

Opening Statement by Ms Moyagh Murdock, CEO Road Safety Authority concerning the Safety of the School Transport Fleet.

Chairman, thank you for the opportunity to address the Joint Committee on the matter of the Safety of the School Transport Fleet.

The Road Safety Authority responsibilities in respect of buses are confined to:

- Implementing and enforcing particular regulations dealing with roadworthiness, drivers hours, tachograph, operator licensing and Driver CPC
- Providing high quality and reliable information to inform decision making and policy development; and
- Collaborating and supporting An Garda Síochána and others to improve enforcement and to advocate for improved road safety.

From an institutional perspective, the School Transport Scheme is operated by Bus Éireann on behalf of the Department of Education and Skills. The institutional, funding and contractual arrangements for delivering school transport including services for children with special needs are matters between the Department of Education and Science and Bus Éireann. Aside from the Bus Éireann Transport Scheme, there are also instances where school transport services are delivered

through a private arrangement with parents or schools outside of the Department of Education and Skills scheme.

From a large public service vehicle licensing perspective, the Department for Transport, Tourism and Sport, National Transport Authority as well as An Garda Síochána each administer particular regulatory schemes in respect of passenger vehicles.

The role of the RSA Enforcement unit in relation to bus inspections is to check the roadworthiness condition of buses at the roadside in conjunction with the Gardaí and to act in an advisory capacity to An Garda Síochána providing mechanical and expert assistance where required. In addition, the RSA conducts inspections at operator premises to verify compliance with maintenance obligations in respect of vehicles. RSA also conducts driver and operator compliance with tachograph and drivers hours compliance, operator licensing as well as Driver CPC checks at the roadside and at operator premises checks.

RSA inspection data for roadworthiness relates to buses generally rather than specifically buses involved with school transport. Table 1 sets out the data for the period between July 2017 and end June 2018.

Table 1: Inspection data for roadworthiness inspections. Source RSA 2018

	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Total
BUS INSPECTIONS ROADSIDE	292	128	200	253	873
COMPLIANCE RATE	56%	49%	38%	50%	48%
COMPLIANCE RATE (WHEN MINOR ISSUES EXCLUDED)	74%	66%	58%	72%	68%
BUSES WITH MAJOR DEFECTS	80	45	80	63	268
BUSES WITH DANGEROUS DEFECTS	7	5	13	12	37
BUS OPERATOR PREMISES INSPECTIONS	150	131	344	438	1063
COMPLIANCE RATE FIRST VISIT	42%	67%	49%	48%	52%
COMPLIANCE RATE SUBSEQUENT VISIT	67%	65%	65%	56%	63%

Our inspection data is showing that in the period between 1 July 2017 and end June 2018, there were 873 bus inspections at the roadside and the average compliance rate excluding minor items was 68%. Of the 873 inspections, 268 buses had a major defect (30%) and 37 (4.3%) buses were deemed to be dangerously defective. These roadside inspections involve a visual assessment of the vehicle without the use of any test equipment. The most common defects detected were:

- a) Tyres
- b) Brake Lights
- c) Steering Linkage

In the same period, the RSA undertook 1,063 premises inspections at bus operator premises in respect of verifying compliance with vehicle

maintenance requirements. The average compliance on the first visit was 52% and increasing to over 63% in a subsequent inspection.

The compliance data quoted above would not be indicative of the compliance of the national bus fleet but are rather our enforcement findings derived from the application of a risk based approach towards enforcement.

In the determination of defects detected during inspections, the Authority's Inspectors use the EU classification of defects. Under the EU classification, a major defect is one that may prejudice the safety of the vehicle, have an impact on the environment, puts other road users at risk or other more significant non-compliances. A dangerous defect is one constituting a direct and immediate risk to road safety or having an impact on the environment such that the vehicle should not be used on the road in any circumstances. All of the Vehicle Inspectors undertaking inspections are qualified mechanics and undertake continuous professional development.

