

Working To Save Lives



26 November 2018

Mr John Dunne,
Director,
Federation of Transport Operators,
Embassy Office Park,
Kill,
Co Kildare.

Dear Mr Dunne,

Thank you for your letter of 19 October in response to my letter to you dated 28 September.

As outlined previously the findings of our inspections disclosed to the media relate to all passenger vehicles inspected by our Enforcement Officers at roadside checks. There is no distinction drawn between State and private bus operators and all of the information published by the RSA concerning buses is fair and impartial. There is no preferential treatment given to State companies in the manner in which information is published. We do not have the legislative basis to publish data in relation to specific companies or release such data to third parties including insurance companies or any of the representative associations.

I have already explained to you the purpose of the Commercial Vehicle Operator Risk Indicator (CVORI) and how this is used by the RSA. The tools used by insurance companies for evaluating and measuring risks associated with insurance policies are separate and not related to the CVORI system maintained by the RSA. As previously advised, the RSA will not be disclosing an operator's status on the RSA risk system to the insurance companies or other third parties. I note that you have not availed of our offer to meet with you about the CVORI system and I can only assume in the circumstances that the information on the RSA website is sufficient.

My earlier letter advised you that defects detected during the course of inspections are aligned with Directive 2014/47/EU. All defects recorded at an inspection can have a bearing on an operator's risk status – the more recent and serious a defect, the greater the significance for the operator concerned in respect of the likelihood of more inspections and inconvenience at roadside and premises checks. Dealing specifically with fail items

- a. In the case of empty windscreen washer bottles, if the pump can be heard working and the vehicle is just out of washer fluid/water this incurs a 'fail minor' result. However, if the cleaning system is inoperative then the vehicle will incur a 'fail major' result for this inspection item.
- b. In the case of a light bulb missing on a registration plate where there are two, this will incur a 'fail minor' result.
- c. In terms of the inability to read a Vehicle Identification Number (VIN), it is the case that vehicle inspectors make every effort to find the VIN on a vehicle. They will wipe the chassis to remove dirt/corrosion deposits etc resulting from everyday use if necessary. If they still cannot find it following this action, the vehicle will incur a 'fail major' result. The onus is on the owner to advise where it is and have it legible

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- d. In relation to having wheel trims in place, there is no obligation for operators to remove them when undergoing a roadside or premises inspection. In these instances, the vehicle is taken as being in the field ready for work. However, the same vehicle presented for a roadworthiness test without the wheel trims removed will incur a 'fail major' result and as when fitted they prevent an inspector from carrying out a proper inspection of the wheel nuts and rim.

The monitoring of sub-contractors by State bus contractors in delivering services is a matter for the entities concerned and RSA has no role in that regard. However, I would point out that such activities contribute to ensuring safety in bus operations and strengthening operator standards. Compliant operators will support such monitoring as a means of ensuring a level playing field for all bus operators. As regards the establishment of an independent appeals board to hear complaints around monitoring processes, it is not clear if this relates to the monitoring of sub-contracted bus operations by the State companies or to the conduct of CVR tests at CVR testing centres. If it relates to the latter, there are processes in place for dealing with cases where a bus operator is dissatisfied with the outcome of a CVR Test. Further information in that regard can be viewed on the RSA website at www.cvrt.ie

The possibility of the RSA taking over responsibility for the PSV licensing system from An Garda Síochána is a matter for consideration by the Department of Transport, Tourism and Sport and An Garda Síochána in the first instance. I understand that the Department has initiated a study on this particular topic.

I have already acknowledged and it is worth repeating that there are many bus operators with exemplary road safety records and this includes smaller and medium sized operators. The mission objective of the RSA and Garda enforcement strategy is designed to improve standards of compliance and reduce traffic related deaths and injuries on our roads. RSA and Garda activities contribute to ensuring safety in bus transport operations through strong enforcement of key road safety regulations dealing with drivers' hours, tachograph, operator licencing, roadworthiness standards, targeting high risk operators and increasing road safety awareness. We will be continuing our operations in this regard in conjunction with An Garda Síochána and indeed using all of the tools available to us including new powers to detain and remove seriously defective vehicles detected during the course of roadside inspections. Further information concerning these new powers will be published in early 2019

I trust that this addresses your concerns

Yours sincerely,

Moyagh Murdock
CEO

cc. Liz O'Donnell, Chairperson Road Safety Authority