsive service to customers. Such a system would also improve services to road haulage operators if it was applied to Heavy Goods Vehicles. Therefore, we suggest a system of qualified and authorised independent testers is introduced (in addition to the qualified DVSA testers who test now).
28. Paragraph 26 raised questions regarding increased weight to be allowed for T5 tractors. We do not believe that a proposal that links heavier weights to be towed by tractors with a roadworthiness test is enforceable or appropriate; the RHA position is that all T5 tractors should be tested annually if they are tow any load.

29. T5 vehicles are not specifically designed for road haulage, HGV's are. A T5 tractor is not as safe as an HGV when towing a heavy load and they should not be used for such purposes. Agricultural trailers that are used by T5 vehicles are also inferior when compared with trailers used with HGV's.

**Question 8. Do you agree with the proposed approach to setting the test standard? If not, please give your reasons.**

30. The test standards appear appropriate for T5 tractors.

31. As stated above, we are concerned that the Department appears to be inadvertently encouraging the use of T5 tractors for commercial haulage. These vehicles are not of the required standard for regular commercial haulage and they should not be seen as alternative HGV's. It would be detrimental to road safety if the Department was to continue to encourage the greater use of these vehicles on the road (especially on generally inadequate rural roads).

**Question 9. Please provide any information you have on the geographical distribution of fast tractors used for commercial haulage.**

32. The RHA does not recognise the Departments definition of commercial haulage that excludes the main use of these vehicles on the road which is in agricultural road haulage. T5 tractors are used on the road mostly in more rural areas, but we had a recent example of one observed towing a low loader with construction equipment in suburban Surrey.

**Question 10. Please provide any information you have on whether and how often fast tractors used for commercial haulage already undergo (voluntary) roadworthiness testing.**

33. The RHA has no information on the voluntary testing of these vehicles.

**Question 11. Do you envisage any difficulties with the proposal to modify the small islands exemption in the Motor Vehicles (Tests) Regulations 1981? If yes, please provide details.**

34. No comment.

**Question 12. Do you have any comments on specific implementation issues for vehicle testing on Bute (for Class VII vehicles and heavy goods vehicles) including any evidence on the likely impact of this change?**

35. No comment.

**Question 13. Do you envisage any difficulties with the proposal to exempt from testing all vehicles with a design speed below 25 km/h (15.5 mph)? If yes, please provide details.**

36. No comment.

**Question 14. Do you envisage any difficulties with implementing these changes to the legislation governing vehicle testing methods? If yes, please provide details.**

37. The RHA sees no issue with the inclusion of common European vehicle categories.

**Question 15. Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.**

38. No comment.

**Question 16. Are you interested in receiving communications about the potential changes to prohibition charging described in this document?**

39. The suggestion made in paragraph 50 appears reasonable; we would encourage early action if possible. The RHA would be happy to receive more communication on this issue.

## **Final Comments.**

40. The testing of trailers towed by T5 tractors has not been raised. We believe this is an oversight and that trailer testing should be considered further by the Department.

41. T5 tractors (and other tractors) are not designed for road haulage use, the whole vehicle type is a compromised design, even the tyres are an unsatisfactory compromise for loaded use on the road. They are not as safe to operate with loads, nor does the regulation exist to ensure proper behaviour of the operators. Our observation is that enforcement is at an extremely low level and that where it is done it is ineffective. Our members have reported that they have observed gross overloading, regularly in rural areas.

42. The definition of agricultural use is also not clear. The following photograph (Photo 1) taken in late October 2016 shows a tractor towing a long load. The tractor and trailer are carrying a Hitachi 13 Tonne excavator complete with digging bucket and breaker and ditching bucket on the front of the trailer. A load (with trailer) estimated to be in excess of 20 tonnes with the total train weight is about 28.5 tonnes (if the tractor is about 8 tonnes). The haulier is a contracting company, not a farmer, but it may be being used on a farm.





Photo 1.

43. We also have concerns about the very low level of enforcement of basic road rules. Tractors are used very creatively by many users (as illustrated in Photo 2 showing 1 small tractor towing 2 very large trailers), and it is essential that resources are allocated to ensure that these heavy vehicles are used safely.



Photo 2.

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The Road Haulage Association