

## Consultation

# Incentivising cleaner fuel technologies: implementing amendments to the General Circulation Directive and other associated proposals

November 2016

## **Alternative Formats of Consultation**

If you require access to this consultation document in a different format – e.g. Braille, disk, audio cassette – or in a minority ethnic language please contact Vehicle Standards Team at the following address or email and appropriate arrangements will be made as soon as possible.

Vehicle Standards Team  
Road Safety and Vehicle Regulation Division  
Clarence Court  
10-18 Adelaide Street  
Town Parks  
BELFAST  
BT2 8GB

Or by e-mail to:

[vehicle.standards@infrastructure-ni.gov.uk](mailto:vehicle.standards@infrastructure-ni.gov.uk)

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# Introduction

This consultation seeks views on new legislation coming into force across the EU by May 2017 (as a result of Directive 2015/719).

The Department is seeking views on a proposal to allow these vehicles to operate at a slightly higher weight to ensure that, for example, electrically-powered vehicles with heavier powertrains (compared to conventionally-fuelled vehicles such as diesel and petrol) are not disadvantaged by having a smaller payload. The proposals do not require operators to change business practices or to purchase new vehicles. They are deregulatory and go a significant way to incentivise the uptake of less polluting vehicle technologies.

For two-axle buses, an extra weight allowance is proposed for all vehicles, partly due to heavier luggage and loads. There are also some changes connected with shippers' responsibilities, container lengths, definitions of intermodal transport and some five-axle articulated lorries.

The Department also proposes to update domestic legislation to simplify the authorisation of vehicles designed to operate using hydrogen, compressed natural gas (CNG) and liquefied natural gas (LNG). The proposed amendments will enable new vehicles powered by these fuels, which have been type-approved to the relevant fuel system safety and emissions standards, to be used on our roads without separate authorisation.

The forthcoming negotiations will determine the future legal status of EU rules for the North of Ireland. Until exit negotiations are concluded, we remain a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Department will continue to negotiate, implement and apply EU legislation.

Responses to questions set out here will help inform how the proposals outlined above are taken forward.

# Background

- 1.1 Directive (EU) 2015/719 was published on 6 May 2015 and amends an earlier Directive<sup>1</sup> which sets out the maximum authorised weights for certain road vehicles<sup>2</sup> circulating internationally and maximum authorised dimensions for both national and international traffic within the European Union.
- 1.2 The amending Directive is a positive step towards encouraging environmental and safety changes in the vehicle fleet, by allowing an increase of both length and weight of certain vehicles. Manufacturers will be able to develop more aerodynamic and safer vehicles (without loss to load space) by allowing some increases in the maximum authorised length for certain vehicle types to facilitate this. The extra length will not be able to be used to increase the load capacity of vehicles.
- 1.3 **Please note that whilst the extra length provisions have been agreed in principle, the Commission is yet to agree a technical specification for these vehicles. This specification will take the form of amendments to type approval legislation in due course.**
- 1.4 The new Directive will also help industry by increasing the maximum authorised weight by up to one tonne for certain vehicles in International Traffic (as set out in 'The Table of Changes' in Annex 1) which use alternative fuel technologies<sup>3</sup>. This is so that any extra weight of the powertrain (when compared to a conventional powertrain) does not result in a reduced payload.
- 1.5 **Please note that there will be no increase to the current maximum authorised axle weights. Also, the Department does not intend to increase the weights or dimensions of any other vehicles.** Whilst maximum axle weights are not being increased, we accept that the actual in-use axle weight of vehicles will increase slightly from the extra weight afforded to certain vehicles, and have given an estimate of the likely additional road wear in Annex 1. However, experts consulted during negotiations advised that the road damage from weight increases over and above those currently permitted would not be significant.

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<sup>1</sup> 96/53/EC

<sup>2</sup> Category M2 and M3 motor vehicles and their trailers of category O and motor vehicles of category N2 and N3 and their trailers of categories O3 and O4.

<sup>3</sup> As set out in article 2 of the new Directive 2015/719: "Electricity consumed in all types of electric vehicles, hydrogen, natural gas, including biomethane, in gaseous form (Compressed Natural Gas – CNG) and liquefied form (Liquefied Natural Gas – LNG), Liquid Petroleum Gas (LPG), mechanical energy from on-board storage/on-board sources, including waste heat"

## Two-axle Buses

- 1.6 The maximum permitted authorised weight of two-axle buses in International Traffic will be increased by 1.5 tonnes. This increase applies to all two-axle buses regardless of their powertrain and is to help compensate for additional emissions control components and any alternative fuel technologies that may be used. A photo of a hydrogen-fuelled bus is attached at Annex 3.
- 1.7 The new Directive allows the weight increases, as set out in paragraphs 1.4 and 1.6, when used for international journeys. The Department proposes allowing operators to benefit from these weight increases for domestic journeys as well as international journeys.
- 1.8 The increase of 1.5 tonnes to the maximum gross weight of two axle-buses will apply to both new vehicles and those currently in service. There will be an exemption provided for in legislation for those two-axle buses currently in service to have to change the maximum gross weight on the manufacturer's plates<sup>4</sup>.

