

PTEG response to DfT Consultation on the Review of the UK Domestic Drivers' Hours Rules (issued July 2009; response date 13 October 2009)

PTEG (the Passenger Transport Executive Group) - brings together and promotes the interests of the six Passenger Transport Executives in England. Nottingham City Council, Strathclyde Partnership for Transport and Transport for London are associate members.

Annex B Summary of questions

Question 1: Is there a case to extend the Domestic Rules to other sectors that are currently out of scope/exempt?

Yes. We feel there may be a strong case to extend the rules to hackney and private hire vehicles, which are also engaged in carrying passengers for hire and reward and where long hours and night work seem likely to lead to driver fatigue.

Question 2: Is the maximum driving time set at the right level?

We are aware of no evidence that suggests that a shorter maximum driving time is needed for passenger vehicles and would suggest that any change needs to be evidence-based. In the absence of any evidence we would not support any tightening of the passenger vehicle drivers' hours regulations, which would have an adverse impact on the costs of bus service delivery, reducing the level of commercial operation, further increasing pressure on local authority budgets and leading to some loss of service to the passenger.

Throughout this response we make no comment about goods vehicle drivers as they fall outside our area of responsibility.

Question 3: Are the maximum duty times for drivers of goods and passenger vehicles set at the right level? Please give reasons.

Question 4: Should break requirements be introduced for drivers of goods vehicles in GB? Why?

Question 5: Are the break requirements for drivers of goods and passenger vehicles set at the right level?

We are aware of no evidence that suggests that the statutory break requirements for passenger vehicles need changing, and again would suggest that any change needs to be evidence-based.

Question 6: Is the requirement to take total breaks amounting to 45 minutes sufficient or should a minimum length of break also be introduced for drivers of passenger vehicles? Please give reasons.

Question 7: Should daily rest requirements for drivers of goods vehicles be introduced in GB? Why?

Question 8: Are the daily rest requirements for drivers of passenger vehicles set at the right level?

We are aware of no evidence that suggests that any statutory rest requirements for passenger vehicles need changing.

Question 9: Should weekly/fortnightly rest requirements be considered for drivers of goods vehicles? Please give reasons.

Question 10: Are the weekly/fortnightly rest requirements for passenger vehicles set at the right level? Why?

Question 11: Should weekly/ fortnightly rest requirements be considered for passenger vehicles in NI? On what grounds?

Question 12: Are the current record keeping requirements adequate for enforcement purposes? Why?

As the DfT (through VOSA) has the primary enforcement role we feel the department's view is of greatest importance. We have no reason to believe that the current requirements are inadequate, and we feel that there are appropriate mechanisms for dealing with any breaches.

Question 13: Should the use of tachographs become mandatory for vehicles operating in scope of the Domestic Rules? Please give reasons.

Whilst this may offer some advantages we would be concerned at the cost implications for operators and the potential for these to have to be passed on to passengers or local authorities in the form of increased fares or reduced levels of service.

Question 14: Are you aware of any difficulties that the Domestic Rules present to enforcement agencies? Please give details.

No.

Question 15: Could VOSA/DVA and other Government bodies do more to educate operators and drivers about the Domestic Rules? What additional measures would you recommend?

Whilst more could always be done we feel that the rules are well enough understood by operators and CPCs should serve to raise awareness amongst drivers. There may be a lack of understanding of what applies in extenuating circumstances, where for example late running means that adherence to schedules is not possible.

Question 16: Are the current obligations appropriate for drivers and operators alike? On what grounds?

Question 17: Are the penalties currently issued proportionate or should additional penalties be considered, such as endorsements on drivers' licences? Why?

Question 18: How important a role do you think the current Domestic Rules are in:

Improving road safety;

Ensuring good working conditions;

Ensuring fair competition?

Question 19: Should different rules for drivers of goods and passenger vehicles exist? Please give reasons?

We see no imperative for them to be the same, as the nature of the work is substantially different. There is a strong argument for rules to be specifically tailored to each sector.

Question 20: Do you think the Domestic Rules help deliver the objective of improving road safety? Why?

Question 21: Do you think the Domestic Rules should be abolished altogether and if so what safeguards should there be introduced instead?

We support their retention.

Question 22: If the Domestic Rules were relaxed or removed where would you look to for information on how to minimize the risks?

We would not suggest a relaxation or removal of these rules.

Question 23: How much does it cost you to comply with the current Domestic Rules?

No costs can be placed on this as it is not known what alternative restrictions would be placed on drivers' hours in the absence of the current rules. It is reasonable to assume that some form of agreement would exist between employers and their drivers in the absence of the rules.

Question 24: Should some or all of the limits of the EU Rules be used as a basis for considering changes to the Domestic Rules? If so, why, and what limits should be considered?

As explained above we do not see a case for changes to be made to the domestic rules. However, if the DfT conclude otherwise, then some degree of standardisation with EU rules would seem appropriate.

Question 25: Should some or all of the requirements of the sector specific or main Working Time Regulations be used as a basis for considering changes to the Domestic Rules? Please provide details.

We do not support a relaxation whereby breaks would merely have to be 'sufficient'.

Question 26: Do the punishments that could be incurred as a result of the legislation outlined above (Corporate Manslaughter and Corporate Homicide Act 2007, and other road safety legislation) make employers sufficiently aware of their responsibilities regarding driving and health and safety? Has the legislation led to changes in working and managerial practices and systems (if so, please provide example/s)?

We are not aware of any changes having been made to working and managerial practices and systems specifically in response to this legislation, but nor are we aware of any need to do so provided that operators comply with the present legislation.

Question 27: Should a specific Highway Code be introduced for professional drivers? If so, what should it include?

This is worthy of consideration but would probably need to be further tailored to specific sectors.

Question 28: Are there any aspects of the legislation outlined in this chapter that could be considered when reviewing the Domestic Rules? If so, please provide details.

Question 29: Of the different approaches used by other countries set out above, which ones (if any) might offer an alternative approach for the Domestic Rules? On what grounds?

Question 30: Are there any aspects of the US or Canadian regulations that could be considered for the Domestic Rules? Which ones and why?

Question 31: Should the 'chain of responsibility' concept be extended in the UK as in Australia? (See paragraph 3.22 for details of UK 'chain of responsibility'). Please give details.

There may be some merit in this as it would help reduce the scope for driver fatigue to become a problem.

Question 32: Should a similar approach, whereby there is no differentiation between driving and work, be adopted for the UK Domestic Rules?

We do not feel any change is currently required, in the absence of any supporting evidence.

Question 33: Does your organisation operate any fatigue management systems? What costs/benefits have resulted?

No, but the Passenger Transport Executives do not directly employ any bus drivers.

Question 34: Would a UK pilot scheme be useful to understand the possible advantages and disadvantages of introducing a similar fatigue management system to that used in Australia in the UK?

Yes.

Question 35: To what extent do you think the parameters of the Domestic Rules help mitigate the factors that have been identified as contributing to fatigue?

We have no evidence on which to base a judgement.

Question 36: Do you have any suggestions for any further data sources that could be used to gather evidence on drivers' hours and accidents, or how existing databases could be improved for this purpose?

No.