3.12 Safety of Passengers

3.12.1 Regulation 53(2) of the Road Traffic (Traffic Control) Regulations states that no driver shall permit a passenger to travel in any vehicle unless seated in a properly constructed seat which is secured to the bodywork of the vehicle.

3.12.2 Whilst the police have powers to prosecute drivers of vehicles whose passengers are at risk, owners and operators of goods vehicles should themselves make such prosecutions unnecessary by actively discouraging any dangerous practices by their employees. In this respect employers should instruct employees that they must not:

i) ride in the rear enclosed compartment in which goods are being carried, as any movement of the goods could result in the passenger being crushed;

ii) ride on the loading platform of an open sided or partially sided vehicle as there is no means by which the occupant can prevent himself from being thrown off should any sudden movement occur;

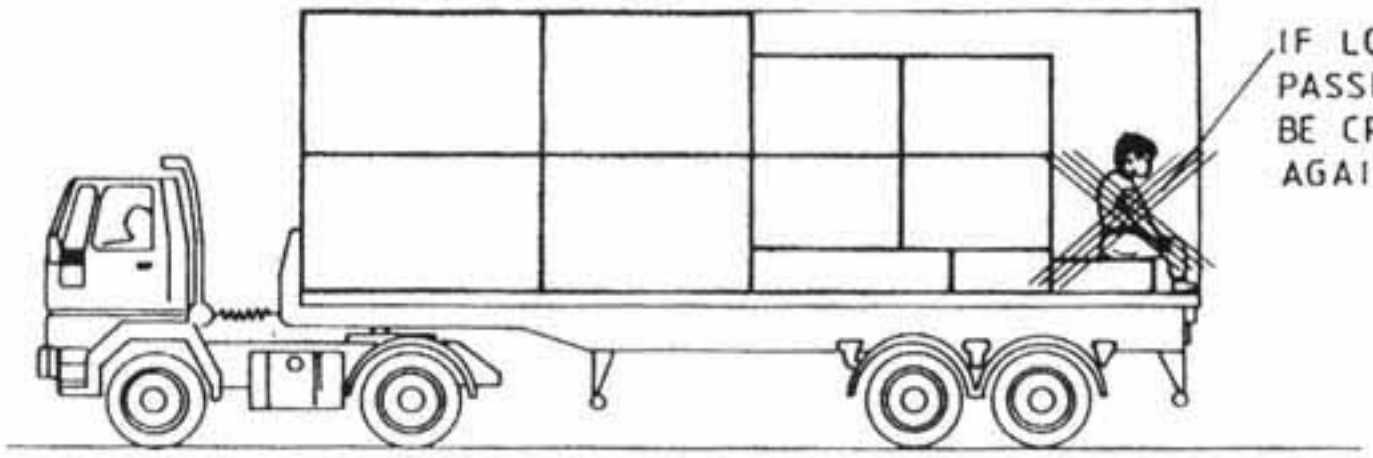
iii) ride on top of the cab of any vehicle, as there is no support and the person is in any event vulnerable to being hit by any overhead structures;

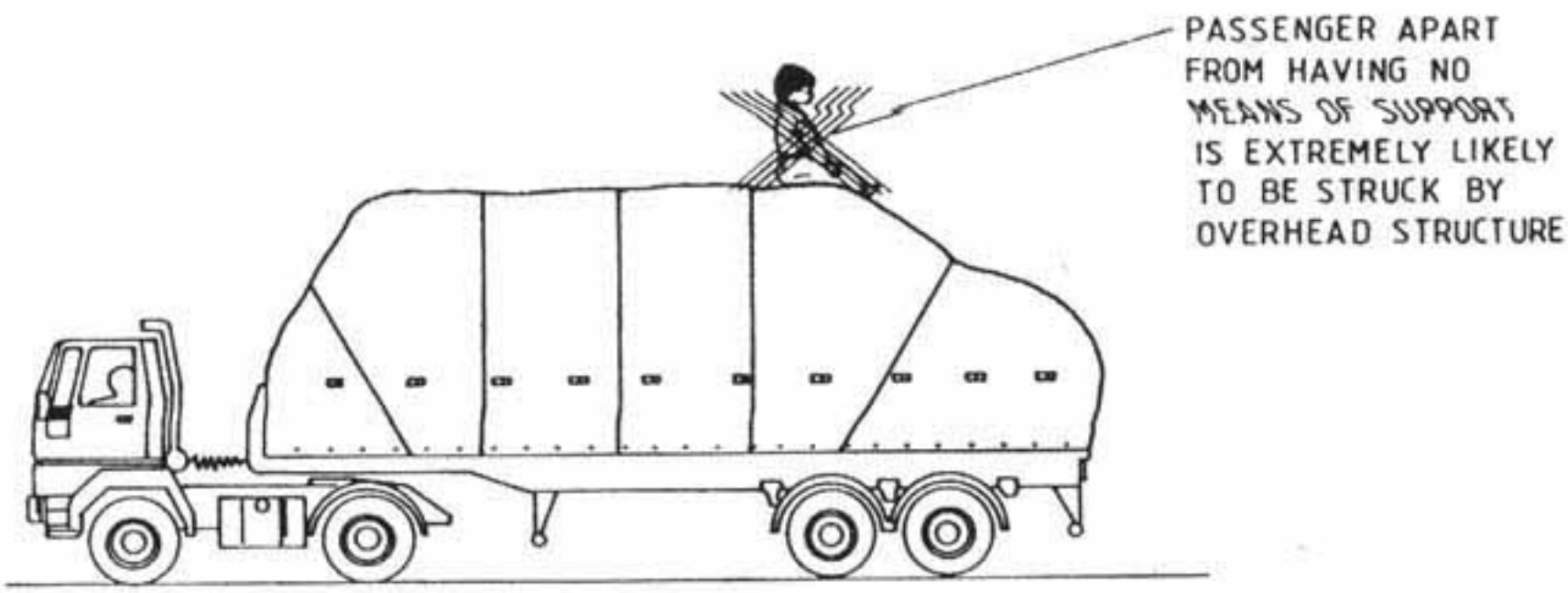
iv) ride on any part of any load being carried, as there is little or no support and should the load shift the person may be crushed, additionally on a high load the person will be extremely vulnerable to being hit by any structures over the road;

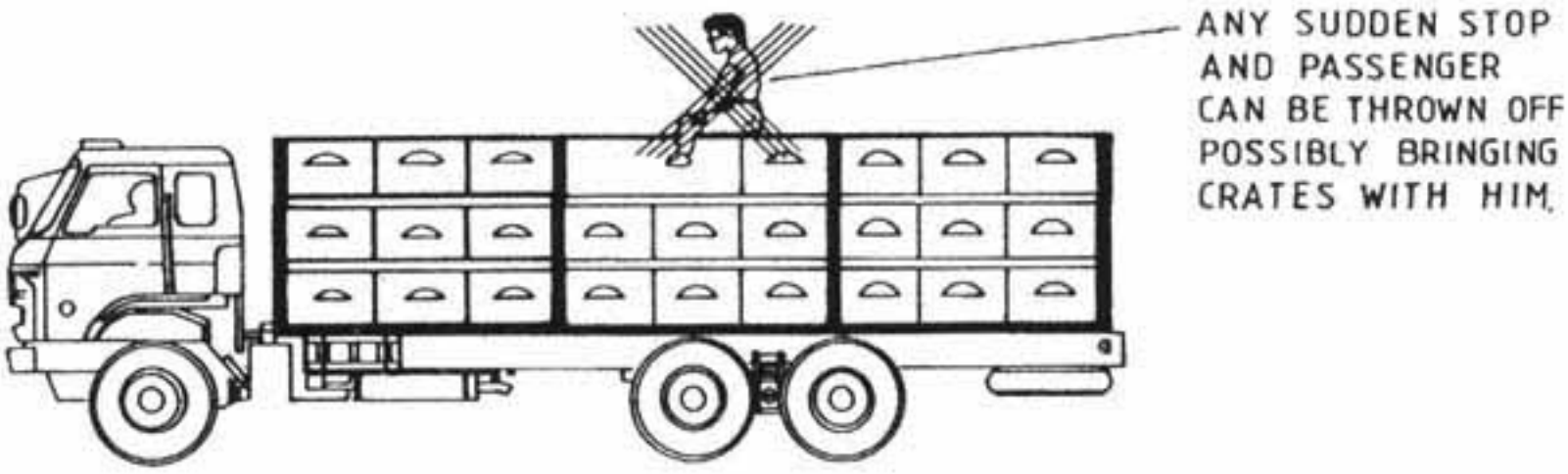
v) ride in the compartment of any plant or machinery being transported by any other vehicle as in the event that the machinery should break loose, the occupant could not easily escape, and may therefore suffer serious or fatal injury;

vi) ride on any tail or side boards, as these are not designed to carry loads, and a person could easily be thrown off the vehicle by any sudden movement.

