

Science Direct

Determining the likelihood that fatigue was present in a road accident: A theoretical review and suggested accident taxonomy

Estimates in developed countries that speeding, drink-driving), the variability in these estimates is exceptionally high and may be indicative of the difficulty in determining the likelihood of fatigue as a cause of road accidents.

This review compares differences in the way road accidents are classified as fatigue-related (or not) by expert panels and road safety regulators, highlighting countries of the extent to which fatigue contributes to road accidents range from as low as 5% to as high as 50% of all accidents. Compared with other causes of road accidents conflicting conceptual approaches, lack of consistency, and the poor psychometric qualities of classification rules used across jurisdictions.

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This issue

Association update

New AIRSO Chair

AGM

Drinking and Driving

Powered Transporters

Association Update

AIRSO has a new Chairman

Following Nick Croft's decision to step down as Chair of AIRSO, the role has been taken up by the current Vice-Chair, Simon Turner. Simon has been involved in work-related road-safety for over 10 years and it was Nick himself who encouraged Simon to Join AIRSO. Professionally, Simon is the Campaign Manager for the Government-backed Highways England Driving for Better Business programme, promoting improvements in work-related road safety across both the public and private sectors.

Simon said "I'm deeply saddened that Nick has had to step down as Chair – his commitment to AIRSO has been absolute for as long as I've known him. When I first met Nick, his knowledge of road safety matters put mine to shame, inspiring me to join AIRSO and I've valued his knowledge, insight and general counsel incredibly highly in the years since. As I take on the role of Chair, my first duty will be to continue the important work that Nick was doing to ensure the future of AIRSO – work which all the trustees are wholeheartedly supporting, and on which we will report at January's AGM. I'm sure I speak for all us in sending Nick our very best wishes for a full and speedy recovery."

Safer Highways Magazine

Check Kevin Out



Safer Highways Magazine, a quarterly publication designed to highlight best practice and share common challenges in the field of health, safety and wellbeing within our industry.

Safer Highways has come about as a result of feedback from the inaugural Safer Highways Conference held at the NEC on 8th November 2017 as part of the wider Highways UK event.

It is an integrated programme of events and resources designed by the industry, for the industry.

Our industry continues to evolve and adopt an increasingly proactive attitude towards health, safety and wellbeing.

Kevin Robinson

Safer Highways Magazine

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AGM 2019

The AGM this year will mark an historic development in the association's future. As many of you are aware from last year's AGM and the subsequent statement made by the Chair Nick Croft following the meeting, that the future direction of the association required considerable new thinking. With dwindling numbers and a lack of attendance at events the role of the association was routinely being brought into question.

Nick (Chair) was set a task along with the secretary to investigate the associations future from two angles. The chair met in consultation a range of associations with a specific mandate to consider several options, i.e. to merge, work in partnership or to close the charity. The secretary was tasked with reinvigorating the association from within. Both actions have been concluded, the result of which will be presented at the AGM for a wider debate to finalise the associations future. Taking this into consideration the council of management urges as many members as possible to attend the AGM to voice their opinions before a vote on the future.

AGM 2019 – Wednesday the 16th of January 2019.

Lea Marston Hotel, Sutton Coldfield

Haunch Lane, Lea Marston

Sutton Coldfield, B76 0BY. Telephone: 01675 470 468

The Annual Lecture

Mr Kevin Robinson

Safer Highways

Due to the resignation of Nick Croft a vacancy has arisen on the council of management for the ensuing year. If you are interested in becoming a member of the council or would like to make a recommendation with their permission, please do so in writing to the secretary no later than the 24th of December. In the event of more than one nominee an election will take place prior to the AGM.

Compliance has taken on a new importance

The compliance landscape with regards to work-related driving is changing, and any senior manager who asks an employee to drive for work needs to take note as companies, and the way they manage their drivers and vehicles, are now increasingly coming under the spotlight.

With a third of road collisions involving someone who is driving for work at the time, the police are increasingly realising that it isn't always just the driver at fault. The driver is ultimately responsible for his or her behaviour on the road, as well as the roadworthiness of the vehicle, however, we are hearing more and more stories from lawyers and members of the judiciary about serious incidents where accepted company practice, poor management and work procedures can be a significant contributory factor – and directors are being called to account. Employers therefore need to address these challenges urgently.

Police forces around the country are also now working alongside other agencies such as the DVSA and Highways England on initiatives that are identifying large numbers of non-compliant business drivers and vehicles.

