

Vehicle Speed Warning System (VSWS)

Frequently Asked Questions

Road Fleet



Route Services

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VSWS Frequently Asked Questions

Access and use of Vehicle Speed Warning System (VSWS) data

Q. Can the police request information from Network Rail from the VSWS data?

A. Yes, there are protocols in place for such a request particularly if the vehicle has been involved in an accident. It has been found from other organisations that the information provided by VSWS helps to provide evidence regarding the Driver's performance particularly if they have been driving safely. Prior to any telematics data being released to the police the vehicle telematics team require a completed a section 29 form.

Q. Can VSWS be used to prove a driver was driving safely prior to an accident/collision?

A. Yes, the information stored on the portal can be used to demonstrate how a vehicle had been driven prior to an accident, or at any given time. Prior to any telematics data being released to the police the vehicle telematics team require a completed section 29 form

Q. Is data being held by 3rd parties – how will that data be managed?

A. We have worked carefully with our data protection team to ensure our employee data is not held by a third party and that our system complies with the Data Protection Act. Essentially, the supplier will know the unique driver identifier, and NR, through HR Shared Services (HRSS) will do the rest, by matching the driver number to a specific employee record held within our Oracle system. The personal data remains managed in-house by our HRSS team.

We have invited our trade union colleagues to join our VSWS Data Governance Panel, this will enable NR to better understand our occupational road risks and instigate improvement initiatives and evidence driving improvements we achieve through the introduction of VSWS.

Q. How can I request personal data from the VSWS system?

A. All personal data remains managed in-house by our HRSS team, 'personal' VSWS data can be requested by emailing HRAdministrationHRSS@networkrail.co.uk. Proof of ID is required in the form of either a photocopy/scanned image of your driver's license or passport. HRSS will then submit an anonymous request to the VSWS team, who will then provide data back to HRSS to return to the requestor. Please do not send your VSWS login credentials to anyone, other than HRSS (If required). In the event this does happen, you will need to be issued with a new ID by HRSS to ensure your personal data continues to be protected.

Q. If a member of the public makes an allegation of drivers being in inappropriate places or behaving poorly on the roads, can VSWS information be used as part of the investigation?

A. VSWS data can be used in such instances to demonstrate where a vehicle was at any particular time. Prior to any telematics data being released to the police the vehicle telematics team require a completed section 29 form.

Q. Will my Line Manager be able to track my every move?

A. Line Management will **not** be given the facility to track you or the vehicle. In emergency circumstances VSWS could be utilised to locate a vehicle.

In an emergency the VSWS system can enable a vehicle location to be identified.

Before an emergency situation is identified the following 4 steps MUST be completed.



- ☒ Driver has failed to arrive at destination 30 minutes after expected
- ☒ Vehicle occupants cannot be contacted by work phone
- ☒ Driver cannot be contacted by work phone (their phone should not be answered if driving)
- ☒ Staff cannot be raised on personal (non-work) phones (if known)

Then the emergency number can be called to identify the location of the vehicle

An emergency is NOT

- ☒ Driver has failed to arrive at destination 30 minutes after expected with no other checks on staff availability.
- ☒ I thought the vehicle should be here by now....I'll just check the VSWS
- ☒ Where is my member of staff...I'll just check the VSWS

Q. Can complaints from other road users about NR drivers / vehicles be analysed on VSWS to check if they are false?

A. Most complaints of this nature relate to parking of vehicles rather than driving behaviours and so would not require access to the VSWS system.

Question 4 above answers the driving issue.

Q. Can vehicle data be accessed to respond to a Freedom of Information request?

A. It is extremely unlikely that FOI requests would need to refer to specific vehicle data. All FOI requests go through the FOI team and they will work with data protection and the road fleet team to ensure compliance with both the TU agreement and relevant legislation.

Q. Will journey times be checked against rostered hours of work?

A. No. We will not be reviewing individual driver journeys. Anonymised 'VSWS driving' data will be reviewed for projects relating to fatigue and reviewing how we can better plan projects and workloads. We will also be reviewing the times of day our teams are travelling, at corporate level, to see what safety improvements can be made.

Consequences, disciplinary and prosecution

Q. What happens if a Driver is not modifying their behaviours and continues to appear on Exceedance Reports despite interventions already put in place?