These illegal arrangements are illustrated in Diagrams 3.12.1 to 3.12.3.



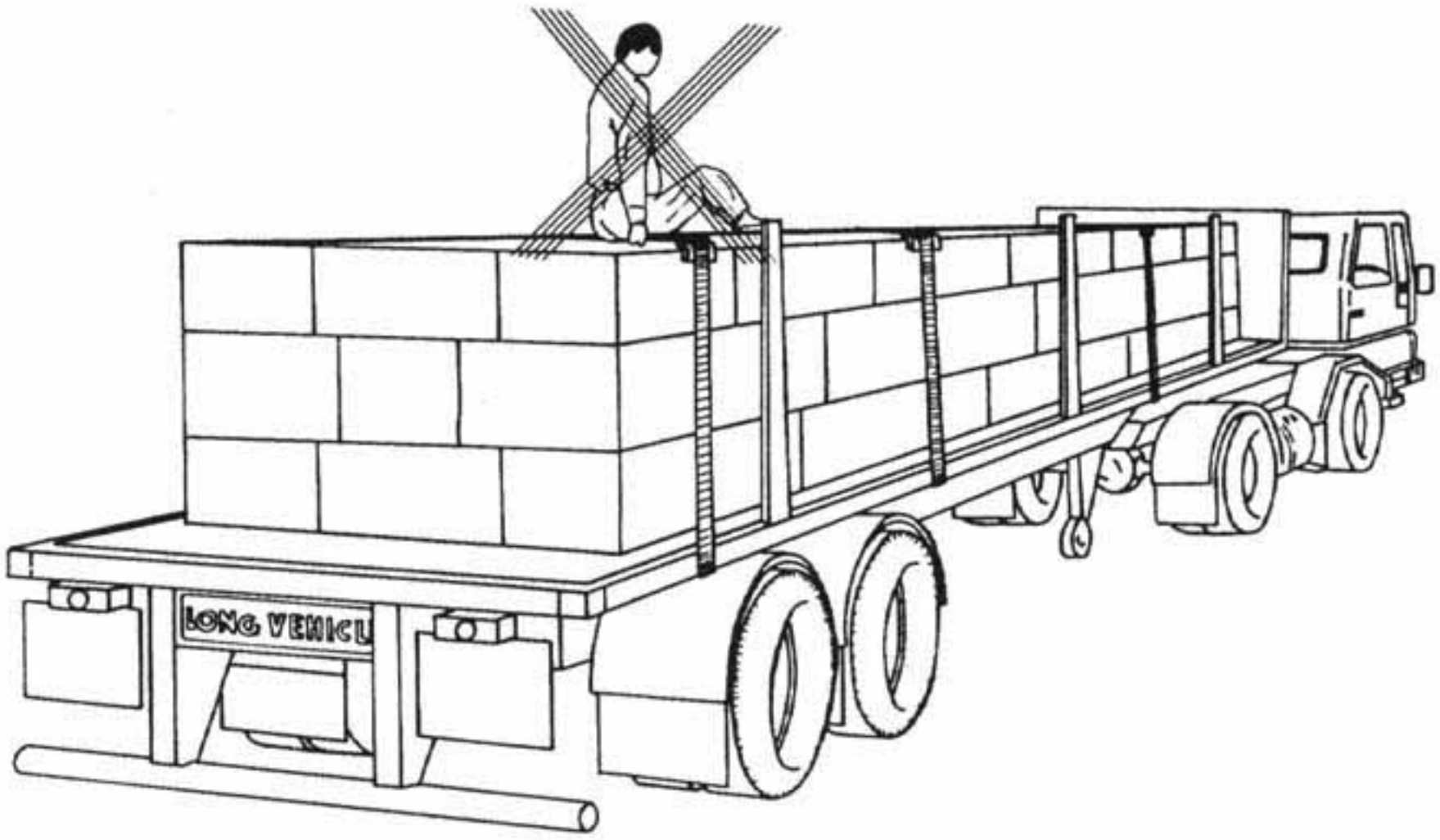


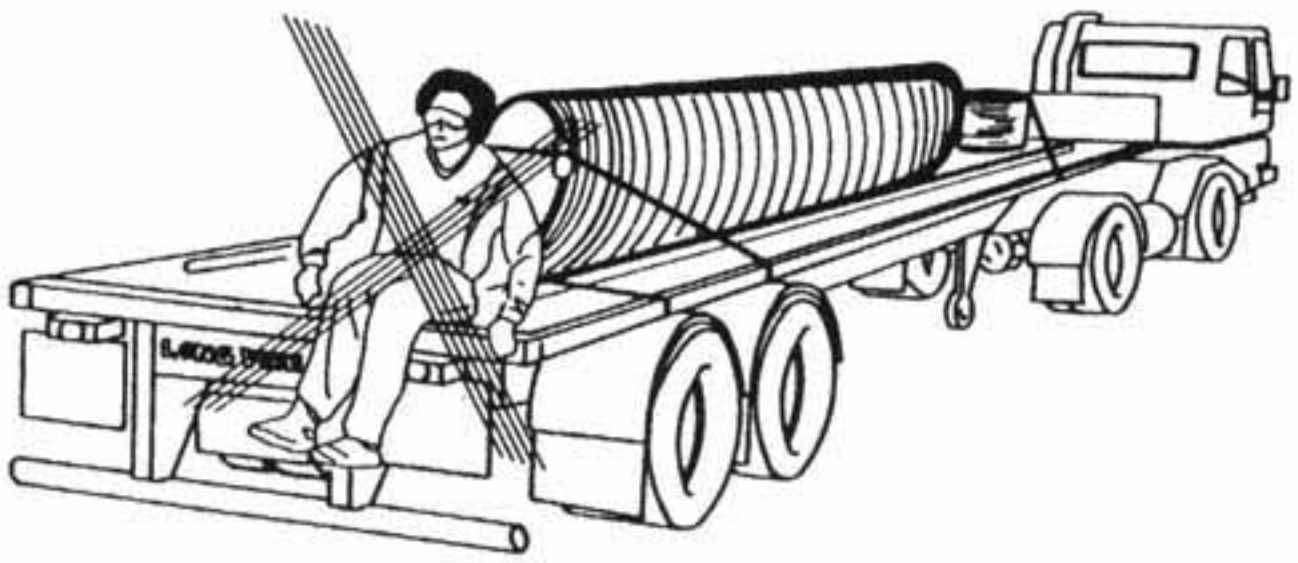


SAFETY OF PASSENGERS

DIAGRAM 3.12.1

NO ADEQUATE MEANS OF RESTRAINT AND PERSON COULD BE KILLED BY OVERHEAD STRUCTURE.

