THE USE OF AGRICULTURAL VEHICLES AND WORKS VEHICLES ON PUBLIC ROADS

Your Perspective; Your Views?

A Consultation Document
July 2008

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority
DRUNK WITH TIRENESSZZZZ?

Fighting sleep at the wheel is as dangerous as driving over the legal alcohol limit

TO KEEP DRIVING FOR ANOTHER HOUR:

1. Find a safe place to park
2. Take 2 cups of strong coffee
3. Take a nap for no more than 15 mins - then stretch your legs

RSA DRIVER FATIGUE WAKE UP TO IT!
Introduction

As part of the Governments Road Strategy the Road Safety Authority (RSA) is tasked with undertaking a review of the regulation, classification and safety issues surrounding the use of agricultural and works vehicles on public roads.

The RSA wishes to consult with individuals, companies, organisations and associations involved in the use, sale and hire of agricultural vehicles and works machinery as well as the general public and other stakeholders who have an interest in the use of agricultural and works vehicles on public roads. This is with a view to developing policy proposals for consideration by the Minister for Transport to regulate this sector appropriately going forward and in particular to maximise road safety.

The review will examine current legislation, policy and practice relating to the use of agricultural / works vehicles on public roads, in particular, the use of these vehicles for hire and reward purposes.

The RSA is aware of the critical role the farming community plays in Ireland and the special requirements of those working on the land. These requirements include the use of agricultural equipment on public roads to move produce and livestock from the farm to a range of appropriate locations.

Equally we are mindful of the issues for the licensed haulage industry. The paramount concern for the Road Safety Authority is to maximise the safety of all road users and to have a regime in place which ensures that all vehicles used on Irish roads are of the highest standard and are fit for purpose.

The RSA has produced this consultation paper, to include relevant information on the current legal position, compliance issues, current policy and practice as well as international policy and best practice. It reviews options for consideration and seeks to obtain views from all concerned to best inform policy recommendations to the Minister for Transport.

These issues explored in the document are in no way definitive recommendations and merely serve to stimulate debate and inform the final policy direction which will be recommended to the Minister for Transport.

This document is part of a comprehensive consultation process so that the RSA can get the views, concerns and recommendations of all those with experience or an interest in the use of agricultural/ work vehicles on our roads. In preparing this document, there has been detailed consultation with a number of key stakeholders and international practice, particularly in the EU, has been examined.

I encourage you to share with us your experience and knowledge in this area to ensure that the review is comprehensive and that any recommendations arising from it are practical, realistic and relevant. This is your opportunity to inform and shape policy in relation to agricultural and works vehicles on Irish roads into the future.

We look forward to hearing from you.

Noel Brett
CEO

3rd of July 2008
How is the RSA managing this review?

The RSA wishes to identify practical change that will improve the safety on the road of those using and working with agricultural and works vehicles as well as the general public. While the RSA is primarily concerned with safety issues in relation to the use of these, we are using this consultation process to address several other areas of concern in relation to the use of agricultural vehicle on public roads. We need to ensure the special exemptions available to the farming community are not abused by individuals/companies using agricultural vehicles for non-agricultural use. These operators can also avoid regulations on vehicle suitability, operator licensing and driver regulations and licensing. The RSA does not have statutory remit over all of these areas and any policy recommendations arising will require input and action by a number of state agencies. We will take all submissions and comments into account before finalising a policy document for submission to the Minister for Transport setting out proposals for the future regulation of these categories of vehicles.

The RSA has commissioned Michael Joyce Consulting Ltd to assist in preparing a policy paper on agricultural/ work vehicles. In preparing the document, meetings have already taken place with a number of stakeholders. This document seeks to identify issues for consideration, the current policies and a critical analysis of current systems, economic rationale, international best practice and potential timescales for implementation of change.

We ask that you let us have your submissions by email to agvehicles@rsa.ie or by post to Ag Vehicles Review, RSA, Moy Valley Business Park, Primrose Hill, Ballina, Co Mayo by 5th August 2008.

Your input is sought on the issues raised and the possible solutions identified in this document. Suggestions of other solutions and / or other issues are also welcome.

Having regard to the responses received to this consultation process, the RSA will prepare a report with recommendations for submission to the Minister for Transport.

What are the issues?

A general obligation exists to use a vehicle in a public place only in accordance with vehicle standards, driver licensing, motor insurance and motor tax regulations. These regulations apply in the interests of public safety and to protect road infrastructure.

Over the years, certain exemptions to these regulations were introduced to facilitate the operational needs of the farmers working on the farm and using agricultural vehicles on the public road. The exemptions apply to agricultural or land vehicles that are designed and used primarily for work on the land and which are used on a public road only incidental to such work on the land.

However as agricultural vehicles have become bigger and faster and our roads have become far busier, there is a need to review the regulations governing the use of these vehicles on public roads to determine whether the existing regulatory framework is appropriate in today’s more challenging road environment. We also need to look at the training provided for those using and driving these vehicles on public roads. Advances in vehicle design must also be considered and reflected in rules applied to such vehicles.

Over time there has been a gradual increase in the use of agricultural type vehicles in the movement of loads by roads and by contractors and construction companies for non-agricultural activities. It is important that we review the regulations for the use of such vehicles for non- agricultural applications and put in place appropriate vehicle standards, licensing and regulatory regimes.
1. Current policy and practice

- **AGRICULTURAL AND WORK VEHICLES**

  Typically the use of agricultural vehicles breaks down largely into three categories:

  - The use of agricultural vehicles either by farmers or by agricultural contractors for agricultural purposes.
    - This includes the movement of tractors and trailers carrying produce, feed, slurry and other materials. It also includes the movement of farm equipment attached to tractors, for example, ploughs, balers and self propelled vehicles such as combine harvesters.
  
