



Environment, Housing and Infrastructure Scrutiny Panel

Vehicle Road Worthiness Testing: Jersey and the Vienna Convention on Road Traffic Review

Minister for Infrastructure

Written Questions

- 1. Given the numbers submitted by the department, would the Minister agree that the initial main funding would be covered by a £1.50 / vehicle cost whereas the £6m expenditure alluded to would involve broadly a £30 cost per vehicle based on a 5 year asset depreciation? These figures don't include property costs, so would the Minister agree the proposed £60 fee is unrealistic for a States run operation?**

No, the base cost model for a single inspection facility to deal with over 40,000 inspections per year are estimated as £6,438,416 with an annual revenue cost (including staff) of £1,603,900 pa. This includes the recovery of capital expenditure of £585,100 pa over the fifteen year period of the model and inspection equipment being depreciated over seven years. Additional to this, a ground rent is estimated at £75,900pa. This provides for an inspection fee of £46 for motor cars and £23 for motor cycles, based upon a cost recovery model. See answer to 8 for details of the procurement options appraisal.

- 2. If Jersey statistics show that only a very small minority of road traffic collisions are caused by defective vehicles (2%):**

i) How do you propose introducing road worthiness tests will improve road safety?

A definition for a Road Traffic Collision is a 'rare, random, multi-factor event'. As only the most significant factor is normally recorded the contribution of a defective vehicles is only recorded for a small number of collisions. The effects of poor maintenance and condition which may not be identified by a police officer attending the scene as the main contribution are therefore not recorded but nonetheless are highly likely to be present. By prompting drivers to have regular inspections the occurrence of these defects is likely to reduce with a commensurate reduction in collision numbers.

There is no single measure that will on its own improve Jersey's road safety issues, rather there is a range of measures that will each contribute to marginal improvements, but as a whole can significantly improve road safety. Road worthiness testing is one of these.

ii) What evidence is there to suggest it will?

The likelihood of a six year old vehicle being involved in a collision is noticeably higher than the likelihood of a four year old vehicle. With many car warranties running to five or six years there is a likelihood that vehicles getting towards five years have seen wear and tear and parts failure is more likely. Whilst many drivers will have their vehicle repaired when parts fail or wear out, there are some parts which may not be obvious to an untrained eye and there are some drivers who

may choose to drive a car which is not fit for the road. The introduction of Road Worthiness Inspections will assist the first group by providing a consistent inspection of the safety critical aspects of their vehicle and will encourage the second group to have repairs carried out.

From police records it can be shown in the last five years that there have been 20 'injury' road traffic accidents where condition has been explicitly recorded as a contributory factor, given the above this is likely to be a low estimate figure. It is estimated that preventing this could save the Island between £280,000 and £340,000 per year in community costs, as well as the angst and pain to families associated with such events.

During the October 2018 Traffic Focus Week, Officers from the States Police, Honorary Officers and staff from the Driver and Vehicle Standards Department checked 570 cars, trucks and vans, of which 124 vehicles were found to be defective, 12 were impounded and two were scrapped.

iii) If P109 is adopted, how do you propose to measure whether vehicle testing is improving road safety?

The leading indicators would be the number of vehicles found to be defective during random road checks by DVS and Police and the Road Worthiness Inspection failure rate – particularly vehicles scrapped.

The lagging indicator would be the likelihood of older vehicles being involved in a collision, supplemented by police 'contributory factors' data.

More widely, overall trends in 'Injury' and 'Killed or Serious Injury' road traffic collisions data provided by the Police may be informative in terms of the un-reported contributory effect.

3. What other benefits (other than the reasons behind the proposal to contract to Vienna), if any, might there be to the island if Jersey were to introduce vehicle testing

Road safety would apply to all road users in Jersey and the environment benefits would benefit all Islanders, particularly those that live, work or study in urban areas or adjacent to busy roads.

The damage caused by unnecessary air and noise pollution emanating from poorly maintained or illegally customised vehicles and motorcycles. These preventable nuisances have a negative impact on community health.

4. We understand from previous briefings, that Vienna requires all vehicles to be tested and not just those which travel to Europe, however there is much public opinion that making testing mandatory for all vehicles is unnecessary and should only apply to vehicles which travel abroad. What do you say to this?

The United Nations (UN) Vienna Convention on Road Traffic is an international treaty designed to facilitate international road traffic and to increase road safety by establishing standard traffic rules among the contracting parties.

To conform and be able to contract the Convention, the applying jurisdiction must have the articles of Vienna in domestic legislation, have implemented mandatory testing and have an earnest intent to comply in inspecting all vehicles as "far as possible". Being bound as a signatory the UK is unable to work against the principles of the Convention. Thus, the UK must satisfy itself that this is the case before requesting the Convention's extension to any dependent territories.

"As far as possible" means what is possible now (and is regarded as such by the other signatories to the Convention), not when those words were first used in the Convention, and the reality is that the

periodic inspection of cars and motorcycles that are on the roads every day is not a difficult proposition for modern countries (it is a requirement throughout the EU) and accords with commonly accepted internationally road safety standards.