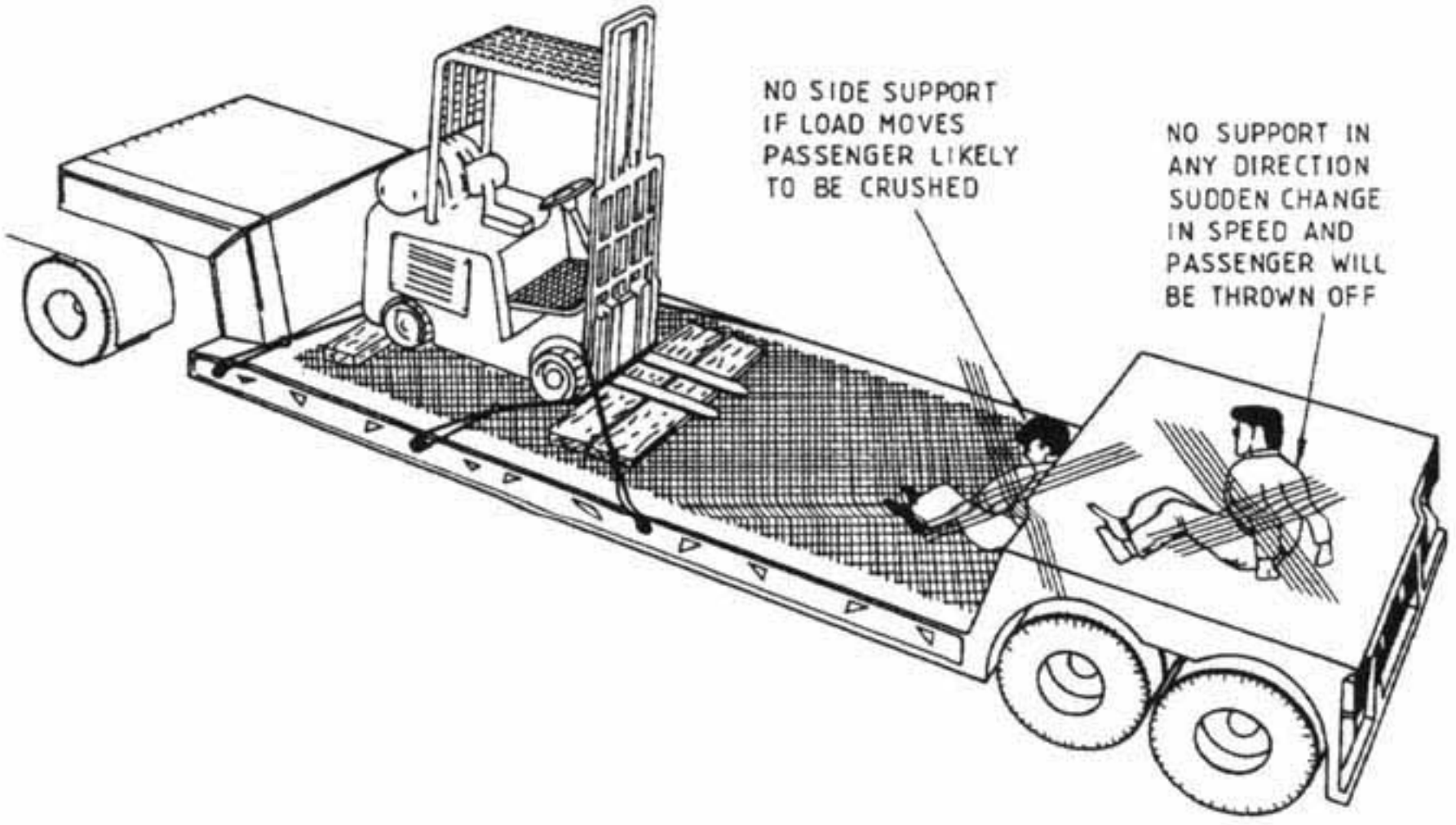




ANY SUDDEN MOVEMENT AND THE PASSENGER WILL BE THROWN FROM VEHICLE. IF LOAD MOVES IT COULD IMPALE PASSENGER.

SAFETY OF PASSENGERS

DIAGRAM 3.12.2



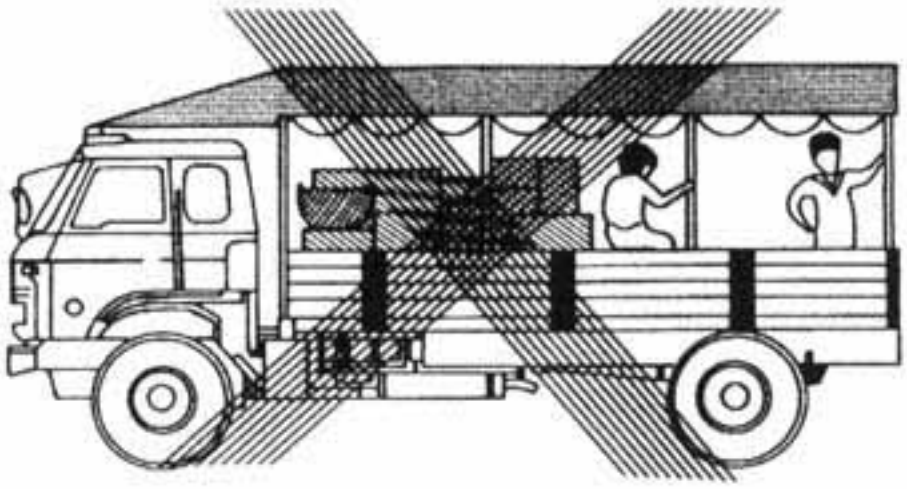
SAFETY OF PASSENGERS

DIAGRAM 3.12.3

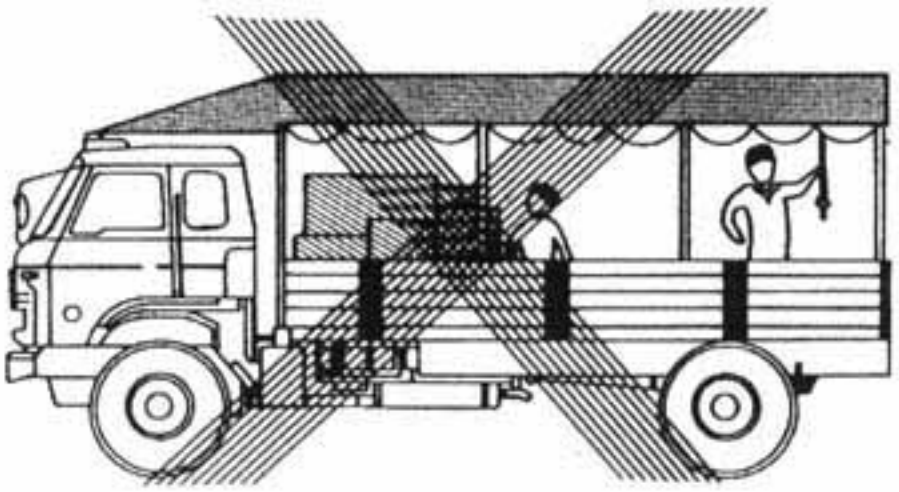
3.12.3 It is also a misconception that the side supports for roofs on partially enclosed vehicles will prevent a person from being thrown off the vehicle. Similarly, having a rope hanging from the roof for a person to hold onto, particularly when standing on the tail board, will not prevent this either. Riding in the rear of a partially enclosed vehicle is just as unsafe as riding in the rear of any other goods vehicle. The provision of grab ropes still places a person at considerable risk as a sudden movement of the vehicle will unbalance the person, and unless he has a very firm grip, he can easily be thrown from the vehicle. See Diagram 3.12.4.

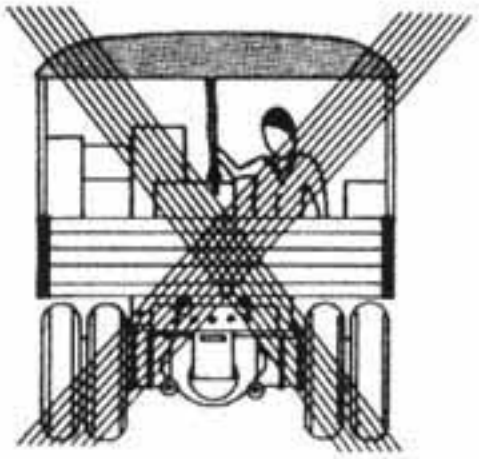
3.12.4 In addition to ensuring that all passengers are properly seated, the driver must ensure that he does not carry passengers in excess of the number specified in the registration document of the vehicle or permitted by an excess passengers permit issued by the Transport Department.