A. We want the employee to drive safely and would expect them to respond to the alerts they receive when driving. If the employee persists in poor driving behaviour then the employee may have their authority to drive revoked and the disciplinary process may be instigated. This would be based on the fair culture process determining if the process, system and/or managers are an impacting factor, and whether or not the employee's behavioural choices are the root cause.



Q. What happens in a case where a driver is consistently infringing the speed limit by up to 10%?

A. Normally, it would be expected that the driver would have some coaching and /or training recommended by their manager. Network Rail Course NR NFE004 Speed Awareness Training is available.

Q. If after an Investigation, an individual is found to have exceeded the speed limit, is Network Rail obliged to inform the police?

A. No

Q. What happens at 'Go Live' and everyone appears on the Exception Report because they are adjusting to the new system?

A. Our research shows that most employees adjust immediately to the new technology and we shouldn't see large number of employees appearing on Exception Reports.

Q. It seems that the system only alerts you when you are speeding by 10% above the limit, therefore we could still be caught speeding by a mobile speed camera. Why does it not warn you as soon as you are breaking the speed limit?

A. The system warns the driver as soon as the speed limit is exceeded, with an amber warning bar and an audible alert. We want the system to encourage and enable drivers to drive within the speed limit, as is required by the road traffic laws. The specific criteria were those agreed with our trade unions.

Driver ID and system log-in

Q. Who manages the Driver ID process?

A. The process is managed by HRSS, logging each unique driver identifier to a specific employee record.

Q. What if the Driver forgets their password?

A. There is a facility and process to reset the password. Please contact VSWSPasswordReset@networkrail.co.uk to do this.

Q. I have not received a Driver ID, what do I do?

A. If you are not registered as a Network Rail authorised driver (through electronic licence checking), your line manager will need to complete the 'VTS manual licence check form', available on Safety Central: <https://safety.networkrail.co.uk/safety/management-of-occupational-road-risk-morr/becoming-an-authorized-network-rail-driver/> and email to HRAdministrationHRSS@networkrail.co.uk to confirm you are an authorised driver. Once this has been completed, a Driver ID will be assigned and the VSWS welcome pack will be sent to you.

Q. What happens if the Driver ID is used by another Driver?

A. Each Driver is issued with a unique driver identifier.
It is each Driver's responsibility to keep their ID & password secure. The system will not allow this to happen unless the Driver has shared his/her driver ID and password.



Q. How will contractors / agency staff log in on the VSWS?

A. Contractors must have completed an electronic licence check before they are authorised to drive a Network Rail vehicle. Once licence check is completed the Contractor will be issued a Driver ID and Password via HRSS.

Their home address is required for their licence check so HRSS will be able to be issued.

Form to be completed can be found at:

<http://connectdocs/NetworkRail/Documents/UsefulResources/Travel/DVLAD796-Non-NR-Nominated-Driver-and-declaration.pdf>

For further information re: electronic licence checking please contact:

HRAdministrationHRSS@networkrail.co.uk

Q. What if a Driver undertakes a Journey without logging into the system?

A. Drivers are expected to use the system as it is being introduced to reduce a key safety risk to the individual and the organisation. We recognise that staff may forget their unique identifier. In such instances the driver can notify the fleet vehicle manager within 24 hours to ensure the driver and journey can be matched. Where drivers fail to alert the fleet vehicle manager then the fair culture process would apply where a Driver undertakes a journey without their unique identifier.

Q. If partners or spouses have permission to drive your vehicle, as in line with P11D benefit; will they be given a Driver ID?

A. Current process for Partners and Spouses is they will not receive a Driver ID or password and the line manager will receive a notification of 'unassigned driver journey' to investigate who was driving. Authorised Driver will then confirm partner or spouse was driving and that the employee will submit a private mileage deduction claim form to capture spouses / partners private millage.

For Partners and Spouses to be authorised to Drive NR vehicles, they must complete an electronic licence check. Form to complete can be found at:

<http://connectdocs/NetworkRail/Documents/UsefulResources/Travel/DVLAD796-Non-NR-Nominated-Driver-and-declaration.pdf>

For further information re: electronic licence checking please contact:

HRAdministrationHRSS@networkrail.co.uk

Q. Do I have to login if using my car abroad?

A. You would still record the journey type and log in appropriately. You will also have been required to arrange the necessary breakdown and insurance cover via Route Services Road Fleet if an NR vehicle is being taken abroad.

