



Commercial Vehicle Investigation Unit

COMMERCIAL VEHICLE ENFORCEMENT IN NEW ZEALAND

In my presentation I will tell you a little bit about commercial vehicle enforcement in New Zealand. I'll attempt to categorise the transport industry into three groups and give you my view on what enforcement strategies work for us. I will close with a quick look at the operational changes we are either working on or would like to see.

Introduction

First, let me tell you a little about commercial vehicle operations in New Zealand. We have a 3.8 million people, 30 million cattle and 50 million sheep. We are serviced with 96,000 kms of road used by 5,600 buses, and approximately 70,000 trucks (excluding trailers). In the specialist transportation area we have 1,000 trucks plus trailers dedicated to the logging industry, 500 tanker units carting milk, 1,500 engaged in sheep and cattle haulage, 1,000 refrigerated units, and 11,800 in the long haul general freight business.

On-road enforcement of the commercial vehicle industry is the responsibility of the Commercial Vehicle Investigation Unit. We currently have a team of 85 law enforcement officers who specialise in policing the transport industry. I manage that team. We have a wide range of responsibilities including:

- Over-dimension load certified pilot scheme
- Driving hours and logbooks
- Investigation of serious commercial vehicle crashes
- Road user charges
- Road, bridge and vehicle weight limits
- Vehicle fitness
- Operator licensing
- Vehicle and load dimensions
- Passenger safety
- Load security
- Dangerous goods (road and rail)

2. Does it do any good?

Is commercial vehicle enforcement effective in its pursuit of safety and equality within the transport industry, is it simply a revenue collection business that acts as an impediment to an otherwise profitable enterprise, or are we wasting everyone's time?

Supporters of this aspect of road policing will argue the former while opponents will favour either of the latter propositions. I'm sure if we let loose a gaggle of consultants or researchers they would come up with whatever answer you wanted but I don't believe they would provide an answer that would satisfy everyone.

Probably the most accurate measure of the need for, and effectiveness of, any existing form of intervention is to stop doing whatever it is you normally do and then measure the effect. I believe no government would be prepared to take such a brave (or foolhardy depending on your point of view) step. Some of you may be surprised to hear that in the world of commercial vehicle enforcement it has happened.

In the United States of America most commercial vehicle enforcement is carried out by Motor Carrier Units within each of the State Police forces. The state of New York has such a unit. As a result of the events of 11 September 2001 the entire New York State Police directed their efforts into managing the effects of those dreadful acts of terrorism. As a result most enforcement activities not directly associated with the disaster were stopped. This included commercial vehicle enforcement. They did, however, continue to attend commercial vehicle crashes. So what happened? Well, the number of commercial vehicle related crashes rose 39%.

That is one experiment I hope and pray we are never in a position to experience.

For better or worse, here in New Zealand the Commercial Vehicle Investigation Unit is here to stay. My task as its manager is to provide a cost-effective credible service that meets the needs not only of central and local government but also the industry participants as well as all the other road users.

The Impacts of the Industry on Society

In the 5 years from 1996 to 2000 there were 490 fatalities where trucks were involved. A further 1,163 people were seriously injured and 3,677 received minor injuries. Truck drivers were at fault in 33% of the fatalities, 44% of the serious injuries and 48% of the minor injuries, (averaged over the period). The average annual cost to the country for truck driver at fault crashes is \$144 million, calculated at a cost¹ of \$2.485 million per life, \$0.469 million per reported serious injury, and \$42,000 per reported minor injury.

Transit New Zealand estimate that they spend approximately \$50 million annually to remedy the effects of overloading.

The unlawful activities of the heavy vehicle fleet are therefore estimated to be an annual cost to the country of \$194 million. In addition, there is a loss of revenue to government of \$36 million through avoidance and evasion of road user charges.

It is self-evident that raising the level of compliance has the potential to produce significant benefits for the country. So how do we do it? What strategies can be put in place to reduce the adverse effects the transport industry imposes on society?

What enforcement strategies work?

Before you can put in place strategies to improve compliance you must first know who you are dealing with. There are three types of operators within the transport industry.

At the top end is *Godly Transport*. They diligently work on their business rather than in it. Their company ethos is one of compliance. Because they investigate any crashes in which

¹ These figures are expressed in June 2000 values.

their vehicles are involved they are nine-times less likely to be involved in crashes than most of their competitors. However, like all of us, once in a while their halo slips slightly. On the rare occasions they do fall from grace they plead guilty, take their punishment, set up systems to reduce the likelihood of future offending and move on. This rather select group represents about five to ten percent of the trucking population.