## Heavy Goods Vehicles and Three-axle Buses

- 1.9 The additional weight that is due to the alternative fuel technology of certain vehicles will be assessed as part of the type approval process. The resulting documentation will specify the additional weight. In the case of goods vehicles, the additional weight will be included in the maximum gross weight, and if applicable, the gross train weight of a motor vehicle, which is displayed on a manufacturers plate which is required by Schedule 11 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999. A photo of a Liquefied Natural Gas tank on a lorry is attached at Annex 3.
- 1.10 For three-axle rigid buses and articulated buses, again the additional weight that is due to the alternative fuel technology will be assessed as part of the type approval process. However, for this category of vehicles the additional weight would be included in the gross vehicle weight column of the vehicle manufacturer's plate required by regulation 79 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999.

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<sup>4</sup> The exemption is drafted in our draft SR, the relevant part of which is at Annex 2

1.11 It is anticipated that the masses and dimensions type approval legislation (Commission regulation (EU) No.1230/2012) will be amended in due course to require the assessment of any additional weight that may be due to alternative fuel technologies for such approvals.

## **Shipper statements of weight**

1.12 The new Directive also requires a shipper to give a statement of weight to the haulier who is transporting their container or swap body. The aim of this is to help address the concern that a container or swap body arriving by ship, for example, may be heavier than lorries can carry legally for the onward journey and the haulier otherwise has no way of knowing this. This should also help to protect the operator / driver from being penalised if they are stopped by the police or DVA and the vehicle is found to be overloaded due to the weight of the container or swap body being heavier than expected. If the vehicle is found to be overloaded, the shipper could be found to be liable if they have not provided the statement of weight or if the declared weight is incorrect.

## **Intermodal transport operations**

1.13 Currently, we accept 3 + 2 (three axle motor vehicle + two axle trailer) articulated vehicle combinations to operate at 44 tonnes as part of an intermodal transport operation. The amendments to the Directive extend the provisions for intermodal transport operations to allow 2 + 3 (two axle motor vehicle + three axle trailer) articulated combinations to operate at a maximum weight of 42 tonnes.

1.14 The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 will be amended to reflect these changes. However, as with the pre-existing Directive requirement to accept 3+2 articulated combinations at 44 tonnes, we do not plan to amend our legislation to allow the general operation of 2+3 articulated vehicles at 42 tonnes for national journeys. This is because our national regulations encourage the use of six-axle articulated vehicles that have road friendly suspension and twin tyres to reduce structural road damage as far as practically possible.

1.15 The European Commission in 2006 (SEC(2006)1581) advised Member States that Directive 96/53/EC allowed the carriage of 45 foot long freight containers even though the maximum permitted vehicle length would be exceeded by 15cm. The new Directive now makes it clear that these containers may be legally carried as part of an intermodal

transport operation. The new Directive also allows articulated vehicles to carry two containers or swap bodies that have a combined overall length not exceeding 45 feet. The maximum permitted length of articulated vehicles has therefore been increased by 15cm to 16.65 metres when carrying containers/swap bodies, for all of the different vehicle combinations mentioned in paragraph 1.13.

1.16 As a result of amendments to the Directive, previous provisions for Combined Transport will now apply to 'intermodal transport'<sup>5</sup>, which is more broadly defined. Given that 'combined transport operations' only relate to pan-European journeys, intermodal journeys extend coverage to worldwide operations. This will greatly facilitate the carriage of 45 foot containers.

### **Removing vehicle special order (VSO) requirements for certain alternative fuels and other amendments**

1.17 We also propose to amend The Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 to reduce administrative burden in authorising hydrogen and liquefied natural gas (LNG) fuelled vehicles for use on our roads. At present the regulations prohibit the use of gas-fuelled vehicles (except liquefied petroleum gas) without special authorisation. Individuals wishing to operate hydrogen or liquefied natural gas (LNG) fuelled vehicles currently have to seek special authorisation to do so, by applying to the Department for Infrastructure for a Vehicle Special Order (VSO) for each individual vehicle.

