National Transport Commission

Review of the Australian Road Rules and Vehicle Standards

International Review

20 July 2011
## Glossary

**Table 1 Glossary**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Name</th>
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<tbody>
<tr>
<td>AASHTO</td>
<td>The American Association of State Highway and Transportation Officials (USA)</td>
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<tr>
<td>ADR</td>
<td>Australian Design Rules (AUS)</td>
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<tr>
<td>ATC</td>
<td>The Australian Transport Council (AUS)</td>
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<td>AUS</td>
<td>Australia</td>
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<td>CAN</td>
<td>Canada</td>
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<tr>
<td>CCMTA</td>
<td>The Canadian Council of Motor Transport Administrators (CAN)</td>
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<tr>
<td>DfT</td>
<td>Department for Transport (UK)</td>
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<tr>
<td>DSA</td>
<td>Driver Safety Agency (UK)</td>
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<td>DVA</td>
<td>Driver and Vehicle Agency (UK, Northern Ireland)</td>
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<td>DVLRA</td>
<td>Driver and Vehicle Licensing Agency (UK)</td>
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<td>ESC</td>
<td>Electronic Stability Control</td>
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<td>EU</td>
<td>European Union</td>
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<td>FHWA</td>
<td>The Federal Highway Administration (USA)</td>
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<td>FMCRs</td>
<td>Federal Motor Carrier Safety Regulations (USA)</td>
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<td>FMCSA</td>
<td>The Federal Motor Carrier Safety Administration (USA)</td>
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<td>FMVSS</td>
<td>Federal Motor Vehicle Safety Standards (USA)</td>
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<tr>
<td>GHD</td>
<td>GHD PTY LTD</td>
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<tr>
<td>HTA</td>
<td>Highway Traffic Act (CAN)</td>
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<td>ITS</td>
<td>Intelligent Transport Systems</td>
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<td>MADD</td>
<td>Mothers Against Drink Driving (CAN)</td>
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<td>MTO</td>
<td>Ministry of Transportation, Ontario (CAN)</td>
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<tr>
<td>MUTCD</td>
<td>Manual on Uniform Traffic Control Devices (USA)</td>
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<tr>
<td>MVSA</td>
<td>Motor Vehicle Safety Act (CAN)</td>
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<tr>
<td>MVTA</td>
<td>Motor Vehicle Transport Act (CAN)</td>
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<tr>
<td>NCUTLO</td>
<td>The National Committee of Uniform Traffic Laws and Ordinances (USA)</td>
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<td>NHTSA</td>
<td>The National Highway Traffic Safety Administration (USA)</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>NSC</td>
<td>National Safety Code (CAN)</td>
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<tr>
<td>NTC</td>
<td>National Transport Commission (AUS)</td>
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<tr>
<td>NTM</td>
<td>National Transport Model (UK)</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>ORSAR</td>
<td>Ontario Road Safety Annual Report (CAN)</td>
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<td>PIARC</td>
<td>World Road Association</td>
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<tr>
<td>TAC</td>
<td>The Transport Association of Canada (CAN)</td>
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<td>TC</td>
<td>Transport Canada (CAN)</td>
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<tr>
<td>UK</td>
<td>United Kingdom of Great Britain and Northern Ireland</td>
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<tr>
<td>US/USA</td>
<td>United States of America</td>
</tr>
<tr>
<td>VOSA</td>
<td>Vehicle &amp; Operators Services Agency (UK)</td>
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</tbody>
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Table of Contents

1. Introduction ........................................................................................................... 1
   1.1 Objective and scope of the review ............................................................... 1
   1.2 Overview of the international review approach ........................................ 1
2. Canada ................................................................................................................. 5
   2.1 Context........................................................................................................ 5
   2.2 Stakeholder Information ............................................................................. 10
   2.3 Outcomes.................................................................................................... 13
3. United States of America ..................................................................................... 14
   3.1 Context...................................................................................................... 14
   3.2 Stakeholder Information ............................................................................. 17
   3.3 Outcomes.................................................................................................. 19
4. United Kingdom ................................................................................................... 20
   4.1 Stakeholder Information ............................................................................. 23
   4.2 Outcomes.................................................................................................. 25
5. Australia’s Overview ............................................................................................ 26
   5.1 Context...................................................................................................... 26
   5.2 Key points ................................................................................................. 28
6. Comparative Analysis .......................................................................................... 29
   6.1 Key Jurisdictional Differences .................................................................... 29