The bottom dwellers in the transport industry are best described as *Ratbag Truckers*. This group is at the other end of the food chain from *Godly Transport*. They represent everything that is bad within the trucking community. They tailor their operation around non-compliance. They view compliance with the law as an avoidable overhead to their operation. My estimation is that this group represents about ten percent of the industry.

With ten percent at the top and bottom ends that leaves us with the predictable eighty percent in the middle. They are the *Nigel Hauliers*. So who are these people? What is their *modus operandi*? They generally try to do it right a lot of the time but, when the need arises they carry out a quick risk assessment comparing the financial implications of the job with the likelihood of being apprehended. If the scales tip in favour of the profit side of the ledger then their corporate motto comes into play - *'It's worth a crack Nigel'*. It is our experience that a number in this group try to hide behind a corporate veil of respectability.

Having categorised our community, how do we police them? What works?

Research projects such as the Kansas City Preventative Patrol experiment found that simply providing a Police presence achieved very little, if anything, in the way of reduced offending. That we are seen to be doing something is critical to success. This is certainly true as far as road policing in general, and commercial vehicle policing in particular, is concerned. Increasing the perception of apprehension raises the likelihood of improved compliance.

For the *Nigels* of this world their risk assessment analysis begins to tell them that the scales may be leaning more towards apprehension and away from 'getting away with it'. On the other hand visible policing has little or no impact on *Godly* other than reassuring them that we are out there trying to level the playing field. *Ratbag* probably doesn't see us because he's found out where we are and has taken the back roads to try and avoid apprehension.

So how, with limited resources, do we in New Zealand try to provide a credible service that acts as a security blanket for the *Godlies*, a big stick for the *Nigels*, and a blunt instrument for the *Ratbags* of this world?

Well, within my group of 85 I run five types of operations, although two of them are largely variations on a theme.

First, there is my weighbridge group. We have eight sites throughout the country. Most are strategically located on State Highways. Because it wouldn't be a wise use of taxpayers' money to keep them open 24 hours a day, 7 days a week, their hours of operation are based on a risk assessment that considers such matters as truck volumes and levels of offending. Since providing permanent staff for our weighbridge operations five or six years ago we have reduced the level of reportable offences past these sites from around one offence for every five vehicles stopped to 1:11.5. The success of the weighbridge group is largely attributable to the high profile deterrent effect of this operation. As an aside, at the end of the first year of our

weighbridge operation the level of avoidance and evasion of heavy vehicle road tax fell by \$32 million – benefit to cost ratio of around 15:1.

The second strategy is really a sub-set of the weighbridge operation. As offending rates past the sites dropped it became apparent to me that there was a diminishing return on the investment. Offending away from the weighbridge areas was still at least three times higher. Anecdotal evidence suggested that a number of operators, primarily the *Ratbags* of this world supported by a reasonable number of *Nigels* were simply taking the long way round. In an effort to either catch or deter these offenders two years ago I introduced a new initiative. I provided five of the key weighbridge sites with a mobile capability to be used while the weighbridge is open for business. An officer is tasked with patrolling the back roads in an unmarked vehicle equipped to carry out roadside enforcement. Offending rates are currently running at around one reportable offence for every 5.9 vehicles stopped.

Because of the urban sprawl associated with our largest city, Auckland, with a population of around 1 million, a full-time weighbridge operation would be an exercise in futility. Largely because we lack the staff numbers to create any sort of deterrent effect we needed to further adapt our operations to meet the environment. We have done this by setting up a task force that travels around the area carrying out high-profile enforcement stops. We cone off an area of road and erect signs advertising what we are doing.

The value of this type of operation is that we not only apprehend offenders but also, more importantly, by raising our profile and advertising our presence, we raise the perception of apprehension within the minds of those who pass the site in both directions.

When this style of operation was first started we found every second vehicle was offending. Surveys in the areas we have previously visited show that the rate has dropped to around one in 5.8.

The fourth type of operation carried out by my group is the full-time mobile group. These officers are tasked with patrolling in areas not covered by the three operations that I have just described. They are able to be more selective in the vehicles they stop. Because they are assigned an area of operation they build up a good understanding of what is happening, where and whose doing it. Like the mobile capability within the weighbridge group these officers have unmarked vehicles fully equipped to undertake most of the tasks required of a member of the CVIU. This group currently reports an offending rate of around one offence for every 4.2 vehicles stopped; although this figure fluctuates depending on whether or not we run an enforcement campaign in a particular area. Twenty or thirty of these campaigns are run each year. They may last anywhere from two or three days to a week and involve as little as three staff or as many as forty.