Q. If I just start a van up trackside to keep it warm will I have to log-in to the VSWS?

A. No as you are not starting a journey where the vehicle will be moving, this will show as the vehicle being idle. Login is required prior to commencing the journey.

Q. Will the VSWS system auto log me out at the end of a journey?

A. The system will log drivers out 10 seconds after the ignition is switched off. It is the driver's responsibility to ensure that they are completely logged out of the VSWS Driver Terminal prior to anyone else driving the same vehicle after them. To log out of the system select 'menu' and then 'log out'. The system will automatically log you out if it is inactive for 5 minutes.

We are working with our supplier TraffiLog UK to seek to lengthen this time as we recognise that there are occasions during journeys, such as stopping to put fuel in the vehicle, where remaining logged in would be logical.



Q. Currently when my van goes into BT for any work, they do a call collect service where one of their drivers pick the van up and drops it off as they don't offer courtesy cars, how do their drivers log onto VSWS?

A. We will not require delivery drivers to login into the system therefore an exception report would be produced. They are not Network Rail employees. All vehicle data will still be logged.

General queries

Q. Why is the VSWS fitted where it is?

A. The locations of the units have been agreed with Network Rail's safety team and ergonomics team and engineers have been asked to fit to a specific method statement for each vehicle type. We have carried out a review of alternative placements and those selected are the best options based on limiting impact on accessing the controls of the vehicle, and the safety of the driver.

Q. Will all Network Rail vehicles be fitted with VSWS?

A. Yes, All Network Rail vehicles other than Road Rail Vehicles, including non-liveried personal issue cars and job requirement cars will have VSWS units fitted.

Q. Has Network Rail any intention of introducing the 'driving profile' score as part of the 121s or performance reviews?

A. No, there is no intention to do driver profiling as part of 121s.

Q. Would Network Rail consider giving a vehicle allowance rather than a vehicle?

A. This is not being considered as part of the Management of Occupational Road Risk project. Vehicle allowances are only applicable to senior grades within Network Rail.

Q. Why is the device fitted and not removable from the vehicle?

A. This is a business decision based on protecting the VSWS units and vehicles from loss or theft. It also helps to ensure that all devices remain fitted in the chosen location.

Q. If the VSWS unit is stolen or damaged can the vehicle still be driven?

A. Yes, but please ensure that the theft is reported via BT helpline and the Police for a crime number. If the Tom Tom unit is stolen it automatically ceases to function and cannot be used by anyone else.

Q. Can we have a sticker made and supplied, to be applied (at the discretion of the driver if you wish) to warn fellow motorists that our vehicle speed is remotely monitored?

A. These stickers are now available on iStore under the following catalogue numbers:

English – 0111/120327

Welsh – 0111/120328

English/Welsh – 0111/120329

Q. You mentioned other organisations, including those within NR's supply chain, have successfully improved this risk for example; Balfour Beatty claims they have halved their road traffic collision incidence within three years of introducing VSWS. Are there others?

A. Statistics from other organisations that introduced VSWS are as follows:

McGinley Support Services after 6 months has seen their Risk Score drop from 16% to 10% and it continues to decline. The driver score changed positively from 64% to 89% on average. The McGinley support team are also able to accurately manage and calculate mileage, servicing repair and maintenance.

Q. Should there be a maximum driving time/distance whilst driving for/at work, for the purpose of improved safety?



A. Line managers and staff are able to discuss the activity associated with the driving part of their work. This should, and can, allow arrangements to be put in place that best suit the employee and the work they are completing on an individual basis, rather than a blanket set of criteria for everyone. It is sensible to take a break from driving after 90 minutes, have a drink or stretch your legs before continuing the journey.

Passengers and personal journeys

Q. Some Drivers have permission to carry a passenger on some journeys as it is on the normal route to work, will the classification of the journey be business or personal mileage?

A. If it is on the Driver's route to work and the Drivers Line Manager is aware and given written permission to the individuals, it will be recorded as a business journey. However, if the vehicle has to divert the journey in excess of 5 miles, then it should be recorded as a personal journey.

Q. What if the Network Rail fleet vehicle has been cloned (i.e. a duplicate number plate) and a driver has been issued with a speeding offence as a result?

