



Government  
Offices of Sweden

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

18/09/2017  
Ju2016/08628/SSK

Ministry of Enterprise and Innovation  
Department for Housing and Transport  
Division for Transport Markets and Regulations

Swedish Accident Investigation Authority  
P.O. Box 12538  
102 29 Stockholm

Response to the Swedish Accident Investigation Authority's final report on a single-vehicle accident involving a bus in commercial traffic south of Sveg, Jämtland County, on 2 April 2017

#### **Matter**

In its final report on a single-vehicle accident involving a bus in commercial traffic south of Sveg, Jämtland County, on 2 April 2017 (RO 2018:01), the Swedish Accident Investigation Authority (SHK) issues six recommendations to the government. In a letter of 8 March 2018, SHK has stated that the authority is awaiting information regarding which measures have been taken in response to the recommendations to the government issued in the report.

The statement is made by the Government Offices of Sweden (Ministry of Enterprise and Innovation).

#### **General information about the central government's work with road traffic safety**

The traffic accident investigated by SHK is both serious and tragic. It is of the greatest importance to take measures to reduce the risk of traffic accidents, especially serious ones, and to take measures to minimise the consequences of the accidents that do occur.

The transport policy consideration goal states that the design, function and utilisation of the transport system are to be adapted in such a way that no one is killed or seriously injured in traffic (Govt. bill 2008/09:93). In the area of road transport, there is also an interim goal to reduce the number of road fatalities by half and the number of serious injuries by a quarter between the years 2007 and 2020.

Traffic safety is a priority for the government. On 1 September 2016, the

government issued a decision to launch a new road safety initiative where Vision Zero gets a new start. The policy document notes that in the short term, it is important to continue implementing and optimising the measures that have yielded good results in terms of traffic safety thus far.

A number of measures and methods have contributed to the reduction of fatalities and serious injuries in traffic accidents. These measures must be safeguarded, and in some cases improved and intensified.

### **SHK's recommendations to the Government**

#### General

The following primarily concerns three ongoing processes; namely, the ongoing EU negotiations regarding driving time and rest periods, the Government's commission to the Swedish Transport Agency to take safety promotion measures for passengers travelling by bus, and the Swedish Transport Agency's review of its regulations with guidelines for how various values in local traffic regulations on permitted speed may be used.

#### Recommendation 1

**To push for consideration of the particular risks involved in night work in the ongoing review of driving time and rest periods in the EU (RO 2018:01 R1).**

On 31 May 2017, the European Commission presented a proposal for the so-called Mobility Package 1. One of the regulations proposed involves a revision of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98. It is commonly referred to as Regulation driving time and rest periods for drivers.

The position of the Swedish Government in these negotiations is to argue against compression of the driver's driving time. Instead, the social conditions of the drivers need to be improved. The justification of the Government's position is the existence of research showing that compromised work schedules impact on the driver's alertness while driving. The negotiations on the Driving Times Regulation are currently underway. The Government consulted the Riksdag's Committee on European Union Affairs on 1 June 2018, at which time the Committee gave its support for the Government's position.

Night work and work hours are also 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.

The Directive provides an opportunity to work slightly longer during a night shift than what the Regulation on driving time and rest periods normally allows. However, this Directive is not currently subject to revision.

Recommendation 2

**Investigate the possibilities for introducing requirements for operators within the road traffic sector to have a safety management system to deal with the risks involved in the activities (RO 2018:01 R2).**

As SHK points out, there are requirements regarding safety systems within other forms of transport, which can be considered an effective way of improving safety. Even if the conditions are slightly different for road traffic than rail traffic, aviation and maritime navigation, there is cause to consider whether these types of requirements should also be introduced for commercial road traffic.

Market access is determined by EU regulations that indicate which uniform requirements must be met in order to act on the market. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with in order to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC contains common regulations regarding the conditions that shall be fulfilled by commercial traffic operators. According to this regulation, companies shall comply with certain requirements (establishment, good repute, financial standing and professional qualification) in order to operate commercial traffic. However, the regulation allows the member states to impose additional requirements, which are to be proportionate and non-discriminatory. It may be possible to introduce requirements for operators to also have a safety management system. Such a requirement likely needs to be regulated by law, as the Government is deemed not to have the authority to establish it in an ordinance.

Another way to promote a requirement for safety management systems is for Sweden to bring the issue to the EU level. This would mean that the requirement would apply to all parties operating the type of commercial traffic that requires a safety management system.

The Swedish Transport Agency has informed the Government Offices (Ministry of Enterprise and Innovation) that the agency intends to bring up the matter within the scope of its assignment to take safety-promoting measures for passengers travelling by bus (ref. no. N2018/01644/MRT). Once the Swedish Transport Agency has made its report on the assignment, a decision can be made on whether

safety management system requirements need to be investigated further.

### Recommendation 3

**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 (RO 2018:01 R3).**

The overall objective of the transport policy is to ensure a socio-economically effective and long-term sustainable transport provision for citizens and businesses throughout the country. A decision regarding maximum speed limits has a great impact on traffic safety. However, the speed on the roads is not only important in terms of traffic safety, but also has an impact on other transport policy targets.

It can be noted that the authorisation of the Swedish Transport Agency in accordance with Chapter 13, Section 7 of the Traffic Ordinance has not been fully defined by SHK. The underlined text below has been omitted from SHK's report.