  - The use of agricultural vehicles by contractors, plant-hire companies and construction companies for non-agricultural purposes.
    - This includes the movement of bulk materials such as earth and stone, plant and equipment on low-loader trailers to and from construction sites.
    - Some of the contractors involved in this activity have no involvement in agriculture, while others carry out agricultural work during the agricultural season, and non-agricultural work for the rest of the time.
  
  - Agricultural equipment operated by contractors or, in some cases, directly by local authorities on road maintenance related work.
    - This equipment can be used for hedge and grass cutting on road sides and central medians.

- **AGRICULTURAL VEHICLE POPULATION**

  According to the 2004 census, there are 159,531 agricultural tractors in Ireland and they are broken down into the following categories:

<table>
<thead>
<tr>
<th>Power Range</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 35 hp</td>
<td>24,209</td>
</tr>
<tr>
<td>35 to 51 hp</td>
<td>36,886</td>
</tr>
<tr>
<td>51 to 80 hp</td>
<td>53,522</td>
</tr>
<tr>
<td>80 to 110 hp</td>
<td>37,651</td>
</tr>
<tr>
<td>Over 110 hp</td>
<td>7,263</td>
</tr>
</tbody>
</table>

  The vehicle registration figures issued by the Vehicle Registration Unit of the Department of Transport for 2005 show that there are 66,669 agricultural tractors registered in Ireland. This suggests that the majority of tractors are not registered as they do not travel on public roads. There is no accurate estimate of the number of agricultural tractors engaged in either full time or part time non-agricultural work.
WORK VEHICLES

Work vehicles including forklift trucks, cherry pickers, mobile elevating vehicles and a variety of wheeled diggers are commonplace on Irish roads as they are driven from site to site.

The 2005 vehicles register shows a total of 18,145 registered works vehicles:

<table>
<thead>
<tr>
<th>Category</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile machines</td>
<td>9,378</td>
</tr>
<tr>
<td>Excavators, Trench Diggers etc</td>
<td>5,267</td>
</tr>
<tr>
<td>Small Dumpers and Forklift Trucks</td>
<td>3,216</td>
</tr>
<tr>
<td>Off Road Dumpers</td>
<td>284</td>
</tr>
</tbody>
</table>

LEGISLATION

The relevant laws for the above uses come from many sources and are summarised below.

CONSTRUCTION, EQUIPMENT AND USE REGULATIONS

S.I. No. 190 of 1963, Road Traffic (Construction, Equipment and Use of Vehicles) Regulations.

These regulations contain the definitions for a range of vehicles including:

- “Agricultural trailer” means a trailer, the property of a person engaged in agriculture, which is designed and used primarily for work on the land and which is only used on a public road incidental to such work.
- “Land implement” means a trailer which consists of any implement or machinery used with a land tractor in connection with agriculture, forestry, land levelling, dredging or similar operations, and includes any trailer which carries only the necessary gear and equipment of the land tractor which draws it.
- “Land tractor” means a tractor designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging and similar operations, and which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing except an agricultural trailer, a land implement, a land trailer or a trailer specially designed and constructed and used only for the conveyance of any implement or machinery used with the tractor in connection with its work on the land, or, which is used on the road while it hauls nothing but an agricultural trailer.
- “Land trailer” means a trailer used for work on the land and used on a road only when proceeding to or from the site of such work.
- “Large tractor” means a tractor the weight unladen of which exceeds 7 1/4 tons (7.4 tonne).
- “Works trailer” means a trailer designed for use in private premises and used on a road only in passing from one part of any such premises to another, or to other private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works.
“Works truck” means a mechanically propelled works truck designed for use in private premises and used on a road only in passing from one part of any such premises to another, or to another private premises in the immediate neighbourhood, or in connection with road works while at or in the immediate neighbourhood of the site of such works.

These regulations and its amendments include detailed requirements for the construction, equipment and use for the various categories of vehicle travelling on public roads.

**DRIVER LICENSING**

S.I. No. 537 of 2006, Road Traffic (Licensing of Drivers) Regulations.

In these regulations, agricultural vehicles are again defined:

- “Land tractor” means a vehicle (other than a cycle) which has at least two axles and which: is constructed primarily for use on land to pull, push, carry or operate tools, machines or trailers used in connection with agriculture, forestry, land levelling, dredging or similar operations, and; is not constructed itself primarily to carry a load other than a load which is incidental to its use as a tractive vehicle.

- “Work vehicle” means a vehicle (other than a land tractor) which has a maximum design speed not exceeding 40 km/h and which is constructed primarily for any work other than the conveyance by road of goods or burden of any other description.

**ROADWORTHINESS TESTING**


This applies to buses, ambulances and goods vehicles. Goods trailers are defined to specifically exclude “agricultural trailers”. S.I. No. 771 defines an agricultural trailer as:

- “a trailer, the property of a person engaged in agriculture, which is designed and used primarily for work on the land and which is used on public roads only incidentally to such work”

**VEHICLE WEIGHTS AND DIMENSIONS**


This legislation has been geared towards the Road Haulage industry and while it gives very detailed information on the maximum weights for the various combinations of articulated vehicles as well as rigid and drawbar trailers, the information relating to agricultural trailers is unclear.