One such initiative was implemented on the M5, where checks were carried out in the motorway service area on almost 120 vehicles being used to tow. This included private motorists as well as cars and vans towing for work. Inspections showed that a staggering 94% of all those stopped were non-compliant in some way, with offences included incorrect hitching, no emergency brake cable, insecure loads, overloading – even unlicensed drivers and the use of red diesel. One of those drivers checked, driving a van with a trailer and plant on the back, didn't have the correct licence to tow – when his employer was asked to send another driver to take over the journey, they demonstrated a total lack of awareness of their legal responsibilities by sending another driver who also lacked the correct driving licence!

Caption to photo:

One regional multi-agency initiative highlighted a number of vehicles with loose items in the back with one of the worst examples including three saws without blade covers and not strapped down in any way.



Other initiatives have highlighted vans with significant safety-critical defects, and open flatbed trucks with loose items in the back such as plant, wheelbarrows and power tools – one of the worst examples including three saws without blade covers and not strapped down in any way – all of which can suddenly become highly dangerous missiles in the event of an incident, whether caused by the driver or another road user.

Compliance stops in Humberside have found similar offences and at a similar high level of non-compliance. The latest initiative found an average of two offences per vehicle/driver.

Also worth noting is that, with police resources stretched, these initiatives yield significant results in terms of the manpower and resources invested. They are therefore likely to be continued, and to spread quickly to other force areas, as news of their success rate spreads.

The purpose of these stops isn't to persecute the driver but to raise awareness of the seriousness of the offence, and potential consequences, both for the driver and, with those driving for work, the employer.

If the driver's employer is not operating compliantly – if they don't have a suitable Driving for Work policy, or they haven't got an appropriate method of recording information about their drivers and vehicles – then they can be pointed to resources and guidance that can help them, such as the Driving for Better Business website, part of a programme run by Highways England – one of the initiative partners.

Drivers also need to feel empowered to challenge an employer who fails to maintain vehicles properly or who, either inadvertently or intentionally, has to follow work policies that encourage unsafe driving. The penalty points go to the driver, not the company, and so poor management could jeopardise the driver's own licence, and therefore his livelihood.

A conversation between your driver and the police might unfold something like this...

- Police: Do you understand why I've stopped you today sir?
- Driver: No, officer.
- Police: I stopped you for exceeding the speed limit however I also now see that one of your front tyres appears to be worn down below the legal limit.
- Cautioned, the driver replies...
- Driver: Yes, I'm very sorry officer, I've got a busy schedule today, making deliveries for my company.
- Police: Have you complied with the company Driving for Work policy before leaving on your journey today, Sir?
- Driver: No, I'm sorry, I don't know what you're talking about – I haven't seen any driving policy.
- Police: In that case, before I take this matter further, I will need to go and speak to your fleet manager and also your line manager, to consider offences under the 'Use, Cause and Permit' regulations covered by the Road Traffic Act, 1988.

Drivers who use the new Smart motorways also need to watch their behaviour as, in addition to the speed cameras that adjust their thresholds in line with variable speed limits, the gantries also record the number plates of vehicles travelling under a 'Red X' denoting a closed lane, or those using the hard shoulder when it is not in operation.

The registration plate details are obviously linked to vehicle owner details and Highways England can identify companies whose vehicles appear in the list regularly. They are now working collaboratively with larger employers to help their drivers understand how to use Smart motorways and why compliance is essential. Where employers fail to engage, its drivers can be punished by a £100 fine and three points on the driver's licence. Four of those, less if the driver already has points, and the driver is off the road and the business disrupted. Thus, as more of the country's motorway network becomes 'Smart' the importance of regular licence checking is only going to increase.

Poor management and work procedures can be a significant contributory factor in the roadworthiness of a fleet and the safety of its drivers. Poor fleet management can also have a significant adverse effect on operating costs with costs for repairs, fleet insurance, routine maintenance and servicing, tyres and fuel all potentially much higher than they need to be.

For employers who are unsure of what their obligations are, the HSE's Driving for Work guidance is the best place to start (Google INDG382). A copy can be downloaded from Highways England's Driving for Better Business website which also offers free resources to help employers meet their legal obligations such as a free online risk assessment tool and help with writing Driving for Work policies and handbooks. Understanding and discharging compliance obligations – the legal duty of care to drivers and to other road users has never been more important for all employers, whether they are in the private or public sector. It can also strengthen your business – reducing cost and improving efficiencies.

To access the full range of Driving for Better Business resources, employers can register at www.drivingforbetterbusiness.com.

Long overdue publication

Powered transporters

What are powered transporters?

The term “powered transporters” covers a variety of novel personal transport devices which are mechanically propelled (propelled by a motor) as well as or instead of being manually propelled. It includes e-scooters, Segways, hoverboards, go-peds (combustion engine-powered kick-scooters), powered unicycles, and u-wheels.

This term does not include [electrically-assisted pedal cycles \(EAPCs\)](#), which have their own regulatory framework.