It cannot be acceptable to the UN and the other signatories of the Convention for a jurisdiction to reserve on the matter of cars, other than as a transitional arrangement. This would set an unacceptable precedent, as future applying nations upon reviewing the reservations of the previous signatories could request the same, undermining both the intent and principles of the Convention to improve international road safety.

It should also be remembered that the intention of the convention is reciprocal to both ensure that vehicles travelling abroad are safe, and also visiting motorists and road users from other jurisdictions are not put at adverse risk, by say a local vehicle that is not road worthy.

In summary, to reserve against inspecting all cars would not be acceptable to the UK, as other contracting parties would see the ratification as not being proper (which will reflect on the UK as the lead contracting party).

5. Article 39 paragraph 3 of the Vienna Convention states that:

"Domestic legislation shall, as far as possible, extend the provision of paragraph 2 to the other categories of vehicles."

- i) Please can you advise how you came to your conclusions that cars and motorcycles should fit within the definition of 'other vehicles' and;***
- ii) On what basis was the terminology 'as far as possible' interpreted?***

See response to Question 4 above.

6. What is the likely impact on the numbers of vehicles being scrapped?

- i) Do you expect this to increase by a significant amount?***
- ii) Will current infrastructure be able to cope with an increase in demand?***

An increase in the scrappage of vehicles is anticipated as a result of inspections being implemented. Based on historic roadside inspection records, approximately 1% of vehicles stopped and inspected by DVS are scrapped. Analysis of current scrappage capability in the Island indicates that spare capacity exists to accommodate a significant increase in scrappage, should this occur during the early years of the inspection regime.

7. Please can you summarise your rationale for not simply relying on the Geneva Convention given that there are only a few European countries which are not party to Geneva (e.g. Germany and the Baltic States).

- i) In addition, how many Jersey vehicles travel to these countries each year?***

This was considered as the 'Do Nothing Option (Remain in Geneva)', but that this in common with the UK, Guernsey and Gibraltar was not considered a sensible contingency to safeguard drivers and vehicles rights, private and commercial, to travel freely in continental Europe post Brexit. This is referred to through pages 5 to 9 of the Proposal.

To expand on this, while the UK has been part of the EU Common Transport Area, holding a Jersey licence has become an accepted means of allowing us to drive throughout the EU for work or pleasure, without other documents. By the end of March the UK will have left the EU and the scrutiny will be there for GB vehicles and GBJ vehicles, particularly commercial, but GB vehicles will be Vienna-compliant.

While we are a signatory of the 1949 Geneva Convention, we have no legitimate rights to drive or hire cars in or through Germany, Switzerland, Croatia, Estonia, Latvia and Lithuania. The validity of Jersey licences and vehicle registrations would have no or very limited basis in law. This raises a worrying question around motor insurance, and would apply to both hire cars and privately driven vehicles. The exceptions being Germany and Switzerland, where it appears there are basic rights though the antiquated 1926 Paris agreement, providing the same basis on which Iraqi and Somalian vehicles could in theory drive in Europe (the only two countries that continue to rely upon this Convention).

France may be a Geneva Convention country but in respect of its dealings with all other countries with which it has a land border (apart from Andorra) the basis is now the Vienna Convention or EU law on common transport policy. The knowledge that we do not have periodic road worthiness inspections unlike the other jurisdictions will create a real risk of increased enforcement authority attention in France and risk hindrance to free travel. Similar circumstances resulted in the ongoing harassment of Jersey's commercial vehicles in France during the 1990s, before the UK joined the EU's Common Transport Area.

A rhetorical question, how would Jersey's police or DVS react if neighbouring country's vehicles, which were regular visitors to our roads, were known not to be subjected to the same regular safety inspections and standards as our own?

Jersey of course could just "take a chance", however, for an Island Government with a hard earned reputation as a modern jurisdiction of international standing, this would seem to be an extremely high risk strategy that surely cannot be acceptable.

Approximately 7,000 commercial and private vehicles travel directly to Europe from Jersey by ferry. However, this is not the full picture as there are also people who fly and then hire cars abroad on business or holiday, using their Jersey driving licence.

In terms of the countries that are not party to Geneva, there are recorded in the 2011 Census, 550 or more Jersey residents who originate from the countries without agreements who may need to be able to drive or hire a car to visit family or do business.

To ask how many Jersey vehicles travel to these countries each year does not paint the full picture as the number must also include those who may need to travel through these countries, particularly Germany and Switzerland, such the Island's 3,130 Polish residents or anyone driving to say Denmark, the Alps (non-French) or Italy etc. Again the question equally applies to Islanders wishing to hire cars in those countries.