1.18 Hydrogen and LNG fuelled vehicles are now in production, and relevant fuel system safety standards have been implemented in EU type approval legislation. Consequently the prohibition on the general use of these vehicles in domestic legislation is no longer appropriate. We propose to amend this legislation to permit use of hydrogen, natural gas and biomethane fuelled vehicles which have been approved to EU Whole Vehicle, Small Series, National Small Series or Individual Vehicle Approval regimes and were fitted with the gaseous fuel system at the time of their approval. As a result, individuals wishing to use these vehicles will no longer need to obtain a VSO before they can do so.

1.19 We will also update the reference to the Department for Transport publication entitled "In Service Exhaust Emission Standards for Road Vehicles - Eighteenth Edition".<sup>6</sup>

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<sup>5</sup> Intermodal transport is defined in our draft SR, the relevant part of which is at Annex 2

<sup>6</sup> ISBN 978-0-9549352-8-3



# How to respond

The consultation period began on 15 November 2016. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at <https://www.infrastructure-ni.gov.uk/consultations> or you can contact the Department if you would like alternative formats (Braille, audio CD, etc).

The consultation period will close on **Tuesday, 10 January 2017**. Responses to this consultation should be forwarded to reach the Department on or before that date, and should be sent to by post to:

Vehicle Standards Team  
Road Safety and Vehicle Regulation Division  
Clarence Court  
10-18 Adelaide Street  
Town Parks  
BELFAST  
BT2 8GB

Or by e-mail to:

[vehicle.standards@infrastructure-ni.gov.uk](mailto:vehicle.standards@infrastructure-ni.gov.uk)

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

## Confidentiality & Data Protection

Your response may be made public by DfI. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisations IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you

want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

### **Freedom of Information Act 2000 – confidentiality of consultation responses**

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

# Consultation questions

For each question below please explain the reason(s) for your answer and provide evidence when available. Please note that under our proposals, there is no requirement for operators to take advantage of the extra weight allowances - this will only be done on a voluntary basis.

## **Options:**

Allow an increase of up to a maximum of 1 tonne gross vehicle weight for certain vehicles using alternative fuel technologies (as listed in footnote 3) and allow an extra 1.5 tonnes for all two-axle buses to operate:

Option 1: in international traffic only (as per the requirements of the Directive)

Option 2: in both purely domestic traffic as well as international traffic.

## **Our proposed policy option is option 2**

**Q.1** Which option, 1 or 2, do you prefer? Please explain your answer.

**Q.2** We welcome views from stakeholders with regard to the anticipated benefits and costs of the two options set out above. This should not include costs related to new vehicles or infrastructure. Please provide any details and any evidence on:

- a) the anticipated costs and benefits (e.g. economic, environmental, congestion, safety) that transposing the Directive only (as set out in option 1) would bring.
- b) the anticipated costs and benefits (e.g. economic, environmental, congestion, safety) that the proposed policy option (option 2) would bring

**Q.3** Please provide any evidence on the impact on fuel consumption and fleet running costs. So, for example, if a fleet switched from diesel to electric or gas vehicles.

- a) For option 1
- b) For option 2

**Q.4** How do you think there will be an impact on small firms?

- a) For option 1
- b) For option 2

**Q.5** How many haulage operators do you think will take advantage of extra weight allowances for vehicles with alternative fuel technologies?

- a) For option 1
- b) For option 2

**Q.6** How many bus operators do you think will take advantage of extra weight allowances for 3 axle buses with alternative fuel technologies?

- a) For option 1
- b) For option 2

**Q.7** How many bus operators do you think will take advantage of the extra weight allowance for 2 axle buses and use part of this extra weight allowance for alternative fuel technologies?

- a) For option 1
- b) For option 2

**Questions regarding general provisions of the new Directive that we are required to implement and not related to the policy options above**

**Q.8** Article 10f of the Directive states that a shipper must give a statement of weight to the haulier who is transporting their container or swap body. Do you believe that this is best achieved as we have set out in **Annex 4**? If not, is there a better way of doing this?

**Q.9** Do you believe there will be any monetised costs or benefits from this new provision?

**Q.10** Will formalising the Commission's clarification of the carriage of 45 foot containers (as set out in paragraph 1.15) bring about any monetised costs or benefits?

**Q.11** Will there be any costs or benefits from allowing the extra 2 tonnes in weight (from 40 tonnes to 42 tonnes) for articulated vehicles comprising a two-axle tractor unit drawing a three-axle semi-trailer as part of an intermodal transport operation?