**FUEL**


The 1999 Finance Act permits the use of marked gas oil in the engines of “agricultural tractor, or a road roller or a dumper or an off road dumper, or a mobile crane or mobile well drilling equipment or mobile concrete pumping equipment”. Marked gas oil carries duty at a rate of €47.36 per 1000 litres compared to road diesel which carries duty at a rate of €368.05 per 1000 litres. This regulation defines:

- “Agricultural tractor as a mechanically propelled vehicle which is designed or constructed primarily for use for agricultural purposes”.
**TACHOGRAPHS**

S.I. No. 62 of 2008, European Communities (Road Transport) (Working Conditions and Road Safety) Regulations.

These provide for the following exemptions from the use of a tachograph:

- “a vehicle that is used, or hired without a driver, by an agricultural, horticultural, forestry, farming or fishery undertaking for carrying goods as part of its own entrepreneurial activity within a radius of up to 100 kilometres from the undertaking’s base”;
- “An agricultural tractor or forestry tractor that is owned, hired or leased by an undertaking and is used only for agricultural or forestry activities within a radius of up to 100 kilometres from the base of the undertaking”.

These exemptions apply within the State only and are made at the discretion of the Member States. This Regulation also provides for an EU wide exemption from tachograph and driver’s hours rules in respect of:

- “Vehicles with a maximum authorised speed not exceeding 40 km/h”.

**ROAD HAULAGE LICENCE**

S.I. No. 60 of 1991, European Communities (Merchandise Road Transport) Regulations, as amended:

In this regulation:

- “an undertaking shall not engage in the carriage of goods by road for hire or reward in a vehicle or combination of vehicles (including a trailer or semi-trailer) the maximum authorised weight of which is in excess of 3.5 tonnes, owned by the undertaking or hired to the undertaking under a contract for hire, unless that undertaking holds a carrier’s licence”

However it is not required to have a haulage licence where the following goods are carried:

- cattle, sheep, pigs, turf;
- milk to a creamery or a cream separating station;
- separated milk from a creamery or a cream separating station;
- livestock by farmers for neighbours locally;
- newly harvested wheat, oats or barley during the period 1st August to 30th November each year from a farm to a place of storage, assembly or processing.

**LICENSING OF VEHICLES**


This sets out different categories of vehicles for motor taxation:

- goods vehicle
- small dumper
- general haulage tractor
- tractor for agricultural purposes
- large public service vehicle
- small public service vehicle
The 1952 Finance (Excise Duties) (Vehicles) Act (No 24 of 1952) defines an agricultural tractor as:

- “Locomotive ploughing engines, other agricultural engines and tractors, not being engines or tractors used for hauling on roads any objects except their own necessary gear, threshing appliances, farming implements, or supplies of fuel or water required for the purposes of the vehicle or agricultural purposes”

Agricultural tractors carry a very low rate of motor tax, €85 per annum, compared to a typical three or four axle tipper truck at a tare weight of 12 tonne which would incur annual road tax of €2,071.

**PLATING OF VEHICLES**


The plating of vehicles regulations does not include agricultural vehicles. However plating of vehicles does include:

- “A vehicle being either a goods vehicle, goods trailer or semi-trailer, having a design gross vehicle weight exceeding 3,500 kilograms”

which would apply to an agricultural trailer if it was being used for the haulage of goods.
2. Issues for Consideration

REGULATIONS

While the definitions of an agricultural vehicle presented in the various regulations differ, the exemptions included were designed for a vehicle that spends most of the time off-road and any goods carried are directly related to farming or land activities.

The operators currently using agricultural vehicles for the movement of non-agricultural goods, materials and equipment do not fall within these exemptions and are left in a vacuum regarding their operation.

As part of this consultation process the RSA wish to address the matter of agricultural vehicle definitions which may need modernisation. The nature of farming has changed and vehicle standards, particularly within the EU, have evolved considerably since these regulations were first introduced.

Furthermore, changes in the professional and competitive nature of road haulage and general road safety concerns, give rise to a need to examine exemptions which were intended for agricultural vehicles engaged on agricultural work, but, are being used by agricultural vehicles when they are engaged in non-agricultural activity.

In the context of this consultation three categories of agricultural vehicle use are taken into account. These are:

1. Agricultural vehicles for agricultural use.
3. Agricultural vehicles for both agricultural and non-agricultural use.

These three categories are used as the basis for considering current policy and also to develop a critical analysis of the issues involved.

ISSUES COMMON TO ALL THREE VEHICLE CATEGORIES

DRIVER LICENSING REGULATIONS

A review of the current learner permit W class system is required. Currently a person of 16 years of age can obtain a learner permit (W class) and drive on a public road, irrespective of the size, speed of the agricultural tractor and with large trailers / implements in tow.

When the W class license was first introduced, the maximum gross vehicle weights and the maximum road speeds of agricultural tractors were significantly less than those currently available. Also, distances now travelled on public roads have increased as has traffic density and the complexity of the road system.

There is a need for greater driver skill and experience when a vehicle is being used for non-agricultural purposes. In particular, the transport of construction materials or plant equipment necessitates loads that are above those normally associated with agricultural use. Loads of this nature requires a high degree of experience and a greater awareness from the driver to ensure their safe transit. The current provisions allow an untested driver on the road controlling a tractor operating at gross weights which are at times well in excess of 30 tonne.
VEHICLE ROADWORTHINESS TESTING REGULATIONS

A detailed examination of 242 agricultural tractors and 71 trailed appliances was carried out for the Health and Safety Executive in the United Kingdom by The British Agricultural and Garden Machinery Association (BAGMA). It found that 166 (68.6%) tractors and 40 (56.3%) trailed appliances did not meet the UK’s legal road use requirements. A summary of the tractor faults is shown in Appendix 1.

