

Loaded question

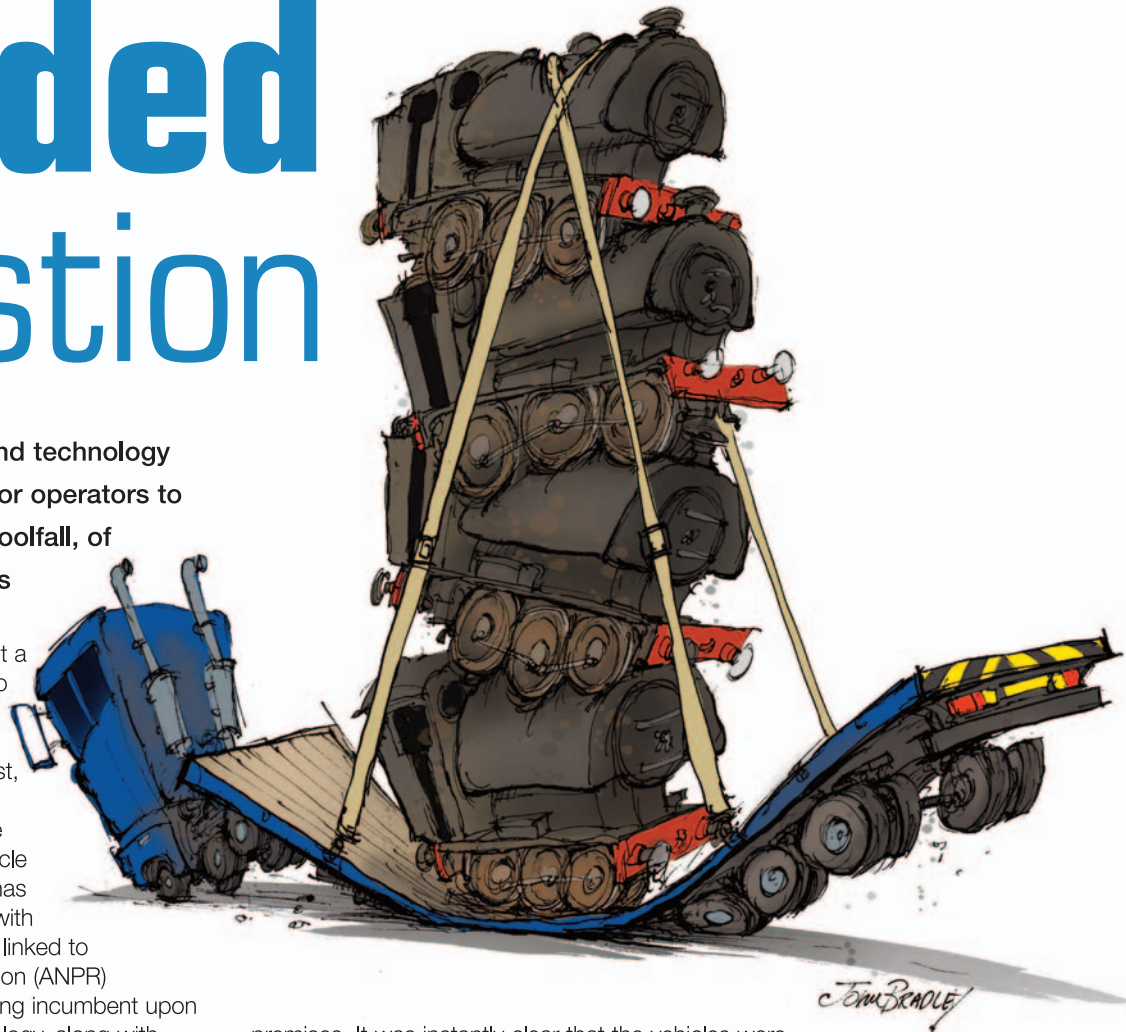
With attitudes hardening and technology forcing the pace, it's time for operators to wise up, argues Andrew Woolfall, of Backhouse Jones Solicitors

Axle overloading is not a new subject, but two primary aspects are conspiring to drive change: they are, first, technology and, secondly, hardening court attitudes. On the technology front, VOSA (the Vehicle and Operator Services Agency) has increased its use of technology, with weigh-in-motion sensors (WIMS) linked to automatic number plate recognition (ANPR) cameras. So, clearly, it is becoming incumbent upon operators also to harness technology, along with training, to stay ahead.

This matters. While there are not the numbers of prosecutions for overloading offences as in the late 1990s – and most offences are dealt with by fixed penalty notices against the driver – operators must remain vigilant. Where prosecutions are brought in the magistrates court, fines are now in the hundreds, if not thousands, of pounds – compared with absolute discharges frequently granted in years gone by. Also, repeat offenders often come before the traffic commissioner and face regulatory action.

It is a standard undertaking on operators' licences that they must install proper arrangements to ensure that trucks and trailers are not overloaded. This includes axle loading. Where an operator receives multiple prohibition notices, driver fixed penalties or prosecutions, the commissioner is likely to act.