3.12.5 It is very relevant with regard to the safety of passengers to bear in mind that apart from any prosecution that may arise as a consequence of a passenger being injured by being thrown off a vehicle, the operator of that vehicle could be liable for substantial claims for damages, because of injuries substantive by the person.



SIDE SUPPORTS FOR ROOFS IN OPEN SIDED VEHICLES WILL NOT PREVENT A PERSON BEING THROWN OFF THE VEHICLE, AND IT IS EQUALLY UNSAFE TO TRAVEL IN THE REAR OF THESE VEHICLES AS ANY OTHER.





SOME OPERATORS TIE ROPES FROM THE ROOF FOR PASSENGERS TO HOLD ONTO, BUT IN SPITE OF WHAT MAY BE THOUGHT THIS DOES NOT MAKE IT ANY SAFER TO TRAVEL IN THE REAR OF A VEHICLE AS ANY SUDDEN ACCELERATION OR DECELERATION CAN STILL CAUSE THE PERSON TO BE THROWN OFF THE VEHICLE.

SAFETY OF PASSENGERS

DIAGRAM 3.12.4

3.13 Maintenance

3.13.1 Regular and proper maintenance of all goods vehicles must be undertaken to ensure that these vehicles operate efficiently and safely.

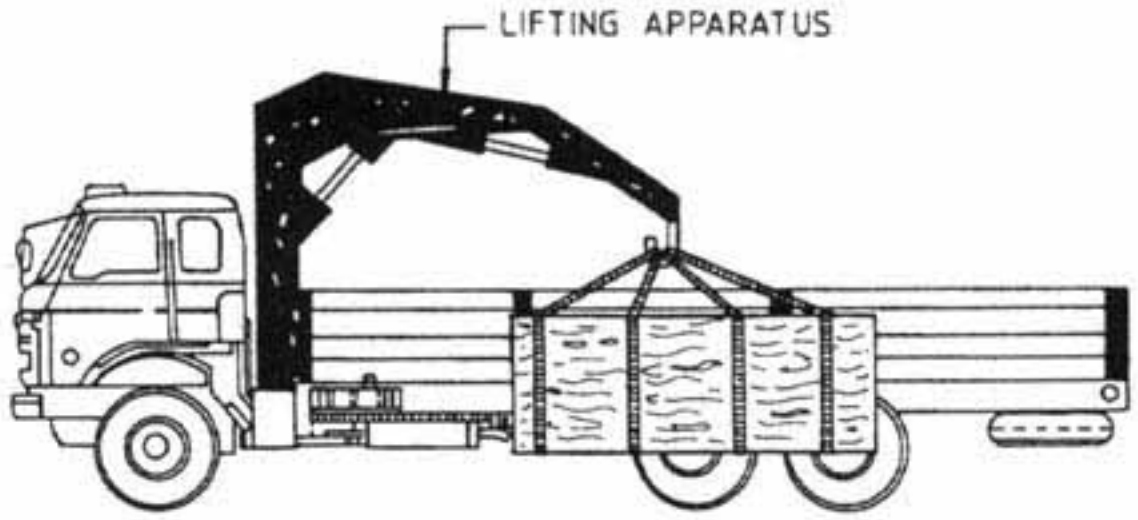
3.13.2 Any defect that occurs to any part of the vehicle including the engine, brakes, tyres, anchorage points, locking devices, should immediately be made good. It is also relevant, as indicated in Diagram 3.13.1, that any ancillary equipment fitted to the vehicle should be regularly inspected and tested. Of particular concern in respect of this ancillary equipment is the lifting apparatus frequently found attached to goods vehicles for the loading and unloading of goods. Any deficiencies in this equipment could cause serious injury to operatives and of course to any passers-by. It is therefore strongly recommended that this equipment is frequently inspected for signs of any wear and that it be thoroughly tested in accordance with the manufacturer's advice at least once a year and preferably every six months.

3.13.3 All restraint system should be regularly inspected for wear or damage and if any defects are found, the system should be immediately replaced. Particular attention should be given to any webbing and ropes to ensure there is no visible deterioration, such as fraying, cuts or stretching, due to frequent use. Wire ropes should be free from rust and not have any broken wires or strands.

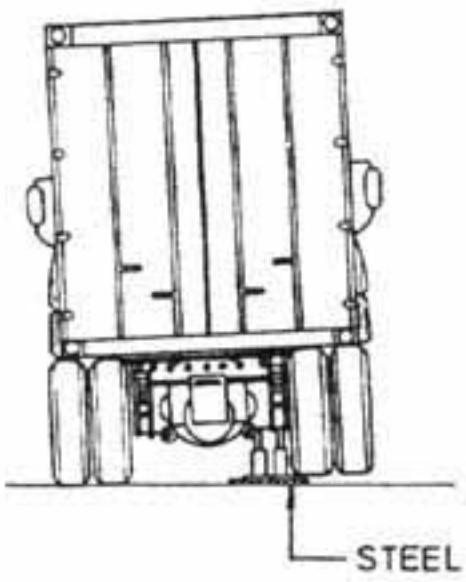
3.13.4 Because any hand signals may be obscured by the load being carried, drivers should regularly check that the direction indicators on their vehicles function properly.

3.13.5 In respect of ensuring that vehicles are properly maintained and in good working order, it is relevant to note that under Regulation 5 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations, an offence may be committed if they are not.

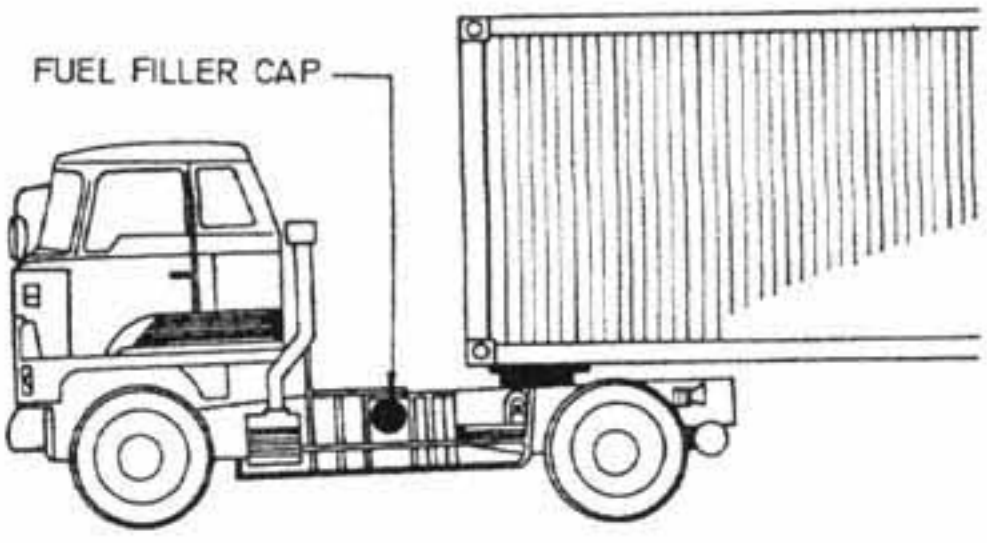
3.13.6 On the matter of maintenance, two items, both illustrated in Diagram 3.13.1, are particularly relevant and although not entirely related to the loading of goods on vehicles, do have an effect on the efficient movement of such goods. The first of these items concerns oil spillage and the detrimental effect this has on bituminous road surfaces. Whilst much of the problem is caused by engine oil which better maintenance would avoid, some is also caused by fuel spillage because either filler



ALL LIFTING APPARATUS MUST BE REGULARLY INSPECTED AND TESTED OTHERWISE INJURY COULD OCCUR TO PERSONS USING OR IN THE VICINITY OF THE APPARATUS WHEN IN USE.