**Q.12** What percentage of operators do you believe will use these provisions in question 11 for intermodal journeys?

**Questions regarding the proposal to rescind the requirement of a vehicle special order (VSO) for type-approved hydrogen and gas powered vehicles**

**Q.13** Do you agree with the proposed approach of amending the Construction and Use regulations to permit use of hydrogen, natural gas and biomethane fuelled vehicles that have been type approved to relevant EU gas fuel system safety standards?

**Q.14** What are the estimated benefits for users of these vehicles in administrative time saving through not having to apply for VSOs?

**Q.15** Should the Construction and Use amendments also remove the need for VSOs for post registration converted vehicles (provided the fuel system components have been approved to EU gas fuel system safety standards and installed correctly)?

# Annex 1

## Goods vehicles - table of principal weight changes

		Max weights permitted (kg)			
Vehicle configuration	Total no of axles	Current maximum weight limits for national traffic	Directive 96/53/EC limits for international traffic (before amendments)	Amendments to Directive 96/53/EC (for international traffic) by (EU) 2015/719	Proposed additional amendments to maximum weight limits for national traffic
<b>Rigid motor vehicles</b>	2	18000	18000	18000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 7%<sup>2</sup></i>	18000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 7%<sup>2</sup></i>
	3	26000	26000	26000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%<sup>2</sup></i>	26000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%<sup>2</sup></i>
<b>Articulated vehicles</b>	5	40000 (44000 <sup>1</sup> 3+2 combinations)	40000 (44000 <sup>1</sup> 3+2 combinations)	(42000 <sup>1</sup> 2+3 combinations)  <i>Est max additional road wear for 42000 (2+3 combinations) is c22% less than the 44000 3+2 combinations already permitted.<sup>2</sup></i>	N/A

## Buses - table of principal weight changes

		Max weights permitted (kg)			
Vehicle configuration	Total no of axles	Current maximum weight limits for national traffic	Directive 96/53/EC limits for international traffic (before amendments)	Amendments to Directive 96/53/EC (for international traffic) by (EU) 2015/719	Proposed amendments to maximum weight limits for national traffic
<b>Rigid Bus</b>	2	18000	18000	19500 <i>Est max additional road wear 12%<sup>2</sup></i>	19500 <i>Est max additional road wear 12%<sup>2</sup></i>
	3	26000	26000	26000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%<sup>2</sup></i>	26000 (+ a max of 1 additional tonne if the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 9%<sup>2</sup></i>
<b>Articulated bus</b>	3	28000	28000	28000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 4.5%<sup>2</sup></i>	28000 (+ a max of 1 additional tonne where the vehicle is approved with an alternative fuel powertrain) <i>Est max additional road wear 4.5%<sup>2</sup></i>

<sup>1</sup> Operation at over 40000kg is restricted to Intermodal Transport Operations.

<sup>2</sup> Estimated maximum additional structural road wear resulting from weight increases (for those motor vehicles that are approved with an alternative fuel powertrain to operate at the maximum 1t increase to their maximum GVW).

Note: these estimates are based solely on increases to in-use axle weights of vehicles operating at their maximum GVW.

# Annex 2

## Intermodal Transport Operation

““intermodal transport operation” means transport operations engaged in the transport of one or more containers or swap bodies, where all of the following conditions are met—

- (a) the total maximum length of the vehicle is no more than 45 feet;
- (b) the initial or final leg of the journey uses the road;
- (c) another leg of the journey uses rail or waterborne transport;
- (d) no goods are added to or removed from the loading unit between the time when the journey begins and when it ends; and
- (e) the length of the initial or the final road leg does not exceed 150 km in Northern Ireland, except where necessary to reach the nearest suitable transport terminal.”

## Plates for Buses

In Regulation 79, insert—

“ A maximum gross weight in Northern Ireland of 18000 kg may be displayed on the plate of a motor vehicle with two axles which falls within paragraph 1(b) and is first used after 19<sup>th</sup> July 1999 where the maximum gross weight determined in accordance with the Motor Vehicles (Authorised Weight) Regulations (Northern Ireland) 1999 exceeds 18000kg.”.



# Annex 3

A hydrogen-fuelled hybrid electric bus:



A Liquefied Natural Gas tank on a lorry:



# Annex 4

## *“Information about the Weight of a Container*

6.—(1) The shipper must give to the haulier to whom it entrusts the transport of a container or swap body a statement indicating the gross weight of the container or swap body transported.

(2) The haulier must provide access to all documentation relevant to (1) provided by the shipper to enforcement authorities.”