I recall two cases involving dairy companies, both relating to transportation of milk in 7.5 tonne gvw vehicles, with axle weight limits being exceeded almost on a daily basis. In the first, VOSA set up a mobile checkpoint outside one company's headquarters, stopping vehicles as they left the



premises. It was instantly clear that the vehicles were starting their journeys overloaded. In the other example, vehicles were stopped en route and drivers found to be failing to adjust their loads after deliveries. The traffic commissioner took action against both, with one licence substantially curtailed, while the other was suspended for a period.

Tougher stance

Hardening of the court's attitude towards axle overloads appears to have arisen for two main reasons. First, fewer prosecutions mean that cases that come before magistrates appear all the more serious. Secondly, several years ago the High Court ruled that the then lack of publicly available dynamic weighbridges (as opposed to standard weighbridges that check gross or train weights) for operators to check their vehicles did not mean that operators or drivers should be treated leniently.

At the time, a well-known international haulage company faced several prosecutions for axle overloading. The operator had trained its drivers, but was reliant on a third party loading the vehicles. Visually, there did not appear to be any issues to



An Axtec dynamic weighbridge in north west Leicestershire

suggest axle overloading and drivers said their vehicles did not handle differently.

The company sought to argue that a lack of public dynamic weighbridges meant it was difficult to check vehicles. Given the systems and procedures this business had put in place, it suggested that the court should be slow to impose penalties. The High Court disagreed, stating that businesses should invest in their own equipment and could not rely upon a lack of public resources as an excuse.

So to the nub: axle overloading tends to arise from one of three sets of circumstances. First, there are occasions when a truck or trailer is loaded incorrectly before the start of a journey. It might be due to a load being placed against the vehicle's bulkhead, thus overloading the front axle. This is not uncommon with vehicles operated by non-haulage firms, such as scaffolding companies or builders. Instinctively, they place everything against the headboard to maximise load security – but the by-product is a potential axle overload.

Importance of position

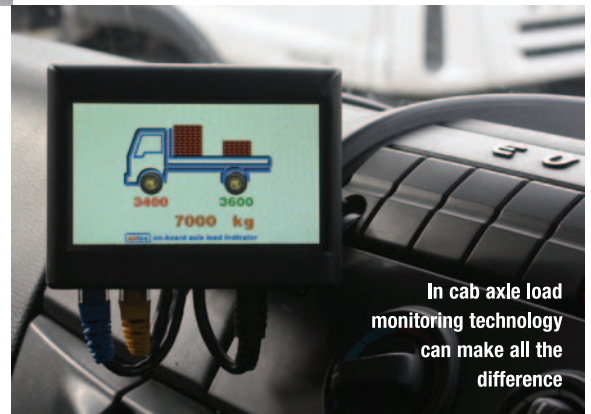
A variation on this theme can arise when a large, dense load is being transported, and the position on the truck or trailer is critical. Placing it a foot too far forward or back can cause respective axles to be overloaded, even though the vehicle is within its gross weight limits. I have represented many operators in these circumstances and the issue often arises as a result of the driver or vehicle loader not being fully aware of the importance of positioning.

The second major cause of axle overloading is the cantilever effect – for example, on multi-drop delivery vehicles when items are unloaded from the back, but the remaining load is not adjusted. As weight comes off the rear of the vehicle, so load increases on the forward axles. A variant of this also occurs on refuse collection activities when waste is added at the back. If the load is not redistributed, eventually it all appears over the rear axles.

The last category of incident is where the load moves during the vehicle's journey. One recent case concerns bulk deliveries of onions being made by a tipper: having climbed a steep hill, its load moved towards the back of the vehicle, overloading the rear axles. Another example involved a delivery of meat hanging on rails in a refrigerated vehicle. Having descended a hill, all the hooks had moved to the front, thus causing an overload.

Sheepish defence

My favourite example of this kind of problem concerns a livestock haulier. When his vehicle was found to be overloaded, having been weighed on a dynamic weighbridge, he claimed that all the sheep being transported had moved to the rear of the vehicle to get a better view of what was happening.



In cab axle load monitoring technology can make all the difference

While problems arising from loads being incorrectly placed before the journey starts, or as a result of the cantilever effect, clearly demonstrate the importance of driver and staff training, loads moving during transit suggest that proper equipment must also be used. Bulk loads, for example, should have baffles inserted. Also, items cannot be allowed to move freely on rails: they must be properly secured.

In addition, operators should look to invest in technology, so they can detect issues themselves. Appropriate systems might include: load sensing equipment fitted to the vehicle or trailer; portable weigh pads; and/or your own dynamic weighbridge. A number of companies that used to have axle overload issues have since invested in their own weigh pads. Conducting random checks on fleets during the working day leads to early resolution.

While such technology might not be perfect and might require strict adherence to codes of practice to obtain accurate results, drivers and staff get the message that the company will not tolerate infringements. Where drivers and staff are found to be repeat offenders, disciplinary action should be taken. These are the kinds of systems that the court and traffic commissioners will expect before any sympathy is given to an operator. 