Table Index

Table 1 Glossary .............................................................................................................. i
Table 2 Stakeholder interview list .................................................................................... 3
Table 3 Key CCMTA Committees .................................................................................. 10
Table 4 Key Outcomes - Canada ................................................................................... 13
Table 5 Key Outcomes - USA ........................................................................................ 19
Table 6 Key Outcomes - UK .......................................................................................... 25
Table 7 Key Points - Australia ....................................................................................... 28
Table 8 Comparative Issues ......................................................................................... 29

Figure Index

Figure 1 Development of Canada’s road traffic laws ......................................................... 5
Figure 2 Development of the USA’s road traffic laws ....................................................... 15
Figure 3 Development of the UK’s road traffic laws ............................................................ 20
Figure 4 Development of Australia’s road traffic laws ..................................................... 26
Figure 5 Comparative Assessment between Jurisdictions .............................................. 30
1. Introduction

1.1 Objective and scope of the review

Since 1999, when the Australian Transport Council approved the Australian Road Rules, all Australian states and territories operate under a consistent set of operating rules for roads and road-related areas. This also applies to vehicle Standard Rules. This contributes directly to elimination of potential driver confusion resulting in better safety and transport efficiency outcomes.

GHD has been engaged by the National Transport Commission (NTC) to:

- Identify the approach of international federated nations, such as the United States of America (USA), Canada and the European Union (EU) through experience in the United Kingdom (UK), to national consistency with road traffic laws; and
- Compare this approach to that taken in Australia.

The review covers both federal arrangements and laws, and State or provincial responsibilities.

The key issues that are investigated include:

- Coverage and construct of road traffic law;
- Legal nature of traffic laws;
- Approaches to national consistency;
- Ways to measure the efficiency and effectiveness of their traffic law; and
- Vehicle Standards Rules, including the approach for new vehicle standards, in-service vehicle standard rules, cross border consistency for in-service vehicle standard rules and processes to update the in-service vehicle standard rules.

1.2 Overview of the international review approach

Phase 1 - International Frameworks – Desktop Review

We have reviewed a number of information sources including:

- Canada:
  - CanLII (Canadian Legal Information Institute)
  - www.justice.gc.ca (Department of Justice, Canada, website)
  - www.tc.gc.ca (Transport Canada, website)
  - http://www.tac-atc.ca (Transport Association of Canada, website)
– Canadian Standards Association: http://www.csa.ca/cm/ca/en/home

**United States of America:**

– WorldLII
– Cornel LII (US federal and state law website)
– US Department of Transportation
– California Department of Transportation
– US survey benchmarking user’s knowledge of the traffic laws (www.gmacinsurance.com/SafeDriving/ExecutiveSummary.asp)
– http://www.fmcsa.dot.gov/ (Federal Motor Carrier Safety Administration, website)
– http://mutcd.fhwa.dot.gov/index.htm (Federal Highway Administration, information on MUTCD, website)

**United Kingdom:**

– EUR-LEX (EU legislation website)
– http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_069869 (Directgov website which includes information on the Highway Code)
– http://www.doeni.gov.uk/roadsafety/index/highwaycode.htm (Department of Environment Northern Ireland, Highway Code, website documents)

– The Department for Transport UK
– The Ministry of Ecology, Energy, Sustainable Development and Sea,(incorporating the former Ministry of Transport), France
– Federal Ministry of Transport, Building and Urban Development, Germany.

The outcomes and information gathered at this stage was used as a context for assessment and stakeholder interviews.
Phase 2 - International Frameworks – Stakeholder Interviews

Following the desktop assessment we have prepared background information sheets and arranged interviews with a number of international stakeholder representatives according to our stakeholder engagement list developed to cover different jurisdictions in each identified country including federal and state levels to enable effective comparison. The stakeholder interview list is provided in Table 2.