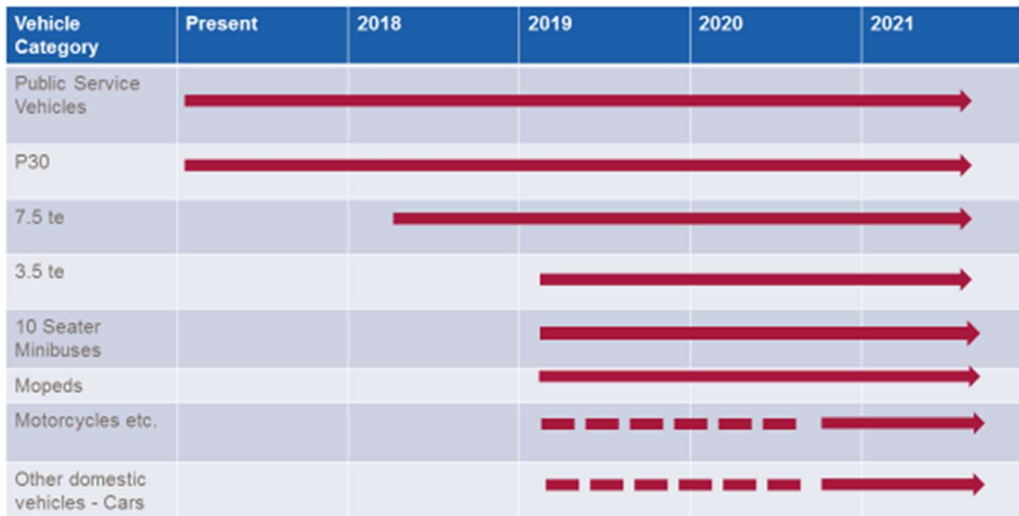
Specific data on which countries Jersey residents travel to and by what mode is not held and cannot be inferred from the Census data. However, the Economist Magazine reported in 2017 that Latvia, Lithuania and Croatia were the fastest growing mainland European holiday destinations for British tourists.

8. *Have the department projected a phased approach over the next say 10 years and are they in a position to let the panel have this information, based on the 40,000 vehicles they allude to?*

The approach to a phased implementation of PTI's is one that builds the inspection regime over a period of time and leads to the inspection of all vehicles within a reasonable timescale taking into account the Island's particular constraints. The anticipated timescale is set out below.

In conjunction with existing inspections of public service, commercial and oversized vehicles, the proposed phasing includes:

- Continuing the implementation of inspections for commercial vehicles, which began in 2018 and will extend to 3.5 tonne vehicles in 2019.
- Beginning inspection of 10-seater minibuses in 2019.
- Beginning inspection of mopeds in 2019.
- Beginning inspection of other domestic vehicles (cars) and motorcycles at the end of 2020 / early 2021 subject to new inspection facilities being available.



A phased approach to implementation

It has been identified that the proposed road worthiness inspection regime would result in c. 40,745 cars and motorcycles being inspected per annum (6,975 motorcycles and mopeds, 27,850 cars and 5,920 re-inspection's (c. 17%)).

Jersey currently has only one inspection facility which comprises two test lanes located at the Driver and Vehicle Standards Department. Currently, all commercial, Public Service Vehicles and oversized vehicles plus newly registered vehicles are inspected at DVS. However, there is insufficient spare capacity to accommodate inspection of the required quantity of vehicles under the proposed PTI regime.

In the short term, to deliver the early phase of the above approach, the current facility at DVS will be used to inspect all commercial vehicles, mopeds and 10-seat minibuses. DVS is in the process of making arrangements to accommodate the additional inspections within the existing facility at La Collette.

Once the legislation is in place, arrangements will need to be implemented to provide a permanent solution which will enable all required inspections to be undertaken. This will require considerable work to undertake options appraisal, identify a proposed solution, including business case, and implement the agreed solution. This work will be subject to States of Jersey procurement processes.

This is likely to include the creation of a new inspection facility, which will need to be funded, planned, constructed and commissioned in advance of the delivery of the final inspection regime. It is currently anticipated that this process alone would take a minimum of two years from planning approval to becoming operational.

The arrangements for the permanent inspection of all vehicles on a larger scale therefore needs to be the subject of further work by GHE to decide on the most appropriate delivery method. The following options may need to be considered:

- A dispersed model, similar to the UK with many licenced facilities.
- A single licenced operator, similar to National Car Test in Eire.

- A Government-owned facility franchised to the private sector.
- Government owned and operated facility, similar to Northern Ireland.
- A Mixed model combining central facility with dispersed options, as is the case in some UK Counties.

Initial discussions with the industry indicated that there was a reluctance from local garages to undertake inspections, largely due to the investment required, small size of many local garages and lack of available land for larger operations.

However, more recent industry engagement now identifies that several garages would be interested in carrying out car inspections. It is as yet unclear to what extent they may wish to carry out these Inspections.

Engagement with the motorcycle industry has also taken place. This also indicates that they are interested in undertaking motorcycle inspections as either individual garages or as a co-operative.

Further work on these possibilities are required as part of the Procurement Options Appraisal study.

To provide a sense scale, should a single inspection centre be required to accommodate the volume of inspections required for domestic cars, this is likely to require either six single ramp test lanes or four double ramp test lanes. See response to question 1 for estimated costs.