

Transport Policy Assignment 1

by William Clent

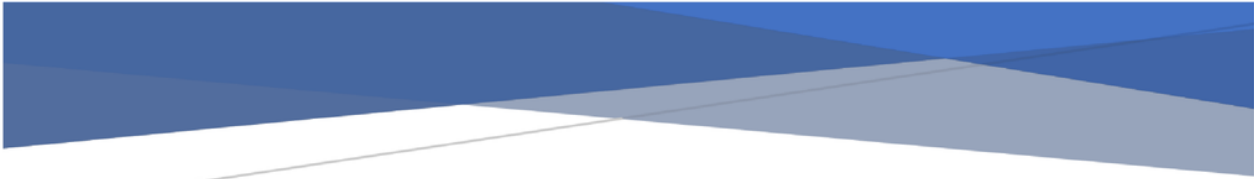
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CARRIER'S RESPONSIBILITIES & LIABILITIES OF CARRYING
THIRD PARTY GOODS
WILL CLENT

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CARRIERS RESPONSIBILITIES AND LIABILITIES OF CARRYING THIRD PARTY GOODS

Introduction

In this report there will be a discussion of the liabilities that carrier's face when transporting different types of third-party goods and what preparations they must make to ensure that the transportation is done legally and safely. Also, key responsibilities of what processes the carriers have to par take in whilst transporting third party goods will also be issued in this report. This report will be referenced to Motorsport and the companies within the industry who par take in the shipment of the third-party goods.

DHL Responsibilities & Liabilities within Motorsport

DHL have been involved within the motorsports industry for over 30 years according to the DHL Website (2018). They have a huge responsibility of logistically moving everything from race to race According to DHL (2018) ... They have 36 hours to move from event to event to pack everything and get it boxed and loaded, an example of this is what they call 'Pit to Pit in 36' meaning they packed up and moved from one venue to another within 36 hours. Here's a few examples of where they move logistically.

"Back-to-back races in 2016: Argentina to USA, Austria to Czech Republic, Great Britain to Italy, Japan to Australia, Australia to Malaysia.

Farthest distance between back-to-back races: ca. 7,000 km from Termas de Río Hondo Circuit in Argentina to Circuit of the Americas in Austria

Shortest distance between back-to-back races: 335 km from Red Bull Ring in Austria to Automotodrom Brno in Czech Republic"

According to Lowe D (2011), the carrier has the responsibility of making sure the equipment transporting the goods is in fully working order, however the consignor has the responsibility of making sure that what dangerous goods they hand over meets the requirements of ADR, ADR is a European agreement of standards on how to transport dangerous goods. DHL would have to go through these same processes when transporting Motorsport Teams, because depending on what they have on board some of the stock they transport are dangerous goods. However, they would be classed as class 1.3 & 3 which would be the e85 race fuel they use to fuel their race cars and the oil and lubricants. These would have to be kept sealed and in stable position when transported to avoid any flammable leakage. DHL would also have to display on the outside of the vehicle what dangerous goods they are transporting, this would be to show with the correct sign which would be Division 3 and Flammable liquids black on red or white on red, there could potentially be more signs on the vehicle depending on what else was being transported.

Other precautions they would have to take is that they have the correct paper work on board and that it correlates to what is being transported, they must also ascertain that the load is within the prescribed weight and dimensions that the transporting vehicle can hold and that it matches the

paperwork from the consignor. It's the carrier's responsibility to ensure there's no missing equipment nor is there any defects or leakage on board before setting off. The paperwork also has to be readily available in the instance that the carrier is stopped by the Police or VOSA, failing to show the correct documentation is a criminal offence which could lead to prosecution, so it is a vitally important factor that the carrier has all of his documentation up to date and available.

They are also responsible for planning their route and making sure the load their transporting is suitable for that route, for example if there are any low bridges or tunnels, they would also have to plan in case they have a heavy or wide load. Within motorsport they would have to ensure they plan a route that isn't likely to get congested which could affect their arrival time, as its important that goods arrive on time however, in motorsport they have an extraordinarily small amount of time to pack all the equipment from a venue to ship it to another which includes the transportation of the teams. DHL transport MotoGP around the world here's an example of two track that are furthest away from one another, from Losail Circuit in Qatar, too Americas in the USA amounts to 13,100 Kilometres this includes travelling by road, air and sea, that's only 2 of the 18 race tracks in the tournament they travel too. All in all, DHL transport MotoGP 90,000kilometers in one season.

Another factor to consider is the High Value loads which is applicable to DHL in Motorsport, because they are very valuable and quite often prototypes being raced. DHL would have to ensure their insurance policy covers the high value load during overnight stays and in other high-risk places. Because according to Lowe D (2011) Insurance Policies frequently contain clauses identifying that the vehicles carrying the high value goods should be parked securely or on a locked premise. This is called the 'Night Risk' Clause. Getting this wrong could cost the transporting companies hundreds of thousands in pay outs, it's a key factor to get prepared before transporting any items. It is a crucial element of transporting third party goods to ensure that they are not broken or stolen whilst in the carrier's possession.

Licensing

The liabilities of transport companies such as DHL face depend on the goods they are carrying, if the goods are deemed as dangerous or excessively large then there can only be specific licenced drivers who can operate the vehicle for example, moving flammable liquid it would be under UN Class 3 and the driver would need a DGSA certificate that verifies they have the correct training to transport the dangerous goods. There are also age restrictions on what can be driven by what driver, for example according to Lowe D (2011) a driver age 17 cannot exceed 3.5 tonne passenger vehicle limit nor can they carry more than 9 passengers, however they can drive an agriculture tractor. However, to drive a goods vehicle they must have the Drivers Certificate of Professional Competence (CPC) and the correct licensing dependant on there goods i.e. Dangerous or non-dangerous. According to Lowe D (2009) To simplify an incident where a dangerous goods vehicle has been in a collision drivers are obliged to carry Tremcards, Tremcards are small cards that identify what dangerous substances are on board and what protective clothing and what procedures need to be followed in order to handle them, they also provide useful information from the manufacturer.