A. VSWS will be able to identify where Network Rail's vehicles are and that Penalty Notices or Speeding offences were not relevant to the organisation's vehicles.

Q. Does the introduction of VSWS mean I can be monitored and disciplined for activities outside my working hours?

A. No. For private journeys only the start time/location and finish time/location, together with the total miles travelled, will be recorded and this information will only be used for tax purposes. This mirrors the current log book process.

The VSWS system will not be used to monitor speeding events for private journeys.

Staff should note that, staff driving in their own time within a vehicle that is owned by Network Rail are subject to the Life Saving Rules. This is detailed in the Network Rail driver's handbook. Staff should obey the road traffic legislation when using a Network Rail vehicle, so whilst Network Rail will not monitor speeding events of staff in Network Rail vehicles during their private time, the Police and other enforcement agencies may monitor driving behaviour and continue to report Notices of Intended Prosecution to Network Rail's attention. The existing system of staff being subject to breaches of the LifeSaving Rules in those circumstances will continue.

Q. If I just pop to the shops from trackside to get my team's lunch is this 'business' or 'personal' mileage?

A. It is personal mileage but is regarded as incidental by HMRC for assessing whether a benefit is charged or not.

Q. If I declare on the VSWS that every journey is 'business' who will know any different?

A. There will be a review of journeys by Group Tax that will look at starting point and finishing point. If these do not co-ordinate with known Network Rail addresses or track access points, then a query will be raised against the driver as to the nature of the journey. Additionally, line managers will be responsible for checking correct reporting.

Q. When will payment be taken for private mileage?

A. The current policy is for drivers to disclose their private mileage fuel payments every month via a private mileage deduction claim form direct to payroll. This policy will not be changing.



System capabilities

Q. Why was there a need for the warning covering speed limit + 10%?

A. The provisions of the audible and visual alarms enable staff to change their behaviour to return to compliance with the speed limit for that road. It is there to support staff to drive safely.

Q. Can the VSWS system be programmed to know the maximum speed limit for the vehicle type?

A. The device is not designed to remove responsibility for driving correctly to the vehicle type or configuration from the driver. The in-vehicle speeding alerts are being provided using the latest TomTom maps.

Large vehicles such as trucks will be installed with a version of the TomTom software designed for larger vehicles that will provide alerts at the speeds suited to those vehicles.

Q. Can a driver input into the system that they are towing, as that impacts on the max speed the vehicle can then do?

A. The device is not designed to remove responsibility for driving correctly to the vehicle type or configuration from the driver. Once a trailer is connected to your vehicle the secondary speed limiter should engage. If your vehicle is not fitted with one please contact Road Fleet for the modification to be carried out.

Q. How often will the system update to recognise of any permanent road speed changes?

A. The solution that has been procured includes live map updates, due to the size of our fleet and the need for the system to remain functioning at all times, TomTom will update the mapping on a quarterly basis with a software update. To report any inaccurate speed locations please email nrsupport@traffiloguk.com with details of road names, junctions etc.

Q. Is the system a live system? Does it update to react to temporary speed restrictions on the motorway, for example when the speed goes from 70 mph to 50 mph due to an accident or road works?

A. The system uses the latest TomTom maps which will be updated periodically using over the air updates. There will be instances where the speeds do not match the road such as restricted speed limits on motorways and drivers must always obey the road speed. Importantly the variable limits are well sign posted. Drivers are expected to drive responsibly at all times.

Q. When the VSWS speed does not match the road speed, what should I do? I don't want to get a report for speeding?

A. The devices are there to assist drivers in complying with the speed limit. We want all our drivers and any passengers to be able to comply with our life saving rule not to speed, because we know that driving within the speed limit is the safe way to drive. This enables Everyone Home Safe Everyday. To report any inaccurate speed locations please email nrsupport@traffiloguk.com with details of road names, junctions etc.

The Traffilog VSWS units that Network Rail are providing utilise the latest TomTom speed mapping data for the UK. These are updated periodically to keep the road speed data accurate.