WHEN JACKING UP A VEHICLE, SUPPORT THE JACK ON A STEEL PLATE TO AVOID DAMAGE TO THE CARRIAGEWAY OCCURRING.



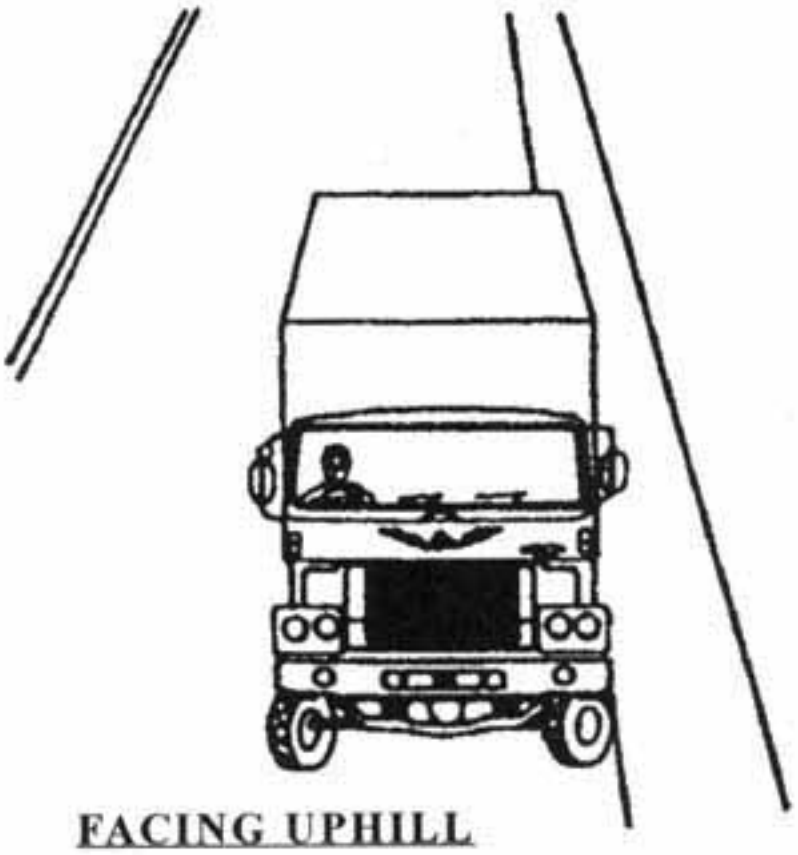
ENSURE THAT THE FUEL FILLER CAP IS ALWAYS FIRMLY ATTACHED AND TIGHTENED SO THAT FUEL CANNOT SPILL.

ADVICE ON MAINTENANCE

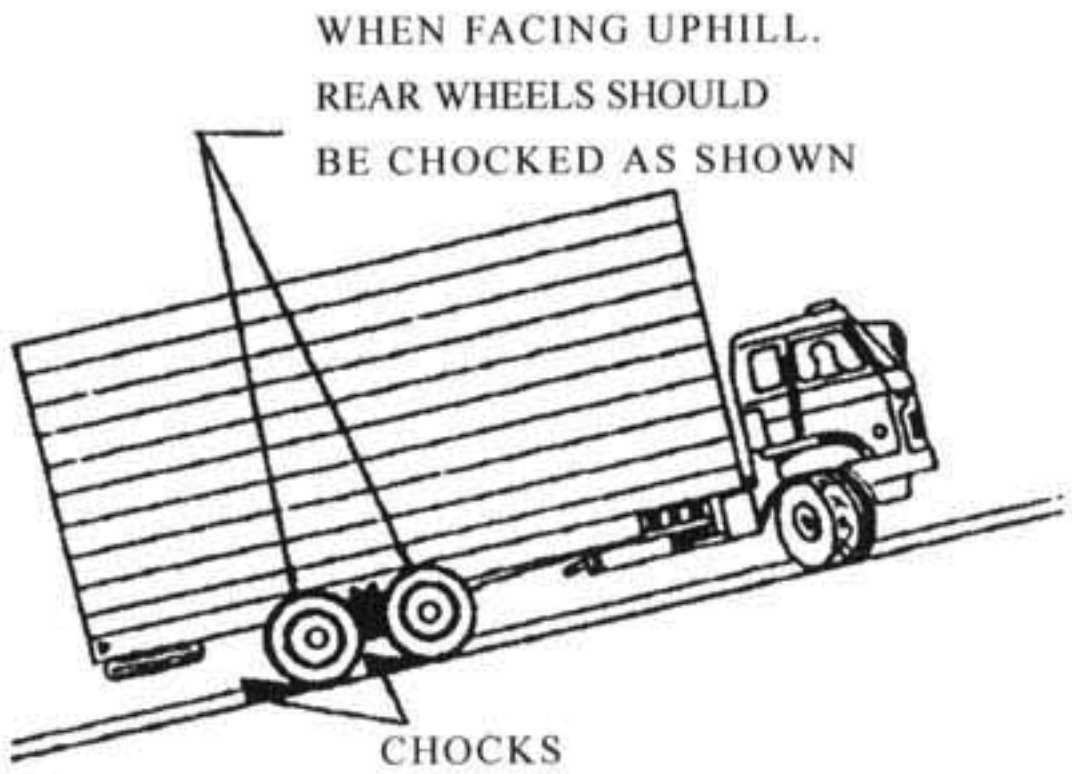
DIAGRAM 3.13.1

caps are not properly fitted or proper filler caps are not used. Greater attention to ensuring that filler caps are firmly fitted will not only result in less road maintenance being necessary but also decrease the operating costs of the vehicle. The second item concerns the jacking up of vehicles for tyre repairs, and the damage that occurs to the road surface when the jack is applied directly to this. Apart from the fact of the damage, the sudden sinking of the jack into the road surface which could occur under certain circumstances, could cause the load to shift, which in turn could result in the vehicle being turned over. These problems can be avoided if a thin metal plate is placed between the jack and the road surface and the vehicle is then jacked up on this.

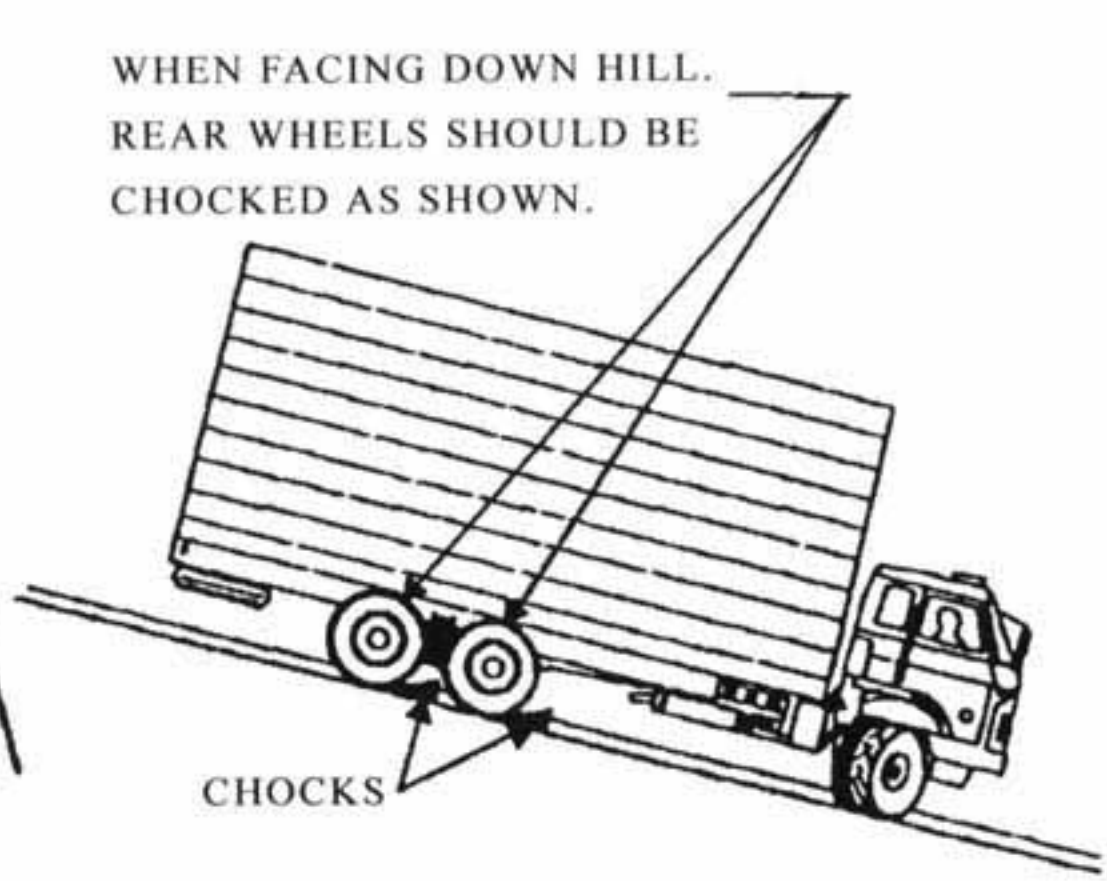
NOTE: LOADING OR UNLOADING ON STEEP GRADIENTS SHOULD BE AVOIDED.
WHERE THIS IS NOT POSSIBLE: ON PARKING, THE FRONT WHEELS SHOULD BE TURNED INTO THE KERB AND HAND BRAKE FULLY ENGAGED.