What law applies to the use of powered transporters?

There is no specially-designed legal regime for powered transporters. This means that they are covered by the same laws and regulations that apply to all motor vehicles.

The definition of “motor vehicle” as set out in the Road Traffic Act 1985 is “any mechanically propelled vehicle intended or adapted for use on roads”. There is case law confirming that powered transporters fall within this definition (see section 8 of this information sheet).

The law aims to ensure safety, consistency, and environmental sustainability in the manufacture and use of motor vehicles. Failures to comply with these rules are criminal offences for which users can be arrested and prosecuted.

Where can a powered transporter be used legally?

You can use powered transporters on private land to which the public does not have access without legal restrictions. The permission of the owner or occupier of the land must be obtained however.

In other spaces various laws and regulations restrict the use of motor vehicles, including powered transporters. The way in which they restrict the use of powered transporter depends on where that use takes place.

Pavements and other pedestrian-only areas

It is an offence to use powered transporters on the pavement. By section 72, Highway Act 1835 it is an offence to ride on, or to lead or draw a carriage on a pavement. This rule applies almost all vehicles, with special legal exceptions for mobility scooters and wheelchairs.

In addition, powered transporters are forbidden from using footpaths. A footpath is a public right of way over land which may only be used on foot (as opposed to a bridleway or a carriageway). Mechanically-propelled vehicles are forbidden from using footpaths by section 34 Road Traffic Act 1988.

Cycle lanes, bridleways, and restricted byways

Powered transporters are prohibited from using cycle tracks, cycle lanes on roads, or other spaces dedicated to pedal cycle use only (section 21(1), Road Traffic Act 1988). EAPCs and mobility scooters are exempt from this ban.

In addition, powered transporters cannot be used on bridleways or restricted byways (section 34, Road Traffic Act 1988).

Public roads

For motor vehicles to use public roads lawfully, they must meet a number of different requirements. These include insurance; conformity with technical standards and standards of use; payment of vehicle tax, licensing, and registration; driver testing and licensing; and the use of relevant safety equipment.

If the user of a powered transporter could meet these requirements, it might in principle be lawful for them to use public roads. However, it is likely that they will find it very difficult to comply with all of these requirements, meaning that it would be a criminal offence to use them on the road.

Other spaces

Some of the same restrictions set out above apply to other spaces which are nevertheless accessible to the public, such as car parks, public squares which are not restricted to pedestrian use, privately-owned roads, industrial estates, and university campuses.

There are no statutory restrictions on the use of powered transporters on private land which is not accessible to the public. The permission of the owner and/or occupier of the land will be required however.

How have the courts applied the law to powered transporters?

The courts have considered the application of the law relating to motor vehicles in 3 recent cases in particular:

[DPP v Saddington](#) - [2000] EWHC Admin 409

The High Court found that a Go-Ped, which is a scooter powered by an internal combustion engine, was a motor vehicle in the statutory framework. Mr Saddington was therefore required by law to have a driving licence and third party insurance when using one on the road.

[Winter v DPP](#) - [2002] EWHC 1524 (Admin)

The High Court considered the use of a 'City Bug' electric scooter, and whether its user was bound by the compulsory insurance requirements. It found that it was and that the appellant had been properly convicted of the offence of driving a vehicle without insurance.

[Coates v Crown Prosecution Service](#) - [2011] EWHC 2032 (Admin)

The High Court considered the situation of Segways in the statutory framework. It found that the appellant had been properly convicted under the Highway Act 1835 of "riding" on the footway, or of "driving or leading a carriage" on the footway. The Segway was a carriage either by analogy to other forms of carriage (like bicycles) or because it was a motor vehicle, which by operation of statute is a carriage.

1. **"Powered transporters" is a term used to cover a variety of novel and emerging personal transport devices which are powered by a motor, including e-scooters.**
2. **Given how powered transporters are motorised and designed, they fall within the legal definition of a "motor vehicle". Therefore the laws that apply to motor vehicles apply to powered transporters.**
3. **It is illegal to use a powered transporter on a public road without complying with a number of legal requirements, which potential users will find very difficult.**
4. **It is illegal to use a powered transporter in spaces which are set aside for use by pedestrians, cyclists, and horse-riders. This includes on the pavement and in cycle lanes.**
5. **Any person who uses a powered transporter on a public road or other prohibited space in breach of the law is committing a criminal offence and can be prosecuted.**
6. **It is legal to use a powered transporter on private land with the permission of the land owner.**



West Mercia Police
Drink/Drug Driving Campaign
2018

Throughout Christmas 2018 and New Year West Mercia will operate the Christmas Don't Drink Drive & Don't Drug Drive Campaign. This Campaign will run throughout the festive period covering both Christmas and New Year.