There are locations that the mapping software may not get correct, however it is important to note the agreements that Network Rail has with our staff (via our Union Agreements

<https://safety.networkrail.co.uk/wp-content/uploads/2016/11/VTS-data-collection-and-usage-assurance.pdf>) is that the device provides a warning alert to drivers. This allows drivers to return to



within the speed limit. No action is taken against any member of staff if that driving exceedance is for a duration of no more than 60 seconds. Should the exceedance occur for more than 60 seconds then a fair culture investigation would be undertaken.

Q. It has been noted that the VSWS Driver Terminal has a microphone and camera functionality within the 'vehicle inspection app' does this mean that drivers are being filmed and voice recorded?

A. The VSWS Driver Terminal system within the cab is **not** fitted with a microphone. The camera is **not** enabled to take pictures.

Q. What if a road has been de-classified and the database/ VSWS has not been updated?

A. This is a rare occurrence but the position of the vehicle can be established using VSWS data. To report any declassified roads please email nrsupport@traffiloguk.com with details of road names, junctions etc.

Q. The VSWS prompted me to select an alternative route when I was already driving. How do I prevent this happening?

A. In terms of route mapping 'Ask me so I can choose' is the default setting. If a quicker route is identified, the system will give an audio notification and on-screen prompt to select the new route. This does not have to be pressed, simply following the new route suggested, or carrying on driving the current route will act as a selection for the system – and it will either re-route or carry on with original route. Alternatively, 'Always take the fastest route' can be selected as the default setting on the VSWS. This will mean the device will automatically switch to faster routes without requiring confirmation from yourself. To update this you will need to go into 'menu', select 'settings', choose 'route planning' and select 'Always choose the fastest route'.

Q. My VSWS is displaying 'Traffilog has stopped' what does this mean?

A. This is a known bug with the system, if this message appears; press the power button (on top of the screen) for 30 seconds to reboot the system. If the issue persists please send an email to nrsupport@traffiloguk.com or call 0208 236 0545, Select Option 2 for Support.

Tax

Statement on tax arrangements (Sept 2017)

Car and van benefit: pooled cars and vans

This note is designed to explain the way in which pool vehicles are defined and the tax implications that could arise upon employees through using a pool vehicle.

Network Rail operates a fleet of cars and vans that are readily available for business use by a number of employees. The cars or vans are not allocated to any one employee and are only available for genuine business use. Such cars and vans are usually known as pooled cars and vans.

Sections 167 and 168 ITEPA 2003 ensures that no car or van benefit arises on a pooled car or van made available by reason of the employment that, in the relevant tax year, satisfies all the following conditions:

- it was made available to, and actually used by, more than one of those employees
- it was made available, in the case of each of those employees, by reason of the employee's employment
- it was not ordinarily used by one of those employees to the exclusion of the others



- in the case of each of those employees, any private use of it made by the employee was merely incidental to the employee's other use of it in that year
- it was not normally kept overnight on or in the vicinity of any residential premises where any of the employees was residing, except while being kept overnight on premises occupied by the person making it available to them

The conditions to be met are essentially questions of fact. Each of them has to be considered in turn. It is not enough that a car satisfies any four of them and narrowly fails the fifth. It must satisfy all five conditions. All the relevant facts need to be obtained before confirmation of pool status can be confirmed.

The main issues arise in respect of ordinary use and the place where the vehicle is kept overnight.

Although not set out in statute, HMRC consider that the not ordinarily used by one employee test is failed where there is regular use by a driver. Although not defined, regular use probably equates to 50 days in a year. However, the individual circumstances will need to be considered.

Similarly "normally" is not defined with reference to being kept at home overnight. However, a similar number can probably be used as an indication.

There is no exemption for "on call" individuals. Consequently if a vehicle is taken home overnight due to that employee being on call, this will form a part of the number of days in considering the requirements.

Should a pool vehicle fall taxable upon an employee or a number of employees due to failure of the tests, each employee will only be taxable for the time that they were utilising the vehicle and not for the full year. This means that one pool vehicle cannot give rise to more the benefit arising if the vehicle was used privately for a whole year.

Q. Will employees with TUPE protected T&Cs for personal journey tax liabilities have their T&Cs changed?

A. First and foremost as Network Rail is now a re-classified organisation and therefore must comply with the tax laws in that respect. That said, we are aware of employees who have TUPE'd into Network Rail or who may have local agreements regarding the payment of tax for personal use vehicles, in these circumstances the agreements that are in place will stand for existing employees. Given we are an arm's length public sector organisation, we reserve the right to amend such agreements, however will consult with our Trades Unions on this matter should the need arise. If you have specific queries regarding your T&Cs please contact your Local HR Business Partner.