While there is no corresponding data for Irish vehicles, it would be reasonable to assume that the results in Ireland may be similar if a survey were to be carried out here. With the increasing road use by agricultural tractors, it is essential that these vehicles comply with construction, equipment and use regulations. The Farm Tractor and Machinery Trade Association (FTMTA) have undertaken research on agricultural vehicle testing and have developed a draft testing manual.

In relation to agricultural vehicles used for the transport of goods, it is timely that we review options for these vehicles to undergo a roadworthiness test to ensure that they are fully compliant with road traffic regulations and can carry their loads in a safe manner.

BRAKING REGULATIONS

This is a critical safety issue as the existing braking requirements for agricultural/land vehicles is less stringent than for goods vehicles. Therefore the requirement for both agricultural vehicles and goods vehicles should be clearly set out as well as outlining how the braking systems on modern agricultural vehicles compare with modern goods vehicles.

S.I. 190 of 1963, Construction, Equipment and Use regulations specify that where a trailer has a laden weight greater than 3.5 tons (3.6 tonne), or an un-laden weight greater than one ton (one tonne), it is required to have a service brake, a parking brake and a breakaway brake. Should roadworthiness testing be introduced for agricultural vehicles then braking efficiency will need to be re-defined. There are a number of issues to be resolved in the testing of braking efficiency. For example, it is not possible to carry out brake testing of tractors on a ‘rolling road’; however this could be overcome by using a decelerometer.

Issues such as the braking systems used on an agricultural tractor need investigation. The two most common systems, hydraulic and pneumatic, are not compatible unless the trailer is fitted with a dual system. It is extremely important that the braking system on the tractor is compatible with the system on the trailer or trailed appliance to ensure that both tractor and trailer have effective braking.

GROSS VEHICLE WEIGHTS REGULATIONS

S.I. 190 of 1963, Construction, Equipment and Use regulations and subsequent amendments, outline maximum vehicle and axle weights but these primarily relate to commercial vehicles. They do not provide sufficiently clear guidance on the maximum vehicle weights for various combinations of tractors and trailers. These weights, if applied to tractor and trailer combinations, could be considered to exceed the design and construction guidelines of agricultural vehicles.

Your views are welcome on determining maximum gross vehicle weights for combinations including:

- Maximum gross train weight of the tractor. This determines the maximum weight which the tractor can tow including the weight of the tractor and of the trailer.
- Maximum imposed load on the tractor tow hitch. This is often misunderstood or ignored and can have a relatively low value depending on the make and model.
- Maximum gross trailer weight. This is a design figure from the trailer manufacturer and is based on the number of trailer axles, their size and load carrying ability and the maximum imposed load. Agricultural trailers tend to be of two basic types:
  - Balanced - where there is little or any imposed load on the tractors towing hitch.
  - Unbalanced - where the trailer axles are closer to the rear of trailer thereby imposing a load on the towing hitch of the tractor.
LIGHTING REGULATIONS

Stakeholders are asked to consider the proposals by a number of organisations that agricultural vehicles on public roads should have a flashing amber light mounted on the roof of the tractor cab to alert other traffic of their presence. This is a requirement in the United Kingdom, and in some countries in Europe, for vehicles with a maximum speed of less than 40 km/h.

There have been some concerns expressed in relation to the lack of visibility of tractors during the hours of darkness either due to inadequate lights, lights being obscured by equipment mounted on tractors or dirty lights.

Another issue noted is that many tractor drivers leave the “working lights” switched on when driving on the road. These are white lights facing rearwards. This practice is both illegal and dangerous.

SPEED REGULATIONS

In the past tractors were slow moving vehicles. Today, however, some tractors are capable of travelling at speeds well in excess of 40 km/h. Is there a need to set a maximum speed limit for tractors on public roads? Views are also sought on how to avoid tractors and trailers travelling at slower speed causing long tailbacks of traffic on public roads.

USE ON MOTORWAYS REGULATIONS

Under current road traffic regulations, vehicles with a maximum speed of less than 50 km/h are prohibited from using motorways. This issue needs review and an enforcement response identified.

COMPLIANCE WITH CONSTRUCTION, EQUIPMENT AND USE REGULATIONS

There are some areas where tractors cannot comply with construction, equipment and use regulations such as emissions, noise and steering. However, with certain exceptions, these vehicles should comply with all relevant regulations.

ISSUES SPECIFIC TO AGRICULTURAL VEHICLES FOR NON AGRICULTURAL USE

There appears to be an increasing use of agricultural vehicles carrying out work previously carried out by road haulage vehicles. This is a modern development of agricultural vehicle use and one that is not legislated for in road traffic and vehicle regulation. It is important to recognise that a certain proportion of non-agricultural work could only be carried out by tractors and trailers. This, however, should not justify the widespread use of tractors and trailers for non-agricultural purposes.

Consideration must be given to eliminating commercial haulage carried out under the guise of agricultural work to ensure that the exemptions granted to the agricultural sector are not abused and that the haulage industry is not undermined and that road safety is maximised.

VEHICLE PLATING REGULATIONS

The current position on plating of agricultural tractors is unclear. Trailers are required to be plated with the relevant axle and gross vehicle design and legal weights. This is not the case for tractors. Vehicle plating is necessary to determine the maximum design weight of a tractor and for identification purposes during a roadworthiness test and enforcement.
ROAD HAULAGE LICENSING REGULATIONS

The ‘road haulage for hire and reward sector’ is regulated and licensed under the Road Haulage Operator Licensing Scheme operated by the Department of Transport. At present operators seeking to use an agricultural tractor and trailer for haulage operations for reward cannot obtain a Road Haulage Operator Licence as they cannot obtain a roadworthiness certificate and do not have a tachograph fitted.