This year West Mercia Police are also focusing on their new powers and procedures, and launching the Christmas Don't Drink/Drug Drive Campaign.

Don't get caught out, the law in relation to Drug Driving changed on March 2nd 2015.

West Mercia is keen to point out that the use of drugs does not just apply to illegal substances.

It can also include prescribed medication, even if they are used in the prescribed manner, there are legal limits, (If in doubt seek advice from a medical practitioner prior to driving.)

Police will be working alongside both their sister organisations, Ambulance and Fire, in the hope of educating and persuading motorists not to drink or drug drive

Image shared by police on Twitter of a gigantic Christmas tree being transported on a van roof has gone viral

Officers are urging drivers to consider whether their vehicle is suitable for taking a large Christmas tree on the road.

The "shocking" speed camera image, posted by Plymouth PC Jane Bickley, showed the tree almost dragging along the road behind the silver vehicle.

The van had been travelling on the A38 towards Plymouth and was spotted on 1 December.

PC Bickley, the safety camera unit investigator for the Peninsula Road Safety Partnership, tweeted: "Shocking image spotted on the A38 by one of our speed camera vans over the weekend."



She added: "We all know it's a hectic time of year in the run-up to Christmas... but please consider the suitability of your vehicle if transporting such a large load."

Emergency services placed this wrecked car on display at Intu Derby as part of its awareness campaign

(Image: Derbyshire Fire and Rescue Service)



"When driving stay safe, stay sober."

If you suspect a drink or drug driver please do not hesitate to call the police.

Please contact police on non emergency 101 or emergency 999



In 2016, 463,319 roadside breath tests were carried out by the police, of which 59,998 drivers or riders (13% of those tested) failed or refused to take the test.

Delight as Derbyshire police name and shame people charged with drink driving

Derbyshire police has begun its naming and shaming of those it has charged with drink driving this month as part of a festive campaign to make roads safer.

Last week Derbyshire Live reported how police were keen to publicly reveal the names throughout this month.

Now the force has released the identities of five people who have been charged within the Derbyshire area, their addresses, their age and details of each alleged offence.

The names were shared on Derbyshire police's Facebook and Twitter pages - meaning thousands of people could see who had been charged.

The names released of those charged include Alexander Baker, 24, of Darfield Drive, Heanor; Ben Sharpley, 18, of Lismore Road, Buxton, Jake Wilkinson, 20, of Long Lane, Shirebrook; Liam Smith, 35, of Hazel Grove, Matlock; and Christopher Sheldon, 29 of Stoney Middleton.

The charges relate to offences that happened between Saturday, December 1, and Monday, December 3.

Emergency services placed this wrecked car on display at Intu Derby over the weekend as part of its awareness campaign (Image: Derbyshire Fire and Rescue Service)

Baker was charged after his vehicle was stopped in Nottingham Road, Codnor in the early hours of December 1.

Sharpley was arrested and charged following a collision in Burlington Road, Buxton on December 1.

Wilkinson was arrested and charged after he was stopped in Derby at 4am.

Smith was stopped by police in Oakethorpe on December 2 and Sheldon was stopped by officers at High Street, Stoney Middleton.

A Derbyshire police spokesperson said: "Throughout December, we will be naming every motorist who is charged with driving under the influence of alcohol or drugs in Derbyshire.

"So far, five people have been charged with driving under the influence of alcohol since December 1. We have listed their names, and will do the same for anyone else who is charged.

"It is part of our campaign to raise awareness of the consequences of driving while intoxicated, which is of a higher risk in December due to the rise in the amount of social events for Christmas and New Year."

The majority of followers of the Derbyshire police's Facebook page welcomed its naming and shaming policy. One Facebook user, whose comment was liked by 250 people, said: "This should be done all year round."

Another said: "Awesome Derbyshire Constabulary, I think this is great. Agree with other posts on here too that it should be reported throughout the year and also people using their phones whilst driving.

"It's shocking how many you can see every day driving while gawping at their phones or chatting with one hand as they're turning a corner etc."

Upcoming Events 2018

Secretarial services.

Don't forget you can always
contact me:

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Email: info@airso.org.uk

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Registered Charity No.
1054640

AGM 2019 – Wednesday the 16th of January
2019.

Lea Marston Hotel, Sutton Coldfield
Haunch Lane, Lea Marston
Sutton Coldfield, B76 0BY, GB
Telephone: 01675 470 468
Fax: 01675 470 871

The Annual lecture
Kevin Robinson

kevin@saferhighways.co.uk

Cost £35/Head

Bed and breakfast is available at a reduced
rate of £89/head

Contact the secretary to book your place

We have a facebook page in its infancy, please sign up to create
more news and share ideas.

And finally, we now have 135 Followers on