Table 2 Stakeholder interview list

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Organisation</th>
<th>Perspective</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allison Rougeau</td>
<td>Executive Director Canadian Transport of Motor Transport Administrators (CCMTA)</td>
<td>Canada / National</td>
<td>13 June 2011</td>
</tr>
<tr>
<td>Heidi Francis</td>
<td>Ministry of Transportation, Ontario</td>
<td>Canada / Province</td>
<td>14 June 2011</td>
</tr>
<tr>
<td>Donna Connelly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teepu Khawja</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Jeff Griffith</td>
<td></td>
<td></td>
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<tr>
<td>Lloyd Robertson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kim Benjamin</td>
<td>Transport Canada</td>
<td>Canada / National</td>
<td>17 June 2011</td>
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<tr>
<td>Eric Cragg</td>
<td></td>
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<td></td>
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<tr>
<td>Bill Cowie</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alvaro Almuina</td>
<td>Business Group Manager – Transport GHD Canada</td>
<td>Canada / User</td>
<td>1 June 2011</td>
</tr>
<tr>
<td>David Woodin</td>
<td>Department of Transport, New York State</td>
<td>USA / State</td>
<td>14 June 2011</td>
</tr>
<tr>
<td>Richard Compton</td>
<td>National Highway Traffic Safety Administration, USA</td>
<td>USA / Federal</td>
<td>3 June 2011</td>
</tr>
<tr>
<td>Prof Rick Geddes</td>
<td>Cornell University</td>
<td>USA / User</td>
<td>7 June 2011</td>
</tr>
<tr>
<td>Howard LaFever</td>
<td>Principal Consultant GHD USA</td>
<td>USA / User</td>
<td>3 June 2011</td>
</tr>
<tr>
<td>Ian Holden</td>
<td>Driver Safety Agency, Department for Transport</td>
<td>UK / National</td>
<td>20 June 2011</td>
</tr>
<tr>
<td>Keith Brown</td>
<td>Principal Consultant GHD UK</td>
<td>UK/ User</td>
<td>16 June 2011</td>
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Summary of key points from the interviews are provided in the relevant sections throughout the report. The records of the interviews are on file and available on request.
Phase 3 – Comparative Analysis

Following the conclusion of the interviews and research, we have analysed the information gathered and developed a report identifying the approach taken in the US, Canada and UK. Analysis of the gathered information is presented in the following order:

- Country
  - Contextual information;
    - Coverage and Construct of Traffic law
    - Overview of the Legal Nature of Traffic Laws
    - Approaches to national Consistency of Road Rules
    - Measuring the Efficiency and the Effectiveness of Road Traffic Law
    - Vehicle Standards Rules
  - Stakeholder Information
  - Outcomes
2. **Canada**

2.1 **Context**

Canada is a federal state consisting of ten provinces and three territories. The country’s governance is shared by the federal, provincial/territorial governments.

The total population in Canada is approximately 38.1 million. Canada’s road network has approximately 900,000 kilometres of road, with a national highway system consisting of over 38,000 kilometres of important national and regional highways. Road transportation is the dominant mode compared to rail, sea and air and is governed by a national body of road transport law.

**Construct of Road Traffic Laws**

Provincial and territorial governments play the key role in developing, implementing, enforcing and maintaining road traffic laws across Canada. As shown in Figure 1 below, the following bodies also influence Canadian road traffic laws:

- The Federal Government develops laws governing the design and import of motor vehicles.
- The Canadian Council of Motor Transport Administrators (CCMTA), comprising representatives of the provincial, territorial and federal governments of Canada, developed guidance rules available to the provincial and territory governments in 1996.
- The Transport Association of Canada (TAC) worked with the CCMTA to develop the 1996 guidance rules. The TAC is a national association of private sector and government members aimed at promoting the ‘provision of safe, secure, efficient, effective and environmentally and financially sustainable transportation services.’

**Figure 1 Development of Canada’s road traffic laws**

Source: GHD, 2011
Each province and territory develops, implements, and enforces its own Road Rules. These rules were influenced by the *Canadian Model Rules of the Road* initially developed in 1996 by the CCMTA and TAC as a reference guide for provincial and territorial governments. The provincial and territorial governments of Canada are not bound by these guidance rules and continue to develop and maintain their own Road Rules.