By making roadworthiness testing available for agricultural tractors those individuals carrying out haulage for reward could also apply for a Road Haulage Operator Licence subject to meeting all requirements. If a policy change allowed the use of certain agricultural vehicles for road haulage their operators would have to comply in full with Road Haulage Operator Licence requirements.

FUEL REGULATIONS

The use of rebated fuel is clearly intended for agricultural use and its use for any other purpose other than those outlined in the relevant legislation, and in particular haulage for reward, is not permitted. Its use in the haulage of non agricultural goods undermines the licensed haulage industry and policy decisions on its use and enforcement are required.

TACHOGRAPH REGULATIONS

The current regulations on tachographs allow certain exemptions on the use of tachographs. In particular there is a general exemption for vehicles with a maximum authorised speed of 40 kilometres per hour. Most agricultural tractors (with the exception of some high speed units) are not fitted with tachographs. However, the constraints of the General Working Time Directive will apply to drivers of agricultural vehicles.

ROAD TAX REGULATIONS

Agricultural vehicles fall within a specific road tax regime. The issue of appropriate road tax rates when used for non-agricultural purposes need to be examined and policy determined. There is case law covering this issue which must be reflected in any policy decision.

ENFORCEMENT OF REGULATIONS

Under current road traffic law, prosecutions involving agricultural and works vehicles require the Gardaí to undertake a very detailed and time consuming procedure to prosecute an offence. There have been difficulties in prosecuting some cases due to the ambiguity surrounding the definitions and use associated with agricultural vehicles. Fixed penalties can provide enforcement agencies with an effective and visible way of responding to lower level infringements of the law. It has been suggested that many common offences relating to agricultural and works vehicles could be made “fixed charge offences”.

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In many cases agricultural contractors carrying out agricultural work during the farming season use these same vehicles to carry out non-agricultural work, including haulage for hire and reward, during the rest of the year. It has been pointed out by farming organisations and the professional association of contractors that a significant number of agricultural contractors rely on haulage work to supplement their income when they are not involved in agricultural operations. They stressed that without these dual income streams; these contractors would not be able to provide a service to the agricultural sector.

This dual use of the same vehicle poses a dilemma in relation to the “agricultural exemptions” which are intended to be applied for agricultural applications only. The issues include:

- Safety related issues such as gross vehicle weights, roadworthiness testing, vehicle plating and driver licensing.
- Commercial factors such as road tax, use of rebated fuel and the need for a Road Haulage Operator Licence.

There may be great difficulties associated with regulating an agricultural contractor’s use of agricultural exemptions throughout the year. An example of this would be enforcing the use of rebated diesel during agricultural contract work and road diesel for all other contract work.

**ISSUES SPECIFIC TO WORKS VEHICLES**

This review also covers the use of works vehicles on public roads. Works vehicles include fork-lift trucks, rubber-wheeled diggers of varying configurations, height access equipment and various other types of self propelled plant and equipment.

There has been an increased number of works vehicles on public roads in recent years. The use of these vehicles on public roads tends to be of short distance such as off-loading a vehicle parked on the roadside or travelling from a site to a nearby site. Because of their speed and weight, these vehicles when used on public roads can give rise to road traffic and safety issues. As they generally do not carry goods or pull a trailer, they do not give rise to any competitive issues in relation to road haulage however there are road safety issues to be considered.
3. The issues and their possible solutions

We welcome your views on what changes are required to remove any ambiguity in relation to the use of agricultural vehicles on public roads. The Road Safety Authority welcomes all feedback, advice and suggestions on these issues. We specifically wish to hear about the practicalities of reform and the impact that may have on the various sectors.

1. AGRICULTURAL VEHICLE DEFINITIONS

ISSUE TO BE ADDRESSED

Can we seek to refine the definition within regulations to ensure that the use of an agricultural vehicle is limited to bringing farm produce, materials and animals to or from a farm or for cutting hedges or trees bordering public roads? How can the definition avoid any doubt and exclude any haulage of non-agricultural related goods and equipment where the journey does not start or finish at a farm?

POSSIBLE SOLUTION

Amend existing regulation to remove any ambiguity which may exist in relation to the use of agricultural vehicles on public roads. Any new definition would also include the vehicles use and to avoid any doubt this use would specifically exclude haulage of non-agricultural related goods and equipment.

For example a new definition of an agricultural vehicle could read:

- Agricultural Vehicle: A vehicle designed and constructed primarily for use other than on public roads and is used on public roads solely for purposes relating to agriculture/horticulture including the carriage of farm produce, materials and animals either to or from a farm, cutting hedges or trees bordering public roads or bordering verges that border public roads and other such work where the tractor is operating plant or equipment but is not hauling goods or materials.

2. DRIVING LICENCE

ISSUE TO BE ADDRESSED

The Road Safety Authority is concerned that the current licensing system allows a sixteen year old to drive an agricultural vehicle and a trailer on our roads with no training. We would welcome comment, advice and recommendations on a proposed solution, so that we can ensure that all drivers are properly trained and fit to drive the vehicles concerned.

POSSIBLE SOLUTION

Address the shortfalls in agricultural vehicle driver licensing so that a person at the age of 16 can apply for a learner permit (W Class) which would permit him/her to drive a tractor only, or a tractor with an implement projecting up to a maximum of 2 metres behind the tractor and carried entirely on the three point linkage of the tractor or a tractor with a single axle trailer. Vehicles being driven by drivers with a learner permit shall display L plates at the front and rear.
As learner tractor drivers may drive unaccompanied and may tow a trailer they will be required to undergo initial basic training similar to that being introduced for learner motorcyclists who may also drive unaccompanied.