The fifth type of operation or function performed by my staff is serious crime investigation. Where we have information that suggests an operator is engaging in serious criminal activity we assign resources to the investigation. These investigations can take anywhere from two or three weeks to three years as happened in one case that finally went to trial a month ago. They cover activities such as falsification of hours of service records to theft and fraud.

Each of the five types of operations I have described meet our need to not only detect and apprehend offenders but also to deter offending by raising within the minds of the industry the perception of apprehension.

In support of our entire operation last year I introduced a strategic intelligence analyst into national office. I also assigned a constable in each of the CVIU's four areas to undertake the role of gathering and disseminating tactical or operational intelligence to their colleagues. This allows us to make better use of our resources.

WHAT ABOUT THE FUTURE?

Staffing Levels

All indications are that over the next five years New Zealand can expect to see significant growth across most sectors. Lets look at a few indicators.

Passenger Transport

If school rolls continue to grow, the Ministry of Education predicts there will be a need for an additional 275 school bus services by 2005.

The push by central and local government to encourage greater use of urban passenger transport is already having an impact with increased patronage throughout the main metropolitan areas. As the fleet size has increased so has the number of crashes.

For the year ended May 2001 a total of 1,869,713 overseas visitors entered New Zealand. Tourist numbers are projected to increase by 5.7% per annum over the next five years. With at least 25% of these tourists using coach services we can expect an equivalent increased demand for such services. Fortunately crashes involving tour coaches has remained stable at around four or five per year.

Trucking

It is estimated that by 2005 19.2 million tonnes of logs will be transported from our forests each year. The greatest increases in pinus radiata production will be in Northland and Gisborne areas. The predicted 10% annual increase in soft wood production over the next five years could see a 50% increase in the log truck fleet size by 2005. The nature of the industry coupled with the often unsuitable roading they have to use means a 'do nothing' attitude could lead to an increased crash rate for this sector.

We all know that farming in New Zealand has grown steadily over the last two or three years. Ministry of Agriculture predictions are that this level of growth is sustainable at least over the next couple of years. As an example, the milk tanker fleet has grown by approximately 25% over the last three years. Beef exports for last year were the strongest they have been since 1992/93.

With even modest growth in this sector of the industry of around 2% to 3% per annum we can expect an equivalent increase in the trucking fleet that services it.

New Zealand's population is predicted to grow by 5.3% over the next 10 years. It is anticipated, based solely on this predicated population increase, that truck volumes will increase by an equivalent amount over the same period.

Changes in Enforcement

Staff Increases

While there have been significant improvements in compliance, particularly over the last two or three years, we cannot expect these standards to be maintained if the projected increases in fleet sizes materialise. Not only do we need to work smarter I believe we also need staffing levels that meet this growth. At the very least we need to be able to place staff in the major growth and risk areas of Auckland, the Far North and the East Coast.

Intelligence-based Enforcement

In the area of 'working smarter' I believe we need to make greater use of intelligence analysis. This could be achieved by employing suitably qualified full-time intel analysts in each of the four CVIU Areas. This would also free up the frontline staff currently carrying out the function, albeit on a part-time basis.

Staff Training

To be in a position to be able provide a credible standard of enforcement we must ensure that staff receive appropriate training. This is particularly so given the current rush to convert regulations into rules. I have therefore appointed an additional Unit member to assist with staff training.

Vehicle Safety

Given that 30% to 40% of all commercial vehicles have a safety defect, coupled with the fact that mechanical faults have been identified as a contributory cause in around 8% of truck crashes, I believe there is a pressing need for a full-time on-road vehicle safety inspection regime within the CVIU.

Using Technology

As much as 20% of a constable's time on the CVIU is taken up with paperwork. We are undertaking a trial using a scanner that can read the barcodes printed on critical documents such as driver licence, road user licence, licence label and certificate of loading. The stored data can then be downloaded into a variety of Police documents. I believe that scanner technology could produce a saving of around 50% of the current paperwork time.

Having captured the information in an electronic format it is a simple matter to pass that over to Land Transport Safety Authority. They could use it for a variety of tasks including economic compliance and the proposed 'operator safety rating scheme'.

WHAT'S NEXT?

While some of my hopes for the future can be achieved through a reorganisation of exiting resources, a lot of what I would like to see happen will require additional resources. To get those resources we must make our case to government then stand in line with the myriad of other departments seeking a bigger slice of the tax dollar.

Ian James
Inspector
Manager: Commercial Vehicle Investigation Unit