Third Party Goods

Third-Party Goods are essentially goods that don't belong to the company or person who are transporting them but to an external third party. An example of this is F1, DHL may sponsor the sport and transport them, but they don't own the goods being transported. Other examples of third-party goods are the transportation of the MotoGP and WTCC which is the World Touring Car Championship. Third-Party Goods are the most common type of transported goods in the UK, almost all of the packages being delivered by the major companies such as UPS, FedEx and Royal Mail. Although the Third-Party Goods essentially belong the end Consumer, if the package gets damaged

or lost in transit it's not the Third-Party that's responsible for the package. According to Which (2015) the 'Which Consumer Rights Act 2015' states it's the sellers of the item in transit to refund or replace the item, it's not the courier's liability, (unless the Night Clause applies) if it doesn't apply then this is not a concern of DHL's when transporting goods, however to keep contract with suppliers and other organisations they have to transport the goods as efficiently and as safely as possible. They do this by taking specific training in how to handle goods in transit. According to Lowe D (2009) under Safety of Loads on Vehicles they have a list of how to ensure loads are kept safe and not in danger to the carrier or the public, examples of the list are 'Make sure that loose bulk loads cannot fall or be blown off your vehicle' another is 'Make sure your vehicle's load space and the condition of its load platform are suitable for the type and size of your load' by creating a list of do's and don'ts this ensures the drivers have specific instructions on how to and how not to load there vehicles. This also covers the company with regards to legal aspects, as if they didn't make their employees aware of the risks and how to handle them safely then the company could be held accountable if it ever came to court.

Conclusion

To conclude the Carrier's responsibility and liabilities of transporting third party goods varies depending on the load, location and what restrictions are faced on each one. The variation means that the carrier of the third-party goods has to do different preparation processes to ensure the legality of the job. As stated there are different variations of licenses and certificates that the carrier is responsible to get before transporting certain third-party goods. To insure these rules and regulations are met there are standard systems like ADR they abide by to insure safety and efficiency of transporting goods. Carriers liabilities and responsibilities are the same whether it's a dangerous load or not, they may have more risk of causing harm if there was a collision, if its Third-Party Goods or even if it's the organisations transporting their own goods, they all still have to ensure their job is done efficiently, safely and legally.

REFERENCE PAGE

(In order of how they are presented in the report)

DHL (2018)

http://www.dhl.com/en/about_us/partnerships/motorsports/motogp.html

<https://www.dhl-in-motion.com/en/motogp/article/what-you-need-to-know-about-motogp-logistics>

David Lowe Transport Manager and Operators Handbook (2011) Page 478

David Lowe Transport Manager and Operators Handbook (2011) Page 242

David Lowe Transport Manager and Operators Handbook (2011) Page 159

David Lowe Transport Manager and Operators Handbook

Consumer Rights Act (2015) Supply of Service

<https://www.which.co.uk/consumer-rights/regulation/consumer-rights-act>

David Lowe Transport Manager and Operators Handbook (2009) Safety of Loads Page 451

Transport Policy Assignment 1

GRADEMARK REPORT

FINAL GRADE

GENERAL COMMENTS

43/100

Instructor

The assignment is to be in the form of a written report in which you will discuss the Carrier's Responsibilities and Liabilities when carrying third party goods. The task assignment is to be 1,750 words, +/- 10%.

Assessment Criteria:

Outline the carrier's responsibilities and liabilities under law and their defence against spurious claims

Word Count 1613

Word Spacing to be 1.5, not 1.15

Not a very inspiring assignment to be honest, you briefly skirted around the carriers responsibilities and liabilities, with little or no supporting evidence. Although you quoted Lowe (2011) in many cases, you failed to quote, legislation such as the Sale of Goods and Services Act 1982, Carriage of Dangerous By Road Regulations (1996), ADR (2019), IMDG (2018) & IMDG Supplement (2018) & IATA 60th Edition.

This shows a scant lack of research., there are many papers in google scholar which you could have used to support this report.

Your cover sheet is incomplete. This could have been so much better with evidential support in addition to Lowe (2011).

You failed to answer the assignment assessment criteria.

PAGE 1

PAGE 2

PAGE 3



Comment 1

Where is your evidence to support this.



Comment 2

So Motorsport move Class 1 items - explosives? You might want to think again.



Comment 3

E85 fuels are classified under ADR as Class 3

PAGE 4



Comment 4

Lowe (2011)



Comment 5

DGSA does not certify the drivers training record, the DFSA certifies that the goods have been prepared and packaged for transport iaw Movement of Dangerous Goods by Road Regulations (UK). An individual trained and certified by the Civil Aviation Authority certifies that the goods have been prepared and packaged iaw the ITA Regulations etc. If the driver was a third party operator how would the DGSA know his current trg record. The Driver must produce his ADR licence, it must be current and have the category appropriate to the goods they moving endorse on it.



Comment 6

incorrect use of a capital letter



Comment 7

What about safety data sheets???????

PAGE 5



Comment 8

This depends on how the item is damaged, it may well be damaged by the third party carrier and in which the third party carrier becomes liable.