On reaching the age of 17 and having passed the driving test using a tractor and trailer, a driver would receive a license that would entitle the holder to drive all tractors and trailers, in the license category, on public roads. The trailer used during the driving test would have a minimum length of four meters.

### 3. ROADWORTHINESS TESTING

**ISSUE TO BE ADDRESSED**

Currently agricultural vehicles are not tested for roadworthiness. As part of our commitment to ensuring that all vehicles on public roads are road worthy, can we introduce roadworthiness testing for tractors and trailers of all types?

**POSSIBLE SOLUTION**

Introduce roadworthiness testing for tractors and trailers of all types. This could be introduced on a phased basis applying initially to agricultural vehicles used for non-agricultural purposes and extending over a period of time to all agricultural vehicles used on public roads.

### 4. VEHICLE WEIGHTS

**ISSUE TO BE ADDRESSED**

Is it possible to clarify the ambiguity surrounding permitted vehicle and axle weights for agricultural tractors and trailers by explicitly defining the allowable gross train weight of various tractor and trailer combinations?

**POSSIBLE SOLUTION**

Identify maximum gross vehicle weights (subject to design weights of tractors and trailers) for all tractor and trailer combinations, irrespective of application. The following weights are put forward for consideration based on feedback from some stakeholders:

<table>
<thead>
<tr>
<th>Vehicle</th>
<th>Maximum Gross Train Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tractor and Single axle trailer</td>
<td>15 tonne</td>
</tr>
<tr>
<td>Tractor and Two axle trailer</td>
<td>20 tonne</td>
</tr>
<tr>
<td>Tractor and Three axle trailer</td>
<td>25 tonne</td>
</tr>
</tbody>
</table>
5. COMPLIANCE WITH LIGHTING REGULATIONS

ISSUE TO BE ADDRESSED

There is an issue with the visibility of agricultural vehicles when used on a public road and also with the illegal use of working lights.

POSSIBLE SOLUTION

Establish an awareness and enforcement campaign that highlight the legal requirement that lights used on all agricultural and work vehicles have to comply with the Construction, Equipment and Use regulations. Ensure that operators comply and that all lights are adequate, visible and not obstructed by equipment attached to the tractor. This awareness and enforcement campaign will also deal with the illegal use of white lights to the rear of a vehicle at times other than while reversing.

Also, due to concerns with the visibility of agricultural and work vehicles on public road, they would have, mounted on the roof of the cab or other prominent position, a flashing amber light which shall be in operation at all times.

6. MAXIMUM SPEED AND MOTORWAYS

ISSUE TO BE ADDRESSED

We need your views on introducing a maximum speed limit of 40 km/h for all agricultural tractors and to review the need to have all agricultural and work vehicles prohibited from driving on motorways.

POSSIBLE SOLUTION

A maximum speed limit of 40 km/h could be introduced for all agricultural tractors, similar as to that which applies to works vehicles, and by enforcing current regulation that prohibits vehicles that travel at less than 50 km/h from driving on motorways this would in turn prohibit agricultural vehicles from travelling on a motorway.

7. ENFORCEMENT

ISSUE TO BE ADDRESSED

Under current road traffic law prosecutions involving agricultural and works operators for overloading and other offences require the Gardaí to undertake a detailed time consuming procedure. Stakeholders are asked to consider a fixed charge system to facilitate ease of enforcement.

The existing array of enforcement measures needs to be reviewed so that we have an effective regime and sanctions.

POSSIBLE SOLUTION

A fixed charge system of enforcement would be applied to, as far as possible, offences relating to the illegal use of agricultural and works vehicles on public roads. A clause could also be included in all public service contracts requiring suppliers of agricultural vehicles and works vehicles to comply with the relevant regulations including the changes outlined in this paper.
ISSUES SPECIFIC TO AGRICULTURAL VEHICLES FOR NON-AGRICULTURAL USE ONLY

8. CARRIAGE OF CERTAIN GOODS / AGREED ACTIVITIES

⇒ ISSUE TO BE ADDRESSED

S.I. No. 60 of 1991, as amended, prohibits the carriage of goods for hire or reward for any vehicle or combination of vehicles with a maximum authorised weight of 3.5 tonnes without a road haulage licence. Yet agricultural vehicles and trailers are engaged in hauling goods for hire and reward. As outlined earlier, their operators cannot comply with the law because they cannot obtain a certificate of roadworthiness and they are not fitted with tachographs.

If we do recognise the need for the use of agricultural vehicles on public roads, we need to consider regulations that will address any advantage this may create over conventional road haulage while at the same time meeting the needs of local authorities and the construction industry to be able to use agricultural vehicles where conventional road haulage is deemed unsuitable.

⇒ POSSIBLE SOLUTION

Where agricultural vehicles are used by farmers or by contractors for specific agreed purposes other than those defined as agricultural, then the following conditions may be included:

- compliance with the proposed maximum gross vehicle weights as suggested earlier in this document.
- the owner/operator of the vehicle will have a Road Haulage Operator Licence and all vehicles being used for hire and reward will be listed on the licence.
- the vehicle will use non-rebated fuel.
- the tractor and trailer will be plated with the relevant maximum legal gross vehicle weights and maximum design gross vehicle weights.
- the tractor and trailer will have current roadworthiness certificates.
- the vehicle will be registered and taxed as a goods vehicle.
If these changes were to be implemented, the comparative implications for tractors used for non-agricultural work and conventional road haulage operators are set out below. For illustrative purposes, two commonly used vehicles in the agricultural and road haulage sector are compared. These are an agricultural tractor with a three axle dump trailer and a four axle rigid tipper truck.

