

**Considerations from the User regarding Regulation 34  
Diesel spillage**

Transmitted by the Federation of European Motorcyclists' Associations (FEMA)

**1. Introduction**

FEMA comes to the process of the Global Harmonisation of Vehicle Technical Regulations representing motorcycle riders beyond the European parameter contained in our title in that we are part of an international coalition. This includes North American riders' organisations, and the international federation of motorcycling (FIM).

We also have what we believe is an experience that is relevant through representing our interests within the European Union's type approval harmonisation process. We recognise that our experience, and the expertise that comes from it, is not that of the technical expert. It comes from understanding the objectives and consequences of the harmonisation process from the point of view and the interests of the user, the consumer.

We understand that during its 81<sup>st</sup> meeting GRSG decided to send document TRANS/WP.29/GRSG/2001/10/Rev.1 to WP.29 for adoption. This document was however amended by informal document No. 4 from OICA, in that §5.9.1 and §5.9.1.1. do not retain the requirement of the use of a chain in order to secure the filler cap to the tank. This requirement for M1 and N1 vehicles had been introduced by the European Parliament, with the proactive support of FEMA, in Directive 70/221/EEC on fuel tanks, which is recalled in the introductory note to document TRANS/WP.29/GRSG/2001/10/Rev.1. FEMA is concerned about the exclusion of this requirement and about the connected safety implications for motorcyclists.

**2. Diesel spillage and motorcyclists - Directive 70/221/EEC**

The spillage of diesel fuel from heavy commercial vehicles is particularly dangerous for riders. This occurs when the vehicle's fuel tank has been filled or overfilled and/or the tank cap is either faulty, or even missing. When the vehicle enters a bend or roundabout after filling, the resulting surge often results in several litres of fuel being deposited on the road surface. The result is a very slippery and invisible surface of which the motorcyclist has no warning and it almost inevitably results in the rider and machine parting company, often with serious consequences for the rider. This is also a potential danger for the upcoming vehicles.

When on the 24<sup>th</sup> of April 1998 the Commission submitted a proposal to amend Directive 70/221/EEC, FEMA supplied evidence supportive of its case:

- British Government on change to national Construction & Use Regulations 1990: "A change to the regulations governing motor vehicle fuel tanks will help reduce the amount of diesel fuel spilt on the roads, especially from heavy goods vehicles. The new requirements will be particularly helpful

to motorcyclists and pedal cyclists who are the road users most at risk from skidding on diesel slicks."

-Messieurs ROUX & HAZIZA, Presidents, national committees of owners & tenants of petrol stations, Service des Détaillants en Carburants, CNPA, France (9 Oct. 98): "We confirm that a certain number of drivers or trucks and cars forget to or incorrectly replace the fuel tank cap, and on these occasions the product is deposited on the road, which can be prejudicial to motorcyclist".

-The German Federal Government has recognised diesel spillage as a problem through the adoption of an environmental decree of 1994 forcing petrol stations to use sealed slanting surfaces of forecourts in the different Länder.

-Research & Statistics:

- a) 1995 Sandwell survey (UK): 12% of riders put accident liability to fuel spillage.
- b) France accident statistics by SETRA 1990-1997, indicate high proportion of accidents due to slippery road surface.
- c) 1986 Transport Research Laboratory (TRL) report: 9% of 1242 riders surveyed said that their worst accident had been due to fuel spillage.
- d) The Netherlands 1998, individual riders' experiences of diesel spill accidents.
- e) Stoke on Trent (UK) survey: 8.3% of riders put accident liability to fuel spillage.
- f) Essex Country Council (UK) study: recommends prompt removal of spilled fuel at accident blackspots.
- g) National Motorcycle Council research (UK 1990): criticism of fuel tank design by commercial vehicle fleet operators.
- h) Carole Nash motorcycle insurance company (UK) reports that 25% of all single-vehicle accidents, or 11% of all accidents, are diesel spill related.

Support for FEMA's position was expressed by IRU - International Road Transport Union (truck owners), RHA - Road Haulage Association (truck drivers), and TGWU - Transport & General workers Union.

During the inter-institutional discussions at European Union level on the Directive, FEMA proposed the introduction of a warning light signalling to the driver of the heavy commercial vehicle that the tank cap was missing or hadn't been properly latched and closed. Similarly, FEMA also supported the introduction of the requirement for a chain fixing the tank cap to the filler pipe. While the warning light provision was not retained at the end of the discussions, the use of the chain for M1 and N1 vehicles was widely supported within the European Parliament and adopted in the final version of the Directive, in recognition of the safety arguments put forward by riders.

### **3. Concluding remarks**

The requirement for M1 and N1 vehicles of a chain fixing the tank cap to the filler pipe adds to road safety, since it significantly diminishes the possibilities of forgetting to properly close the tank cap. Furthermore, in the event of the tank cap not being fixed correctly, a driver of these vehicles can be alerted by hearing it knocking against the bodywork of the vehicle. It therefore contributes to limiting the dangers related to diesel spillage for motorcyclists and other road users. As the representative of road-riding motorcyclists and for the above-mentioned

reasons, FEMA would therefore appreciate if §5.9.1. and §5.9.1.1. in document TRANS/WP.29/GRSG/2001/10/Rev.1 were kept in their original form.

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