

Terrorism on the Roads: An Evolving Risk

Recent terrorist attacks in the UK involving vehicles are a sobering reminder that those wishing to cause harm will look to use new ways to cause maximum disruption. Terrorists and lone wolves have turned to this new tactic in the past year with several of these vehicle attacks now witnessed worldwide, resulting in more than 100 deaths.

USE OF THE VEHICLE AS A WEAPON¹

- **14 July 2016: Nice, France.** A lorry ploughed through a large crowd watching a fireworks display to celebrate Bastille Day. 85 people died and many were injured.
- **22 March 2017: London, UK.** An attacker drove his rental car into pedestrians on Westminster Bridge and forced his way into Parliament grounds. Five people died and at least 40 were hurt.
- **3 June 2017: London, UK.** A van mounted the pavement at London Bridge/Borough Market and was driven into pedestrians. Eight people were killed and 48 were injured.
- **28 November 2016: Ohio, US.** A car crashed into a campus crowd. 11 people were injured.
- **7 April 2017: Stockholm, Sweden.** A stolen truck drove into pedestrians and a department store in a major shopping district. Five people were killed and more than a dozen were wounded.
- **17 August 2017: Barcelona, Spain.** A van was driven into pedestrians in the busy Las Ramblas area in Barcelona. 15 people were killed and more than 130 were injured.
- **19 December 2016: Berlin, Germany.** A stolen tractor-trailer drove into a Christmas market crowd. 12 people were killed and at least 48 injured.

TECHNOLOGY AND THE GOVERNMENT RESPONSE

With this particular method of attack becoming all too familiar, governments are now looking at ways to combat the emerging threat of road vehicles used as weapons in public environments. In April 2017, the Swedish Minister for Infrastructure met with authorities, municipalities, trade unions, and

representatives of the transport industry to discuss potential ways to prevent these attacks in the future. Swedish vehicle manufacturers are currently working on the development of technical support systems in order to increase security within the existing legal framework.² In 2012, the European Commission also set up a working group on transport security (LANDSEC), which highlighted the lack of EU legislation in land transport security

and made suggestions with regards to possible areas where EU action could add value.

In the UK, the Department for Transport is investigating the possibility of how new digital technologies or 'geo-fencing' can be used to stop unauthorised vehicles entering restricted zones. Geo-fences are virtual boundaries that are dynamically generated, like a radius around a point location or

around a set of boundaries, such as government buildings or public/potential target areas, like shopping centres. This technology could be utilised by commercial fleet operators who, by using telematics, tracking systems, and on-board computers, could set up a system whereby, if a vehicle enters a specific area, an alert can be raised or, in the case of combating terrorism, the car, van, or truck could be stopped. If a driver crossed the electronic boundary, the system would connect with the on-board computer and limit the vehicle's speed to a safe level, effectively blocking unauthorised vehicles from security sensitive areas. The Department for Transport is also in discussions with manufacturers to explore how it and other technical safety measures might be improved.

Trak Global Group, a UK-based telematics technology company, is urging the UK Government to partner with the sector to explore how telematics could help prevent terrorist attacks, where a vehicle is hijacked and driven into crowds of people.³ The company's research division is looking at how to link the telematics systems and smartphone apps to a centrally managed platform (called the Universal Telematics Alert Receiver or UTAR), where all forms of telematics devices can alert law enforcement agencies to criminal activity, including terrorism.

The company is working on a unique driver identity device, which creates an alert if the authorised driver becomes involuntarily separated from their vehicle and can be used to disable a vehicle when the driver isn't nearby or logged in. The ability to use the technology to immobilise a vehicle remotely is already possible and could be utilised in scenarios similar to recent events. Trak Global believes that it is this sort of technology that could have stopped the perpetrators in the Nice attack – where the 19-tonne lorry that was driven into the crowds drove approximately 1.1 miles for about five minutes before the incident occurred. It is during this time that remote immobilisation could have been used to slow the vehicle down to a walking pace or stop it completely.⁴

Similar technology is already being utilised in the aviation sector, as geo-fencing has been used in drones to stop them from flying into restricted air space. The Government has just closed a consultation on the future safe use of drones in the UK, which included a proposal to require geo-fencing to be installed on all commercially sold drones.⁵ The technology requires accurate and up-to-date mapping information, including details of restricted airspace.

The concern for national governments is the threat to critical infrastructure, airports, military bases, and government facilities, which may become the primary target of vehicle attacks in the future. Any attack of this nature would certainly have a debilitating effect on national security, public safety, and economic stability.

TERRORISM AND THE MOTOR INSURANCE INDUSTRY

Historically, the terrorism cover provided by insurers has varied considerably, for example, some insurers exclude terrorism damage to the insured's own vehicle. In the case of third-party liability cover, some insurers have limited third-party property damage to GBP5 million, while some only give the minimum cover required under the Road Traffic Act, which is GBP1.2 million.

Effective 1 March 2017, the Motor Insurance Bureau's (MIB) Articles of Association were amended to require insurers to deal with, and pay from their own funds, some uninsured losses including terrorism and untraceable drivers, possibly leaving insurers exposed to the costs of such incidents. This could have a significant impact on insurers with self-drive hire and bus and coach exposure.