- **Roadworthiness testing** – There is no advantage to either party as roadworthiness testing will apply to both vehicles.
- **Fuel** – As both the agricultural tractor and the rigid tipper will be using non-rebated fuel there is no advantage in the cost of fuel.
- **Road Tax** – the agricultural tractor and trailer (three axles) would have a tare weight / un-laden weight of 10 tonne approximately, have a payload capacity of 15 tonne and attract a road tax of €1,569. A corresponding four axle rigid vehicle would have an un-laden weight of 12 tonne approximately, have a payload of 20 tonne and have a road tax of €2,071. As can be seen from the below table there is no advantage in road tax.

<table>
<thead>
<tr>
<th></th>
<th>Maximum Gross Vehicle Weight</th>
<th>Unladen Weight (Estimated)</th>
<th>Payload</th>
<th>Road tax</th>
<th>Road Tax per tonne of payload</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Tractor and Trailer</td>
<td>25 tonne</td>
<td>10 tonne</td>
<td>25 tonne</td>
<td>€1,569</td>
<td>€104.60</td>
</tr>
<tr>
<td>Four axle rigid</td>
<td>32 tonne</td>
<td>12 tonne</td>
<td>32 tonne</td>
<td>€2,071</td>
<td>€103.55</td>
</tr>
</tbody>
</table>

- **Payload** – the 32 tonne four axle rigid can carry a 20 tonne payload compared to a 15 tonne payload for the agricultural vehicle under these proposals. This gives the four axle rigid a 33% advantage in payload.
- **Road Haulage Operator Licence** – there is no advantage to either vehicle as both operators must have a licence.
- **Speed** – it is proposed that agricultural tractors and trailers will be restricted to a maximum speed of 40 km/h while commercial vehicles can travel at up to twice that speed (80 km/h).
- **Drivers’ hours** – agricultural tractors will not be not required to have tachographs if they are fitted with a speed limiter which allows a maximum speed of 40 km/h. Agricultural workers are covered by the Working Time Directive in the same way as all other workers.
ISSUES SPECIFIC TO AGRICULTURAL VEHICLES FOR BOTH AGRICULTURAL AND NON-AGRICULTURAL USE

9. AGRICULTURAL CONTRACTORS EXEMPTIONS.

ISSUE TO BE ADDRESSED

Could there be exemptions for agricultural vehicles used for both agricultural and non agricultural work? This will allow agricultural contractors to continue to provide a service to farmers when required during the agricultural season and to also undertake alternative contract work at other times of the year. How could this be permitted and regulated and what are the implications for the conventional licensed haulage industry?

POSSIBLE SOLUTION

Would introducing a permit system for agricultural contractors allow them to avail of agricultural exemptions while also addressing any issues that may exist when these vehicles are used for haulage for reward?

The proposed exemptions for specific activities could include:

Operators could be required to comply with the following:

- the owner/operator of the vehicle will have a Permit/ Licence and all vehicles in question will be listed on the licence.
- the proposed maximum gross vehicle weights as defined earlier in this document
- the tractor and trailer will be plated with the relevant maximum legal gross vehicle weights and maximum design gross vehicle weights.
- the tractor and trailer will have current roadworthiness certificates.
ISSUES SPECIFIC TO WORK VEHICLES

10. IDENTIFICATION OF WORK VEHICLES ON PUBLIC ROADS.

⇒ ISSUE TO BE ADDRESSED
The identification of work vehicles in use on public roads is required to minimise risk to other road users and to aid enforcement / compliance.

⇒ POSSIBLE SOLUTION
All work vehicles which travel on public roads would be registered.

11. TRAFFIC FLOW / ROAD USER SAFETY.

⇒ ISSUE TO BE ADDRESSED
Work vehicles causing an obstruction to the free flow of traffic due to excessive use on public roads.

⇒ POSSIBLE SOLUTION
Work vehicles shall only be permitted to be driven on a public road when they are moving from one premises or site to an adjacent site. The maximum permitted distance which a works vehicle may travel should be limited to a reasonable distance, for example, 1000 metres.
UNITED KINGDOM

In the UK, agricultural vehicles cannot be used to haul for hire and reward. There are similar exemptions for agricultural vehicles on agricultural work for the following:

- Driver licensing
- Gross Vehicle Weights
- Plating and testing
- Tachographs
- Road tax
- Road Haulage Operators’ Licence
- Fuel

The position adopted by the main authorities in the UK (VOSA and the Department for Transport) is that agricultural vehicles may only avail of the “exemptions” relating to fuel, tax, driver licensing, operator licensing when they are engaged on purely agricultural work.

DRIVER LICENSING

“Category F” is the national driving licence category representing agricultural and forestry tractors. The minimum age to drive tractors vary according to the width of the vehicle. A tractor (and trailer) less than 2.45 metres wide may be driven at the age of 16. Tractors and trailers more than 2.45 metres wide may only be driven at 17.

VEHICLE PLATING AND TESTING

The UK Department for Transport have no plans to introduce roadworthiness testing for agricultural vehicles. They favour a voluntary inspection scheme driven by the industry and such organisations as BAGMA who sponsored the survey of the condition of agricultural vehicles referred to earlier in this paper.

Agricultural vehicles engaged in non-agricultural work are required to be plated and tested. However most of the agricultural tractors on the market at present cannot be plated as they do not meet the requirements in relation to noise, emissions, tyres and brakes.

