

This document is a translation of the original assessment in Swedish by SHK of the response to the recommendation. In case of discrepancies between this translation and the Swedish original text, the Swedish text shall prevail in the interpretation of the assessment.

Government Offices of Sweden
Ministry of Enterprises and Innovation,
N/MRT
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The Swedish Accident Investigation Authority's report RO 2018:01

Background

On 8 March 2018, the Swedish Accident Investigation Authority (SHK) published its final report RO 2018:01 on a single-vehicle accident involving a bus in commercial traffic south of Sveg, Jämtland County, on 2 April 2017.

The report contains a total of seven recommendations, six of which were issued to the Government. A response to the recommendations has been received from the Government Offices of Sweden (Ministry of Enterprise and Innovation). In the following, SHK assumes that the Ministry of Enterprise and Innovation has been authorised by the Government to speak on its behalf and that the contents of the response have been established within the Government and the Government Offices.

SHK's assessment

RO 2018:01 R1

The Government was firstly recommended to push for consideration of the particular risks involved in night work in the ongoing review of the regulations regarding driving time and rest periods in the EU.

According to its response, the position of the Swedish Government in these negotiations is to argue against compression of the driver's driving time. This is motivated by research showing that compressed work schedules impact on the driver's alertness while driving.

The response does not clarify what is meant by compressed driving times. If the aim is to prevent long driving times and short resting periods, this will of course have a positive effect on the driver's alertness.

However, the response does not clarify whether the particular risks involved in night work have been considered in the development of the position. The response states that night and work hours are regulated in the Directive 2002/15/EC of the European Parliament and of the Council on the organisation of the working time of persons performing mobile road transport activities, but that this directive is not

subject to revision. Perhaps the response is to be understood to mean that the risks of night work can only be considered in the event of this directive being revised. However, SHK is of the opinion that there should be nothing that prevent the risks of night work also being taken into consideration in the formulation of regulations regarding driving and rest periods, for example by decreasing the maximum permissible driving period at night or otherwise prescribing that night-time driving periods must be preceded by a sufficient period of rest. Against the background provided above, the recommendation can only be considered partially implemented and the response is partially satisfactory.

RO 2018:01 R2

The Government is furthermore recommended to investigate the conditions for introducing requirements for road traffic operators to have a safety management system that deals with the risks involved in their activities.

According to the response, there is cause to consider whether this type of requirement should be introduced for commercial road traffic. The response outlines two possible ways of doing this: either by specific national regulations set out in Swedish law, or by pursuing the matter at the EU level. According to the response, the Swedish Transport Agency intends to bring up the matter within the scope of its government assignment to take safety-promoting measures for passengers travelling by bus (ref. no. N2018/01644/MRT). The response states that a decision can be made on whether safety management system requirements need to be investigated further once the Swedish Transport Agency has made its report.

Provided that the Government follows up the Swedish Transport Agency's report with a decision on whether to investigate the matter further, and provided that the position adopted will apply to all operators within the road traffic sector, and not only bus operators, the recommendation can be considered implemented and the response obtained is deemed to be satisfactory.

RO 2018:01 R3

The final report also contains a recommendation for the Government to review the authorisation set out in Chapter 13, Section 7 of the Traffic Ordinance (SFS 1998:1276) for the Swedish Transport Agency to issue regulations on maximum speed limits and guidelines for the use of different values, considering whether these need to be expanded or clarified, or if the Swedish Transport Agency should be assigned to produce general advice in this area.

In its response, the Government Offices (Ministry of Enterprise and Innovation) confirms that the Swedish Transport Agency has not utilised its present authorisation to issue regulations with guidelines on the use of different limits. The Swedish Transport Agency has however utilised the other part of the authorisation, which entitles the agency to issue regulations on what limits can be used in local traffic regulations in regard to maximum speed.

What SHK has tried to emphasise in the report is that the authorisation is limited to local traffic regulations (more details in the sections 1.12.2, p. 52 in particular,

and 2.3.4., p. 72 in particular). Even if the Swedish Transport Agency's regulations were also to become normative for roads that are not covered in local traffic regulations, the regulations would not be generally binding.

According to the response, the Swedish Transport Agency is currently working with the question of how different limits should be applied. Within the scope of this work, the agency also appears to be analysing the matter of whether there is a need to make a proposal to the Government for the authorisation of the Traffic Ordinance to be changed in some way. According to the response, the Government Offices (Ministry of Enterprise and Innovation) will monitor the Swedish Transport Agency's work with this issue. In light of this, the recommendation can be considered implemented and the response obtained is satisfactory in this regard.

RO 2018:01 R4 and RO 2018:01 R5

The Government is furthermore recommended to investigate the conditions for introducing a requirement for a seat belt reminder or other equivalent technical solution in buses. The Government is also recommended to investigate the conditions for imposing a requirement to use side-impact airbags or curtain airbags in buses.

According to the response, the commission to the Swedish Transport Agency (ref. no. N2018/01644/MRT) described above includes proposing measures, including regulatory changes, to increase traffic safety while travelling by bus. The assignment also includes a survey of technical solutions that may contribute to increased use of seatbelts or other protection equipment and an analysis of whether requirements should be set for the use of such solutions or other protective equipment.

Considering the measures that have been taken, the recommendations can be considered implemented and the response obtained is satisfactory in this respect.

RO 2018:01 R6

The Government was finally recommended to ensure suitable clarification of the requirement in Chapter 4, Section 10 c of the Traffic Ordinance for drivers, other on-board personnel, companions and other group leaders to take appropriate measures to ensure that passengers under fifteen years of age are using a seatbelt or other special safety device.

According to the response, the above-mentioned commission to the Swedish Transport Agency included revision of the regulations (TSFS 2014:52) on the use of seatbelts and special safety devices for children. The commission also included the production of guidelines for drivers, other on-board personnel, companions and group leaders.

It is stated in the response that the Swedish Transport Agency has now changed its regulations. According to the response, the Swedish Transport Agency will have stricter requirements with regard to how passengers are to be informed of the obligation to wear a seatbelt. Furthermore, the Swedish Transport Agency has

produced guidelines for drivers, other on-board personnel, companions and group leaders and others in the form of general advice in the regulation.

SHK finds that the regulation in question can be considered clarified through the changes made and through the new general advice. The recommendation can therefore be considered implemented and the response obtained is satisfactory in this regard.

Best regards,

Helene Arango Magnusson

Chair Accident Investigations