FACING UPHILL



FACING DOWNHILL



WHEREVER POSSIBLE THE DRIVER SHOULD REMAIN AT THE CONTROLS.

LOADING / UNLOADING ON GRADIENTS

DIAGRAM 3.14.1

3.14 Location of Loading and Unloading Activities

3.14.1 Because of the disruption and danger that can be caused to other road users if this is not followed, as far as reasonably possible all loading and unloading activities should be carried out off-street and preferably in loading bays specially provided for this purpose.

3.14.2 It is however accepted that many premises either do not have loading or unloading facilities, or those that are provided are inadequate, and therefore in these situations loading or unloading has to take place at the kerb side.

3.14.3 Parking on a road with a steep gradient to load or unload goods should be avoided wherever possible, and instead vehicles should be parked on adjacent roads where the gradient is less severe and the goods then trolleyed or carried to or from this location.

3.14.4 When parking on a steep gradient to load or unload goods is unavoidable regard should be had to the following points which are illustrated in Diagram 3.14.1.

i) The driver should ensure when stopped that the handbrake is fully engaged.

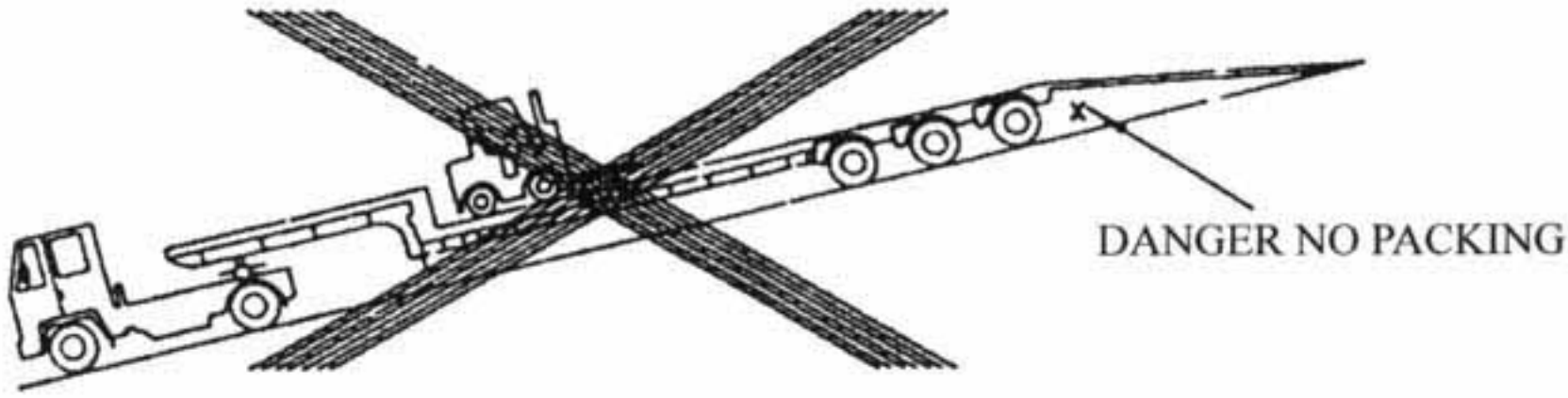
ii) The front wheels of the vehicle should be turned towards the kerb (when facing downhill) or away from the kerb (when facing uphill)

iii) The first gear should be engaged.

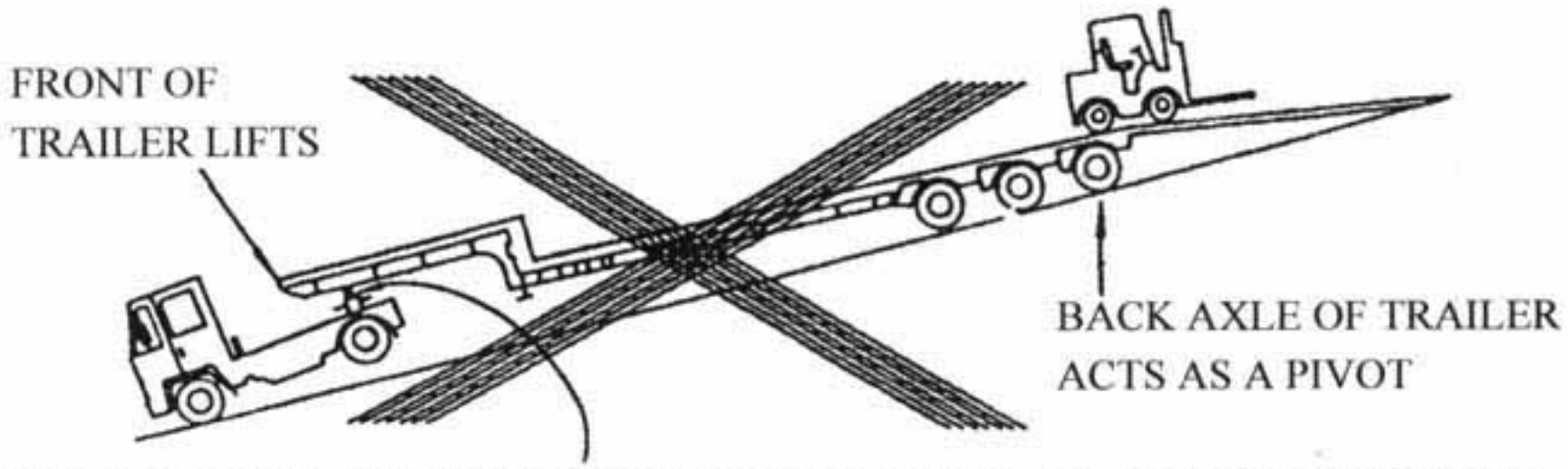
iv) Wooden or steel chocks should be placed beneath the rear wheels before any loading or unloading takes place as a further method of ensuring the vehicle does not move. It is essential where this is done that the driver remembers to recover the chocks before moving off. Bricks, pieces of concrete, or other available debris should never be used as chocks.

v) The driver should remain in the cab at the wheel of the vehicle. If it is necessary for him to leave the cab, he should always be in close attendance to the vehicle.