TACHOGRAPHS

Tachographs are not fitted in most agricultural tractors. There is a provision for the fitting of a tachograph to some high speed tractors. The exemption outlined in EU Regulation 561 of 2006 in relation to vehicles with a maximum authorised speed of 40 kilometres per hour also applies in the UK.

4. International Best Practice
ROAD TAX

The UK law provides exemptions for agricultural tractors used on agricultural work. If the vehicle is used for hire and reward then it should be taxed as a goods vehicle.

FUEL

The use of rebated fuel is permitted on agricultural and other exempted vehicles in the UK. A comprehensive list of vehicles is provided on HM Revenue and Customs Public Notice 75.

EUROPE

There is no widespread use of agricultural tractors and trailers for haulage purposes in mainland Europe.

TYPE APPROVAL

There is a type approval directive on tractor units (2003/37). This directive will come into operation in July 2009.

DRIVER LICENSING

Individual EU Member States have the power to make their own regulations in relation to agricultural tractors.

ROADWORTHINESS TESTING

There are no directives on roadworthiness testing for agricultural tractors. However there are proposals to introduce a new directive which will include new standards for braking on agricultural tractors and trailers.
5. Timescales for implementation

Your views on appropriate timeframes for implementation of any measure that you advocate will be of assistance in determining recommendations. Please consider washout periods for current practices, vehicles and equipment as appropriate.

CONTACT DETAILS

This paper will be circulated to all stakeholders and it will also be posted on the Road Safety Authority Website (www.rsa.ie). Submissions should be made either to the Road Safety Authority by email to agvehicles@rsa.ie or by post to Ag Vehicles Review, Road Safety Authority, Moy Valley Business Park, Primrose Hill, Ballina, Co Mayo by 5th August 2008.
Appendix 1

Contributors to this Consultation Paper:

- An Garda Síochána
- Association of Irish Motorcycle Importers and Distributors
- Automobile Association
- Construction Industry Federation

- Chieftain Trailers
- Department of Agriculture and Food
- Department of the Environment, Heritage and Local Government
- The Revenue Commissioners

- Department of Transport

- Farm Tractor and Machinery Trade Association

- Irish Creamery Milk Suppliers Association
- Irish Farmers Association
- Irish Road Haulage Association

- National Standards Authority of Ireland
- Local Authorities

- Professional Association of Contractors
The following are details of a recent survey carried out on 242 agricultural tractors and 71 trailed appliances for the Health and Safety Executive by BAGMA. It was found that 166 (69%) tractors and 40 (56%) trailed appliances did not meet road requirements.

<table>
<thead>
<tr>
<th>Item</th>
<th>Ref</th>
<th>%Failure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Windscreen Wipers &amp; Washers</td>
<td>A1</td>
<td>43.8</td>
</tr>
<tr>
<td>Break Lights / Housing</td>
<td>C9</td>
<td>38.8</td>
</tr>
<tr>
<td>Registration Plate Light</td>
<td>C12</td>
<td>31.8</td>
</tr>
<tr>
<td>Wing Mirrors</td>
<td>A8</td>
<td>30.8</td>
</tr>
<tr>
<td>Front Tyres &amp; Pressures</td>
<td>B1</td>
<td>25.6</td>
</tr>
<tr>
<td>Rear Tyres &amp; Pressures</td>
<td>B2</td>
<td>23.6</td>
</tr>
<tr>
<td>Rear Side Light</td>
<td>C4</td>
<td>22.7</td>
</tr>
<tr>
<td>Function of Lights</td>
<td>C7</td>
<td>21.9</td>
</tr>
<tr>
<td>Headlights Dip / Main Beam</td>
<td>C2</td>
<td>19.8</td>
</tr>
<tr>
<td>7 Pin Connector</td>
<td>C13</td>
<td>19.0</td>
</tr>
<tr>
<td>Rear Windscreen Wipers &amp; Washers</td>
<td>A3</td>
<td>18.2</td>
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<tr>
<td>Front Side Lights</td>
<td>C3</td>
<td>18.2</td>
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<td>Horn</td>
<td>C15</td>
<td>14.9</td>
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<tr>
<td>Rear Indicators</td>
<td>C6</td>
<td>13.2</td>
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<tr>
<td>Handbrake Function &amp; Cable</td>
<td>B12</td>
<td>12.0</td>
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<tr>
<td>Hazards</td>
<td>C8</td>
<td>12.8</td>
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<tr>
<td>Rear Work Light</td>
<td>C10</td>
<td>12.4</td>
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<td>Mechanical Couplings</td>
<td>B10</td>
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<td>Battery Fixing</td>
<td>C16</td>
<td>13.2</td>
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<tr>
<td>Operators Manual</td>
<td>E26A</td>
<td>34.3</td>
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<tr>
<td>Oil Leaks / Water Leaks</td>
<td>E20</td>
<td>22.7</td>
</tr>
<tr>
<td>Rear Lift Linkage Assembly / Lift Arms</td>
<td>E13b</td>
<td>11.2</td>
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<tr>
<td>King Pins / Grease Point</td>
<td>B10</td>
<td>10.7</td>
</tr>
</tbody>
</table>

Overall roadworthiness: 68.6
Appendix 3

References

FTMTA – Test of Tractor Fitness
FTMTA – Test of Trailer/Attachment Fitness
Agricultural vehicles on the Road – Mike Braithwaite
Agricultural Vehicles on the Road, a guide to the Legislation – Andrew O'Shaughnessy
THE FASTER THE SPEED THE BIGGER THE MESS