In developing our strategic approach to enforcement, the RSA has a combination of regulatory tools to promote and encourage operators and drivers to maximise their compliance with legislation and deliver outcomes for the benefit of road safety – the efficiency of these tools is kept under review and some new instruments may be needed particularly in respect of options for fixed charges that must be

effective and dissuasive. The tools available to us aim to put road safety first and encourage bus operators to apply good safety practices into their day to day activities such as walk-around checks, preventative maintenance and other measures in order to prevent collisions, incidents, vehicle breakdown and delays at roadside checks. A key part of this strategy is the application of a risk based enforcement approach both at the roadside and when conducting inspections at operator premises –this means targeting those bus operators thought to be most at risk of non-compliance based on previous encounters and the outcomes of the annual test.

The toolkit available to promote and enforce compliance for roadworthiness, drivers hours etc is as set out in Table 2:

Table 2: *Toolkit available to RSA to promote and enforce compliance*

Influencing Industry & stakeholder engagement	Advice and Guidance measures	Supervisory structure	Inspections	Sanctions
Working with Industry Representative Associations	Written Guidance Advertisement Campaigns Other Promotional measures	New Regulations Maintenance and Repair obligations Detention and Immobilisation	Risk Based Inspection – roadside and premises Random inspections Commercial Vehicle Operator Risk	Prosecution Policy Stepped approach using the available tools. Other sanctions available

	<i>"RSA Guide to keeping your vehicle roadworthy"</i>	of defective vehicles	System Centralised commercial vehicle testing regime	include withdrawal of operator licenses
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By applying a risk based approach, compliant operators are inconvenienced to the least possible extent and thus our scarce enforcement resources are used where they are most needed. Applying a risk based approach is in line with European and international best practice.

Where defects are found during the course of roadside inspections, RSA vehicle inspectors in conjunction with the Garda Síochána may take a number of steps taking account the severity and nature of the defect. These steps may include taking the vehicle off the road, requiring the operator to present the vehicle for a CVR test, requesting evidence of repairs or potentially requiring repairs to be completed at the roadside before the vehicle is allowed to proceed on its journey. RSA vehicle inspectors highlight any major or dangerous defects detected to the Garda member attending at the inspection so that consideration can be given to issuing a fixed charge or taking a prosecution against the vehicle operator concerned. Issuing of fixed charges is a matter for the Garda Síochána.

As regards bus tests, our testing data is showing that there were 14,057 buses tested within the CVRT regime during the period 1 July 2017 to end June 2018. The average pass rate in that period was **59%** which is showing an improving trend – however it is extremely disquieting that during that period 307 buses (2.2%) were identified as being so defective that they were deemed to be dangerously defective. Our data is showing that the older the bus, the higher the fail rate at the annual test and hence the importance of ensuring a proper and adequate preventative maintenance regime for vehicles.

Preventative maintenance doesn't mean simply getting a bus into the workshop and fixing what you see or doing a service on the vehicle. It means being on the look-out for things that might go wrong with the vehicle so that risks do not occur as a result of the deterioration or failure of a component or safety system on the vehicle. It is systematic detection, correction and prevention of failures before they become actual or major faults in contrast to corrective maintenance.

It is evident from the number of dangerously defective vehicles detected at the annual test that there are some unscrupulous operators who are failing to continually carry out preventative maintenance. This is a systematic failure by the owners concerned, unacceptable practice and clearly a blatant disregard for road traffic law and also a failure to appreciate the potentially adverse road safety

effects for the general public of using such a vehicle. Operators have a clear obligation to ensure that vehicles being used on the public road are roadworthy at all times. It is an offence to use an unroadworthy vehicle on the public road.