NOT ACCEPTABLE

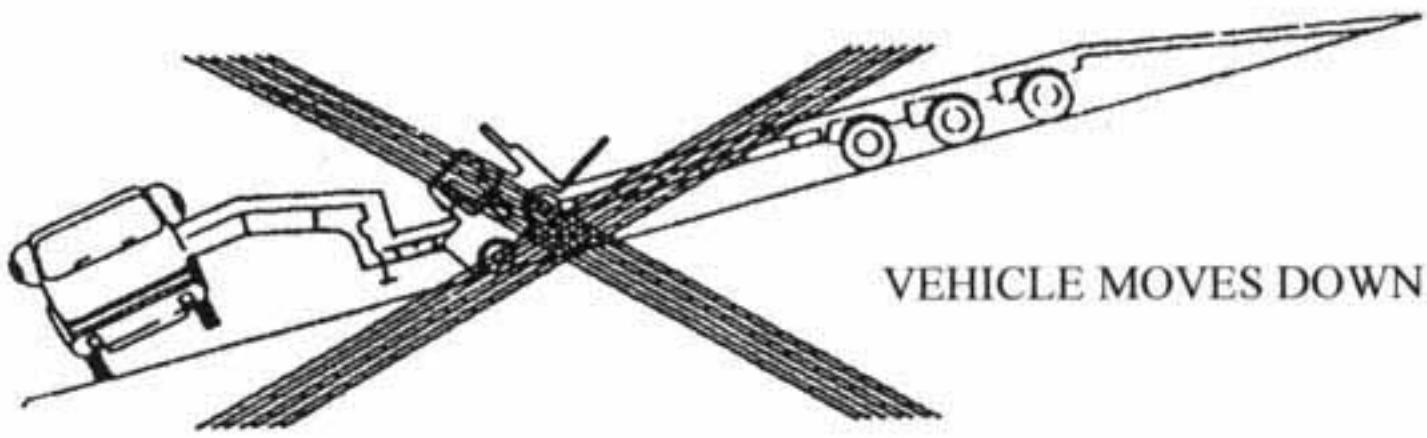


NOT ACCEPTABLE



THE KING PIN LIFTS THE BACK OF THE TRACTOR AND WITHOUT GROUND CONTACT THERE IS NO BRAKE EFFECT BY THE REAR WHEELS.

NOT ACCEPTABLE



TO AVOID THE ABOVE SEE RECOMMENDATIONS IN PARAGRAPH 3.14.5

LOADING / UNLOADING PLANT ON GRADIENTS

DIAGRAM 3.14.2

vi) The use of any jibs or cranes attached to the vehicle for loading or unloading should be avoided whilst the vehicle is parked on a hill as this may adversely affect the stability of the vehicle. However if this is unavoidable, it should be ensured that all wheels are firmly chocked to prevent any movements and any necessary jacks fully engaged to the road surface.

vii) Vehicles with loading platforms equipped with roller loading devices should never be loaded or unloaded on steep gradients.

3.14.5 A particular problem can occur when loading or unloading engineering plant from a tractor/trailer combination parked on a gradient as illustrated in Diagram 3.14.2. In this situation, if only the tractor hand brake is applied then when the plant moves across the rear wheels of the trailer, the rear most axle becomes a pivot lifting the front of the trailer and the rear of the tractor unit. The result of this is that braking is then totally reliant on that applied to the front wheels, which in many cases means no brake at all and therefore the vehicle runs away. Even when there is a brake, it is not generally sufficient to prevent the vehicle being bounced down the gradient. To avoid this occurring, plant should wherever possible not be unloaded on a gradient. However where it is necessary to load or unload plant on a gradient, it is strongly recommended that the following precautions be taken: -

i) ensure that the vehicle is stopped with the wheels turned towards the kerb;

ii) engage tractor brakes;

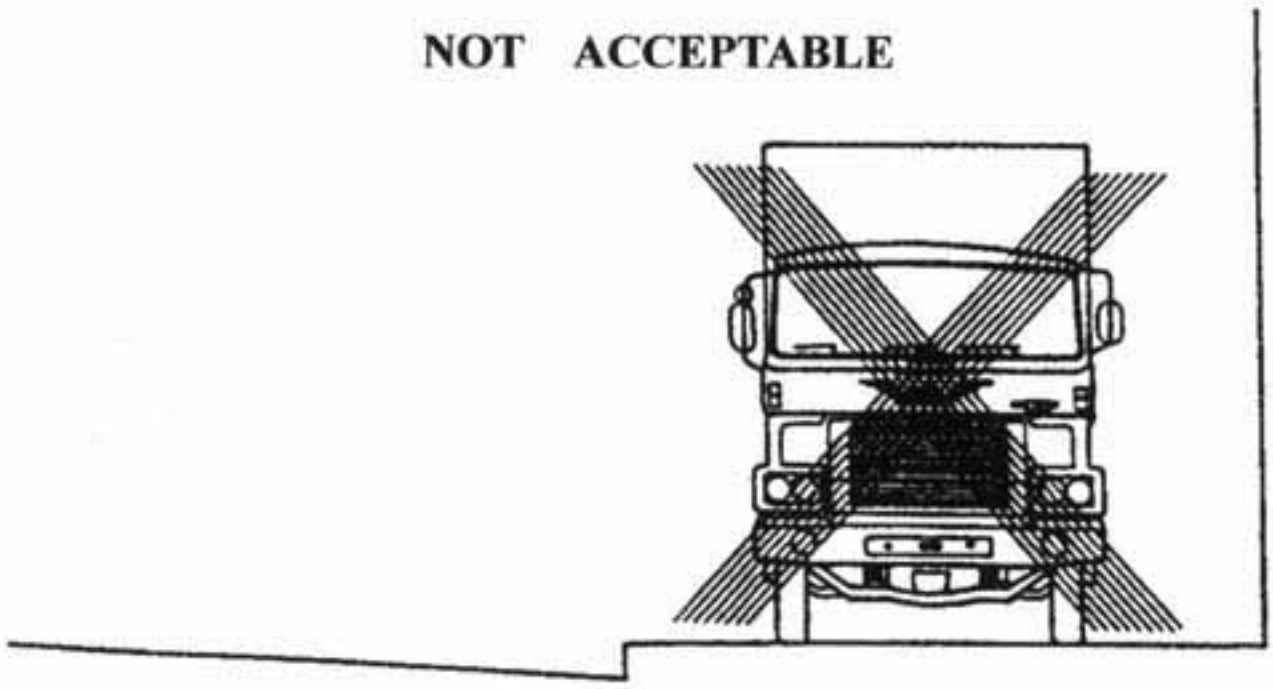
iii) wind on trailer brakes;

iv) disconnect airlines between tractor and trailer;

v) chock leading trailer axle;

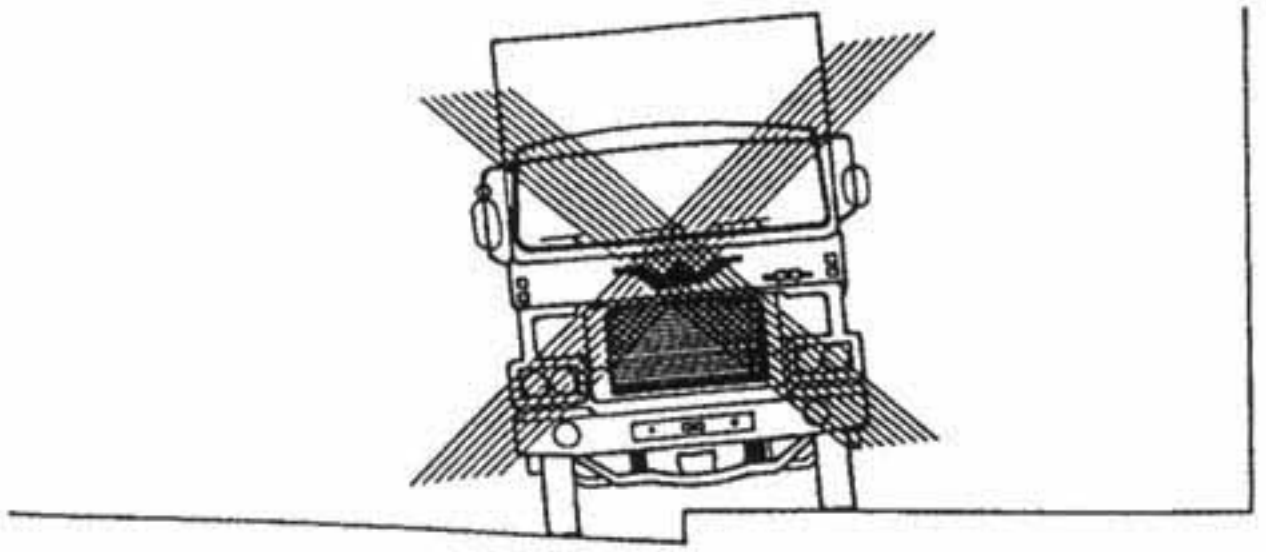
vi) support rear of trailer by timber or jacks.

