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9th February 2009

Dear Mr Shepherd

Collision of Tram and Double Decker Bus in September 2008 at Croydon

Thank you for your correspondence dated 6th January 2009, which was addressed to our Divisional Manager, Jill Adam, regarding the collision at Croydon. I am replying as I have responsibility for this issue.

The Vehicle and Operator Services Agency investigate accidents involving public service vehicles when requested to do so. On this occasion no request was made so we are unable to comment on this particular incident.

In your report you noted that a passenger was thrown from the bus as a result of the impact with the tram and that the side windows on the upper deck of the bus appeared to offer little protection to persons sitting on a front seat in a collision of this type.

There is no specific requirement for buses to have side windows and no requirement on strength of fixing when windows are fitted. This is the case in both domestic and international legislation.

The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations, SI 1981 No 257, contain general requirements on the construction of vehicles; mainly Regulation 34, which states:

The requirements as to the construction, weight and equipment of motor vehicles contained in any regulations for the time being in force under section 40 of the Road Traffic Act 1972 shall be complied with in the case of every vehicle; and all bodywork, upholstery and fittings, shall be soundly and properly constructed of suitable materials, well finished and in good and serviceable condition, and of such design as to be capable of withstanding the loads and stresses likely to be met with in normal operation of the vehicle.

There is also a requirement in the Road Vehicles (Construction and Use) Regulations, SI 1986 No 1078 and under section 40A of the Road Traffic Act 1972, which state that:

A motor vehicle, every trailer drawn thereby, and all parts and accessories of such vehicle shall at all times be in such condition, and the number of passengers carried, and the manner in which any passengers are carried in or on a vehicle; and the weight, distribution, packing and adjustment of the load of a vehicle shall at all times be such that no danger is caused, or is likely to be caused, to any person in or on a vehicle or trailer or on a road.

Gasket glazing is widely used in road vehicle construction and is an accepted method for fixing windows in frames. It is unlikely that any of the regulations mentioned have been contravened.

Ultimately it is a matter for the courts to decide.

Yours sincerely

Brian Greenway