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Although insurers will remain in discussion with the MIB, at this time, they remain responsible for these exposures, and many are imposing additional premiums and/or changes to their terms and conditions to their policy wordings.⁶

NEW WORLD ORDER BRINGS NEW RISKS

Against this new terror risk, fleet operators and rental companies will need to be increasingly vigilant. The Department for Transport is working with the police and the vehicle rental industry (British Vehicle Rental and Leasing Association)⁷ to explore what more can be done to prevent the malicious use of hire vehicles. Rental rules may need to be amended, and several measures are currently under discussion, including whether customers could be cross-checked immediately by police against terrorist watch lists before hiring a vehicle, and whether information can be shared more effectively with law enforcement organisations to help them with their investigations.⁸

Rental firms are generally unwilling to hire large trucks to new customers who do not have a business account, and it was reported that the terrorists who carried out the London Bridge attacks in June had unsuccessfully attempted to hire a 7.5-tonne vehicle – reportedly due to insufficient funds on their credit card. However, anyone with a UK driving licence can normally hire a transit van or vehicle up to 3.5 tonnes, so the threat remains.

A PROACTIVE APPROACH TO RISK

Fleet operators should take a proactive approach to guard against this new risk and to ensure that they are adhering to their duty of care obligations. It is a legal requirement to make sure that anyone you



employ to drive a vehicle has the right licence and qualifications. In addition, insurers generally require insureds to check the licences of all those who drive on the company's business, in order to identify serious endorsements or accumulations of penalty points.

On 8 June 2015, the paper counterpart to the photocard driving licence ceased to be valid and will no longer be issued by the Driver and Vehicle Licensing Agency (DVLA) in Great Britain. Therefore, you cannot rely on the paper copy of the licence to make the necessary checks. Information concerning endorsements and vehicle driver entitlement will be held on the DVLA's driver record, and can be accessed online, by phone, or post.

Security should be paramount for all operators, not just those who are transporting valuable/attractive goods. Instructions should be provided to all drivers relating to security precautions that need to be taken, which should include parking in secure areas wherever possible (in well-lit areas with other vehicles, not in isolated locations) and reporting any suspicious activity.

OUR ADVICE - LICENCE CHECKING

- Licences should be checked at no less than 12-monthly intervals – more frequent wherever possible.
- You should reflect the changes in your driver handbook or other internal guidance.
- You may wish to use a driver questionnaire in addition to a licence check mandate.
- A questionnaire, which can be completed upon employment and annually thereafter, is a useful tool to obtain additional information not revealed by the licence check (for example, accident history, health conditions, and any prior insurance declinatures).
- Regular licence and health checking enables fleets to continually assess a driver's overall health and suitability to drive.

STEP-BY-STEP GUIDE TO BEST PRACTICE

- Check licences and utilise the DVLA's driver record facility at the time of employment and at least every 12 months.
- Undertake extensive background checks when hiring new drivers. Verify previous work history and follow-up on references.
- Conduct criminal background checks on all new hires in the company.
- Require all new driver hires to participate in behind-the-wheel training with a certified trainer.
- A security awareness programme should be provided to all employees to recognise terrorism and other criminal activity.
- Provide trainers with instruction on identifying suspicious questions, enquiries, or activities by drivers, and report any concerns to the police.
- Vehicles should be fitted with immobiliser devices and alarms.
- Vehicle keys should never be left in the vehicle when it is unattended. Always secure the vehicle when unattended, even for short periods. Drivers should be instructed to always use the security devices fitted to their vehicle.
- Use of the most up-to-date safety measures during the purchase of

new vehicles should be considered, as many now have collision avoidance systems, which can also prevent or reduce the speed of impact with pedestrians, using radar systems which scan the road ahead for potential hazards.

Fleet operators and the self-drive hire/rental industry will need to be alert and will continually need to adapt to new threats. Although internal checking and rechecking is a time-consuming process, the consequences to your reputation could prove irreversible should a fleet vehicle be involved in such an incident.

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- 2 Council of the European Union, Information Note 9419/17, Brussels, 18 May 2017.
- 3 Trak Global. *Trak Global calls for telematics to be used in the fight against terrorism*, available at <http://www.trakglobalgroup.com/trak-global-calls-for-telematics-to-be-used-in-the-fight-against-terrorism/>, accessed on 25 September 2017.
- 4 Strategic Risk. *Government urged to use telematics to track terrorists*, available at <https://www.strategic-risk-europe.com/three-terrorism-trends-to-watch-out-for-in-2017/1420485.article>, accessed on 25 September 2017.
- 5 Parliamentary Advisory Council for Transport Safety. *Parliamentary Questions on transport safety issues* (April 2017), available at <http://www.pacts.org.uk/2017/04/parliamentary-questions-on-transport-safety-issues-april-2017/>, accessed on 26 September 2017.
- 6 MIB. *The impact of terrorism on the motor industry*, available at <https://www.mib.org.uk/mib-insight/the-impact-of-terrorism-on-the-motor-insurance-industry/>, accessed on 26 September 2017.
- 7 BVRLA. *Anti-terrorism advice for vehicle rental*, available at <http://www.bvrla.co.uk/news/anti-terrorism-advice-vehicle-rental>, accessed on 26 September 2017.
- 8 The Guardian. *UK considering extra checks for van hire to deter terrorist attacks*, available at <https://www.theguardian.com/uk-news/2017/aug/20/uk-extra-checks-for-van-hire-to-deter-terrorist-attacks-watch-list>, accessed 27 September 2017.

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