NOT ACCEPTABLE



GOODS VEHICLES SHOULD NEVER BE PARKED ON FOOTWAYS. IT OBSTRUCTS PEDESTRIANS AND CAUSES DAMAGE TO THE FOOTWAY AND UTILITY PIPES LOCATED BENEATH THE FOOTWAY.

NOT ACCEPTABLE



PARKING ON BOTH THE FOOTWAY AND CARRIAGEWAY IS EQUALLY AS BAD AS DAMAGE TO THE FOOTWAY STILL OCCURS AND PEDESTRIANS MAY STILL BE OBSTRUCTED.

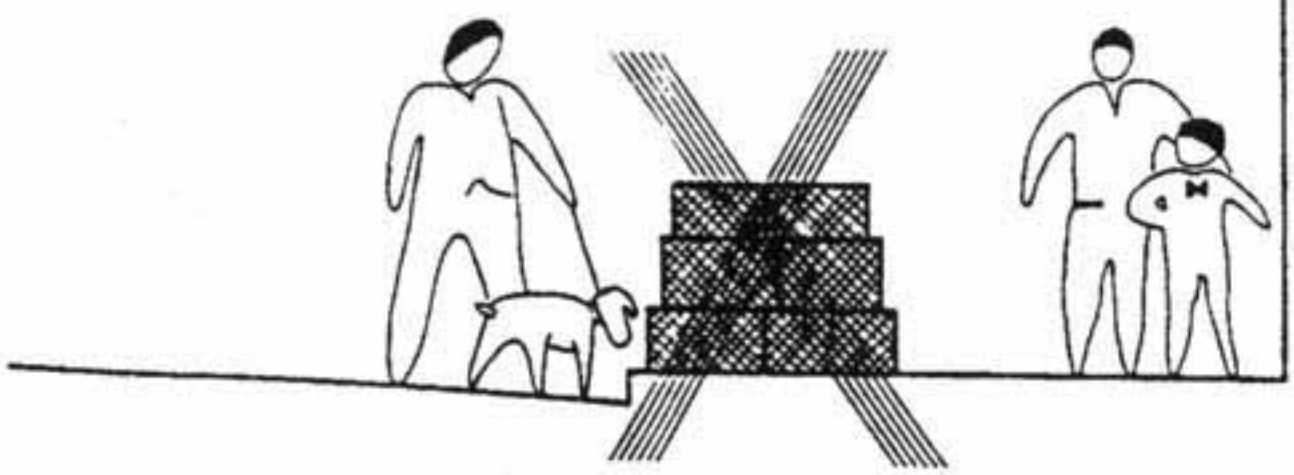
ILLEGAL PARKING ON FOOTWAYS

DIAGRAM 3.14.3

3.14.6 As illustrated in Diagram 3.14.3, wherever it is necessary for a vehicle to be loaded or unloaded on the street, the vehicle should not be driven onto the footway in order to carry this out. Not only does this create an obstruction to pedestrians, causing them perhaps to have to walk on the carriageway to their obvious danger, but it results in damage to the footway surface and may damage utilities located below the footway. Additionally the oil and debris that are often dropped from vehicles leaves the footway in a very unsuitable condition for pedestrians to use.

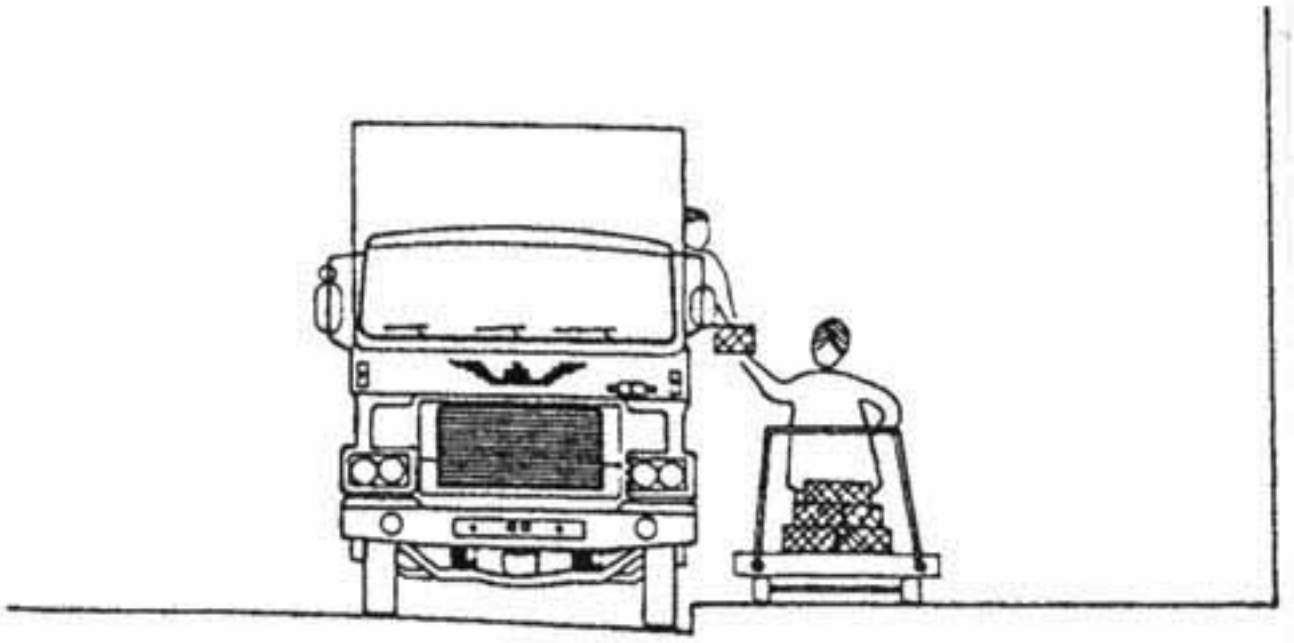
3.14.7 As indicated in Diagram 3.14.4, where there is no convenient off-street area and therefore loading or unloading has to take place adjacent to a footway, the footway should not be regarded as a convenient storage space where goods can be left either awaiting to be loaded onto the vehicle or to be delivered to adjacent premises. Leaving goods on the footway unnecessarily obstruct the movements of pedestrians and may even cause a danger to them if the goods are not properly stacked. Loads should be loaded directly onto the vehicle, or unloaded from the vehicle and delivered directly to the premises they are intended for.

NOT ACCEPTABLE



FOOTWAYS SHOULD NOT BE USED AS STORAGE SPACE FOR GOODS. IT OBSTRUCTS PEDESTRIANS AND MAY CAUSE THEM TO WALK ON THE CARRIAGEWAY TO THEIR OBVIOUS DANGER.

OBSTRUCTION TO FOOTWAYS



GOODS SHOULD BE TROLLEYED OR CARRIED TO THE VEHICLE AND LOADED DIRECTLY ON TO IT.

LOADING / UNLOADING ON A FOOTWAY

DIAGRAM 3.14.4