“The Swedish Transport Agency may issue regulations on other issues in this Ordinance. Such regulations may apply to

2. which values may be used in local traffic regulations in regard to maximum speed, and contain guidelines for how different values should be applied,.  
...”

In other words, Chapter 13, Section 7 of the Traffic Ordinance authorises the Swedish Transport Agency to issue regulations on which values may be used in local traffic regulations on maximum speeds. This authorisation enables the Swedish Transport Agency to issue guidelines on the use of various values.

The Swedish Transport Agency has utilised its regulatory authority through the agency's regulations and general advice (TSFS 2015:60, which enter into force on 1 January 2016 [previously TSFS 2009:75]), on local traffic regulations. These state that only the values of 30, 40, 50, 60, 70, 80, 90, 100 and 110 km/h may be used in local traffic regulations with special traffic provisions in accordance with Chapter 10, Section 1, paragraph 2, points 14 and 15 of the Traffic Ordinance. However, no guidelines for how the various values should be applied have been issued.

The Swedish Transport Agency has informed the Government Offices (Ministry of Enterprise and Innovation) that the agency is currently working on the issue of guidelines for how various values should be applied. In this process, the agency analyses whether there is a need to propose to the Government that the authorisation in the Traffic Ordinance should be changed in some regard. The Government Offices (Ministry of Enterprise and Innovation) will monitor the Swedish Transport Agency's work on this issue.

In this context, the Government would like to underline the importance of the Road Safety Act (2010:1362). This act contains provisions regarding the road operator's obligations in certain situations, aiming to increase the safety of road users. This relates to roads or road projects included in the TEN-T road network in Sweden and it regulates, among other things, the road operator's responsibility to systematically and continuously take the necessary measures to prevent serious personal injuries as the result of road use. Measures to rectify the immediate risk of such injuries shall be taken first. "Systematically and continuously" refers primarily to the measures being taken as part of a planned, wider context and with a certain long-term perspective in mind. Secondly, it refers to the measures also being part of a dynamic and ongoing working method.

In accordance with the Road Safety Act, the road operator shall carry out regular safety inspections of roads, survey the safety standard of the roads and establish a plan for measures that need to be taken in order to increase safety on the roads.

The measures taken first shall refer to the roads that have been found to be of the greatest priority in the road operator's survey. This applies to the extent that is deemed reasonable. Firstly, the benefit of protective measures in relation to the costs of such measures shall be considered. The costs of optimal measures may be such that it cannot be considered reasonable to choose these measures. Secondly, special consideration shall also be given to whether the risk of injuries can be reduced through other measures, which refers not only to engineering measures but also to traffic regulation measures.

Traffic regulation measures refer primarily to provisions regarding maximum speed limits.

The European Commission has proposed a revision of the EU Directive implemented in Sweden through the Road Safety Act. The proposal was presented on 18 May 2018. The Government has not yet adopted a position on the Commission's proposal.

#### Recommendation 4

##### **Investigate conditions for introducing a requirement for a seat belt reminder or other equivalent technical solution in buses (RO 2018:01 R4)**

On 8 March 2018, the Government commissioned the Swedish Transport Agency to take measures to improve the safety of passengers travelling by bus (ref. no. N2018/01644/MRT). The commission includes investigation of the extent of seatbelt use or other safety device among bus passengers and to propose measures, including regulatory changes, to increase traffic safety during bus journeys. The analysis shall include the passengers' incentive to use a seatbelt or other safety device. If the Swedish Transport Agency makes the assessment that it would be appropriate to carry out information initiatives regarding seatbelt use in buses, such measures shall be taken.

#### Recommendation 5

##### **Investigate the conditions for imposing a requirement to use side airbags or curtain airbags in buses (RO 2018:01 R5)**

The aforementioned commission includes the surveying of technical solutions that may contribute to increased use of seatbelts and other safety devices, as well as analysis of whether there should be requirements in place for the use of such solutions and other safety devices.

#### Recommendation 6

##### **Ensure suitable clarification of the requirement in Chapter 4, Section 10 c of the Traffic Ordinance for drivers, other onboard 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 (RO 2018:01 R6)**

The above commission also involves the Swedish Transport Agency revising its regulations (TSFS 2014:52) on the use of seatbelts and special safety devices for children, so that bus passengers who are required to wear a seatbelt in accordance with Chapter 4, Section 10 a of the Traffic Ordinance are informed by the driver, onboard personnel, companion or leader of a group of this obligation to wear a seatbelt in the vehicle. The commission includes the issuance of guidelines for drivers, other onboard personnel, companions and group leaders who are obligated in accordance with Chapter 4, Section 10 c of the Traffic Ordinance to take appropriate measures to ensure that passengers under fifteen years of age are using a seatbelt or other special safety device.

On 11 June 2018, the Swedish Transport Agency gave a report of the aforementioned parts of the commission to the Ministry of Enterprise and Innovation. In its report, the agency states that it has changed its regulation (TSFS 2014:52) on the use of seatbelts and special safety devices for children. The new regulation contains a stricter requirement in regard to how passengers are to be informed of the obligation to wear a seatbelt. The Swedish Transport Agency also states that it has developed guidelines for drivers, other onboard personnel, companions and group leaders who are obligated in accordance with Chapter 4, Section 10 c of the Traffic Ordinance to take appropriate measures to ensure that passengers under fifteen years of age are using a seatbelt or other special safety device. These guidelines have been appended to the regulation as general advice.

[Signature]

Malin Gelin

Assistant undersecretary