Q. Should drivers expect a bill from HMRC at the end of the tax year?

A. If Drivers have permission to make personal journeys using the organisation's vehicle, then this must be recorded and reported to HMRC by the organisation and the individual, this has not changed. However, the information will now be provided electronically to the individual and the organisation before submission to HMRC.

Q. Some drivers have never had a tax bill before for personal mileage from HMRC as it was always understood that NR took care of this?

A. NR as a public body has an obligation to provide such information to HMRC; we now have to provide that information to HMRC as it is statutory information.



Q. Will VSWS be fitted to 'job requirement vehicles' where people have a large personal tax liability?

A. Yes, irrespective of tax liability all Network Rail fleet vehicles will be fitted with a Vehicle Telematics System.

Q. I have a personal vehicle and pay full tax will I also be having VSWS fitted?

A. All Network Rail vehicles will have VSWS fitted as they are an asset owned by the organisation.

Q. For tax purposes, how are journey types defined?

A. Business mileage is journeys made whilst on business, this also covers the on call journeys. Commuting relates to journeys between home and work. Commuting for cars is a personal journey, whilst commuting for vans is business. Personal will be any other journeys.

Q. Does the introduction of VSWS impact Terms and Conditions of Employment and Personal Use Vehicles?

A. Network Rail will not be altering employment terms and conditions for our employees as a result of the fitment of the VSWS system. Our employees require fit for purpose (safe, sound and reliable cars) to undertake their role. The vehicles employees have been supplied with are, in the main, a requirement for the role. The Company will not buy out the benefit of the vehicle or altering terms and conditions of employment in respect of cars.

Q. What do I need to know about Tax Liability and Private Usage / Mileage?

A. Network Rail will at all times comply to the HMRC guidelines regarding personal taxation. We seek at all times to apply sound processes and protocols for employees to record their business and personal business mileage. VSWS will enable our employees to record what is 'business' and what is 'personal' mileage more accurately. For further advice on what is classed as business or personal business usage please refer to the Drivers' Handbook and Business Travel and Expenses Policy as published on Connect.

Q. For home based employees (aka Home Start) is their journey to and from work location i.e. Depot, taxable?

A. To and from your normal place of work, i.e. where your line manager is located and you go there for work instruction, will always be classed by HMRC as commuting. Therefore is taxable if you are in a car. However, if you are driving a van this is not taxable based on HMRC rules.

Q. For any journey to and from a work site (which is not your normal place of work), is this deemed as a business commute?

A. Yes this is a business commute. This would be an On Call situation and therefore no personal tax liability.

Q. What is commuting and what is classed as business mileage?

A. In summary, business mileage is journeys undertaken whilst on business. Commuting (including on call journeys) relates to journeys between home and normal place of work / sites, and personal will be any other journeys.

Commuting in a van does not attract a personal tax liability but is subject to what is in the Drivers Handbook.

The use of a car for commuting will always attract a personal tax liability. This relates to pool cars as well as job requirement cars.



Vehicle documentation

Q. Will log books still be required?

A. Yes but only temporarily. As we roll out VSWS and develop the system we will be able to remove the need for log books as journey type and driver will be identified at each log on. Drivers and line managers will be advised when this happens.

We are working to develop an interface where faults reported on the VSWS unit would be automatically sent to the fleet management provider. All faults identified for now will still need to be phoned in. For Tax purposes drivers will be able to download their journey logs for their tax returns.

Q. Can drivers now stop completing the daily walk-around check sheet?

A. All vehicle checks need to be completed via the current paper process for now. We are working with the VSWS provider to develop an interface where faults reported on the VSWS unit would be automatically sent to the fleet management provider from the VSWS driver terminal. All faults identified through vehicle checks for now will still need to be reported via a phone call. Once the interface is in place, the driver terminal in the cab will be updated automatically and will inform drivers when the electronic vehicle inspection app is live.

Q. Will the Drivers Handbook be updated to include VSWS?

A. The Drivers Handbook contains basic guidance for the use of Network Rail vehicles. The Road Fleet team are currently updating the document to inc