

Our Ref: JB/SA
Your Ref:

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Dear Maria

TRIANNUAL REVIEW OF TRAFFIC COMMISSIONERS

Vehicle safety monitoring and enforcement

There is clearly a need for independent monitoring and enforcement of HGV and PSV safety standards. It is also helpful to have a body which can exercise key functions in relation to these objectives in a quasi-judicial way.

However we are concerned about PSV maintenance standards, which are borne out by the high level of prohibition notices issued for buses and coaches following checks by VOSA. In 2010/11 19.2% of UK PSVs that were road-side checked by VOSA were subject to prohibition notices (an increase of 2.2% compared with five years ago). In 2010/11 the prohibition figure for fleet checks at operators' premises was 15.3% (a higher figure than for any of the four preceding years).

Many local transport authorities have limited faith in the effectiveness of the PSV Operator licensing system in ensuring that appropriate safety and maintenance standards are met. For this reason many authorities employ either their own staff, or external agencies, such as the Freight Transport Association, to vet operators before awarding them contracts to operate local bus services. We would therefore like to see greater resources devoted to VOSA inspection of PSV vehicles, depots as well as safety management records, systems and processes. We believe that more inspections will result in safer, better maintained buses contributing to a general improvement in the quality of the bus 'offer' for passengers.

It is also worth noting that the attention currently given to bus safety and performance is in stark contrast to that given to rail. The rail industry has two specific bodies that oversee rail safety matters. The Railway Safety and Standards Board and the Railway Accident Investigation Board. This gives the railway industry excellent statistical analysis of trends in accidents and areas of risk. This in turn informs research into solutions and triggers concerted programmes within the industry to tackle and reduce areas of risk and causes of accidents. For the bus industry the statistics on risks and accidents are not easily accessible, there is no clear commentary on trends and causes, and no clear understanding of what national strategy the Traffic Commissioners or VOSA have for how safety standards can be progressively improved.

In reviewing the effectiveness of the current arrangements these are the kind of issues that the DfT should be benchmarking the options against.

Bus performance monitoring and enforcement

We are concerned that overall the arrangements (which includes the relationship between VOSA and the Traffic Commissioners) for monitoring, reporting and enforcing bus performance are not fit for purpose. Overall resources are limited and the relationships between the key bodies are not as clear and consistent as they could be. The key players include not just VOSA, and the Traffic Commissioners, but also:

- Local Transport Authorities (who tender socially necessary bus services, are responsible for the road networks which in turn effect bus performance, and who also, in some cases carry out their own bus performance monitoring);
- Bus operators;
- Passenger Focus (who are the statutory passenger watchdog).

In addition the working relationship between VOSA and Traffic Commissioners often appears strained, and it does not appear that monitoring of bus performance is a key priority for VOSA or that sufficient resources are attached to it.

There is the potential to devolve the monitoring and enforcement of punctuality regimes to local transport authorities where they can demonstrate the will and competence to take on the role. This would allow for punctuality regimes to be established which take into account local circumstances, for a more collaborative and focussed approach to tackling punctuality issues, and for any penalties to be recycled into improvements to local bus services.

Implications for the role of the Traffic Commissioners

In our view this review is starting in the wrong place ie with the administrative and arrangements rather than looking at objectives - which should be how do we promote safe lorries and buses and reliable bus services in the most effective and cost efficient way? If this review was more objectives focussed then there could be a case for consolidation of some of the existing organisations into a single transport safety body (covering rail and road) to deliver efficiencies and to raise the standards of safety reporting, analysis and investigation on road to something closer to that which is taken for granted on rail, and making the arrangements for bus performance monitoring and enforcement less opaque and impenetrable than they are currently are.

As set out above we also believe there is a case for devolution of performance monitoring and enforcement.

Short of such far reaching reform then there is clearly a case for retention of Traffic Commissioners as an independent regulator of HGV and PSV safety and of bus performance. However, resourcing of this role is inadequate and the joint working with VOSA does not appear to be harmonious (particularly on bus performance). There is a case for transferring the bus performance investigation role that VOSA carries out to the Traffic Commissioners.

There is nothing in the information provided so far by the DfT of what the pros and cons would be of changing the legal or organisational status of the Traffic Commissioners so it is difficult to comment. However, we would suggest that whatever the status of the TCs a balance needs to be struck so that they can retain their independent, quasi-judicial enforcement role whilst at the same time seeking to ensure that those affected by the work of the TCs can have clear expectations and understanding of how the TCs will carry out their work – including on the information and data they have access to and provide; engagement with stakeholders; and ways of working.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Bray'. The signature is written in a cursive, slightly slanted style.

Jonathan Bray
Director, **pteg** Support Unit