RSA takes a stepped approach towards enforcement involving an advisory approach followed by other enforcement tools such as direction notices that opens up the possibility of prosecution where there is a continued failure to comply with the legal obligation. In the vast majority of cases, operators do respond positively but the Authority will not hesitate to initiate proceedings in circumstances where there is evidence of continuing non-compliance

The Authority is continuously reviewing measures to promote improved compliance. These include:

- i. Awareness measures of the importance of bus roadworthiness and preventative maintenance regimes through media channels and through communications directly with schools via the Department of Education and Skills intranet portal. There are also ongoing contacts with the relevant representative associations.
- ii. Specific programme of social media advertising running as part of overall 'Back to School' awareness campaign has been implemented. There has also been a focus on those privately

hiring buses and encouraging them to seek assurance from the operator concerned about the operator's compliance with road transport laws.

- iii. Continued high level of roadside roadworthiness enforcement in conjunction with the Garda Síochána.
- iv. Continued enforcement at premises of bus operators. All known operators have had their maintenance regime inspected for compliance since January 2016. Repeat visits are directed at those found to be non-compliant on first inspection to ensure that they have implemented the education and advice received. Where non-compliance is found at subsequent inspections, operators are issued with Directions and are legally required to implement appropriate maintenance regimes.
- v. Enforcement being targeted at those who RSA believe may be a higher risk using the RSA Commercial Vehicle Operator Risk Indicator (CVORI) targeting tool.
- vi. RSA enforcement presence in conjunction with the Garda Síochána to check the roadworthiness of buses at key events, for example, concerts and popular tourist destinations.
- vii. Continued engagement with both Bus Éireann and the Department of Education and Skills to ensure all buses operating under their School Transport Scheme are fully compliant with all relevant road transport and traffic law. Arising from this engagement the RSA understand that Bus Éireann have:

- Updated their tendering process for the School Transport Scheme now requiring all bus contractors to submit a detailed questionnaire which includes specific questions regarding that operator's maintenance regime.
 - Updated their tendering process to a centralised model rather than being completed by local / regional offices which Bus Éireann have advised should bring greater standardisation in the procurement of school bus services.
- viii. Engaging with the Road Transport Operator Licensing unit of the Department of Transport, Tourism and Sport to agree a formal process for sharing of information by RSA with the Road Transport Operator Licensing unit. This information may be useful to the Department in their ongoing work in the area of operator licensing monitoring.

Bus transport is generally recognised as being one of the safest modes of surface transportation. The national bus fleet provides passengers with a remarkably safe travel compared to other road vehicles. The children and students who use buses every day to travel to school or other venues, either through the School Transport Scheme or other privately operated services, are precious cargo and parents, children and students deserve the safest possible transport system.

Every day parents and guardians put their trust in bus operators and drivers to get their children to and from school or other activities. This is a heavy responsibility and one that the Authority as well as other agencies and bus operators and drivers must take seriously. We all remember the tragedies of the Kentstown and Clara crashes in 2005 and 2006 respectively where young students were killed arising from issues relating to bus safety.

Bus safety is a key part of our overall commitment to road safety; operators have specific responsibilities under road traffic legislation to operate safely and to use buses that are roadworthy all of the time and not just on the day of the annual test.

The majority of bus operators take their responsibilities seriously and implement good practices in respect of the maintenance and roadworthy condition of their vehicles but there is no room for complacency. The Authority encourages the public to tell us about any concerns they have about the standard of roadworthiness of buses. Despite high standards for safety and statistics that indicate bus collisions are rare in Ireland, any collision or incident involving any bus is a cause for concern, whether the incident may be a minor one or a more serious event resulting in injuries or fatalities.

Ourselves and the Garda Síochána are working closely to improve bus operator compliance. We will be continuing our enforcement

campaign and making use of new powers available to Road Safety Authority vehicle inspectors to prohibit, detain, immobilise and seize dangerously defective vehicles.

Finally, the Road Safety Authority is dedicated to promoting improved standards of bus roadworthiness and improving overall compliance within the bus sector and by collaborating with other agencies and stakeholders to achieve that objective.