The CCMTA also makes some contribution to maintaining the Road Rules by reviewing the *Canadian Model Rules of the Road* as specific issues arise and making recommendations to the Councils of Deputy Ministers and Ministers responsible for Transportation and Highway Safety. These recommendations and reviews are also of a non-binding nature on provincial and territorial governments.

The design and importation of motor vehicles and motor vehicle equipment is governed by laws developed, implemented, enforced and maintained by the Canadian Federal Government under the *Motor Vehicle Safety Act* (MVSA). The federal government department, Transport Canada carries out the task of maintaining the regulations and ensuring compliance through enforcement activities such as inspection, monitoring, testing and investigation of public complaints. Provincial and territorial governments also play a role in enforcing these laws throughout the life of a vehicle.

Canada’s provincial and territorial governments are responsible for developing, implementing and enforcing rules relating to local and inter-provincial bus and truck travel. While the Federal Government has the responsibility of regulating the safe operation of provincial bus and truck transport between provinces under the *Motor Vehicle Transport Act* (MVTA), much of the federal government’s role in implementing and enforcing inter-provincial bus and truck travel has been delegated to the provincial and territorial governments.

“Proposed provincial legislation and regulations are developed by ministry staff, following political direction. Legislation must be passed by the Legislature, regulations must be approved by a Minister or Cabinet. Police are responsible to enforce the laws. Public education about rules of the road and vehicle standards is almost entirely a provincial responsibility—with partners such as MADD or ArriveAlive sometimes sponsoring campaigns”.

**Legal Nature of Traffic Laws**

Five of Canada’s 13 provinces and territories regulate the activities on their roads through what is called a Highway Traffic Act (HTA), including Ontario, Prince Edward Island, Saskatchewan, Newfoundland and Labrador, and Manitoba. In other provinces, similar laws fall under what is called a motor vehicle act or traffic act.

These acts are ‘black-letter’ law type acts with specified penalties and enforcement mechanism in place.

“Impaired driving legislation, along with other criminal driving offences, is federal/national and fall under the Criminal Code of Canada. Provinces and territories are able to add administrative sanctions, including roadside sanctions, related to impaired driving. Apart from impaired driving, there are very few, if any, national rules of the road. Provinces and territories develop their own, and then there are various efforts at harmonizing regionally or nationally. The Canadian Council of Motor Transport Administrators (CCMTA) is one of the main agencies for facilitating communication and harmonization between provincial and territorial jurisdictions. Staff report to a Board of Directors representing most or all jurisdictions. Transport Canada takes part as a group of experts giving advice, and often contributes one member of a working group that makes recommendations. One CCMTA product that has been almost completely adopted in

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1 Ministry of Transportation, Ontario Canada, Jun 2011
Canada is the National Safety Code governing periodic inspections, maintenance standards, on-road inspections and trip inspection for commercial vehicles.

In general our road rules are “black-letter law”. Municipalities have some flexibility as to when and where rules and signs apply, but if there is wording in the HTA or regulations that applies, it supersedes any municipal bylaw.

The Province has a series of Driver’s Handbooks, used primarily by drivers preparing for a test. To the extent that notices are mailed to drivers/vehicle owners, there is usually a newsletter included in the envelope. MTO has six regional marketing planners who work in local communities around Ontario, partnering with police, public health, etc. New drivers who take Beginner Driver Education (voluntary) also receive a mandated core content on rules of the road.

The only penalties requiring a special procedure are “set fines,” with an amount that appears on a ticket; it has to be approved by the Chief Justice of Ontario. The Chief Justice considers similar offence penalties and looks for a best fit within the broader set fine structure.

Approaches to National Consistency of Road Rules

Canada has deployed a range of approaches to drive greater national consistency. Transport Canada works with industry, community groups and government partners to set national and consistent safety standards for the design and construction of safe vehicles and safe roads, as well as to promote safe drivers and passengers (Canadian Motor Vehicle Safety Act).

The National Highway System, first defined and endorsed in 1988, supports inter-provincial and international trade and travel. It plays an important role in coordinating the maintenance of the National Highway System policy framework, co-chairing the Transportation Border Working Group with the U.S. Federal Highway Administration, and managing the Gateways and Border Crossings Fund.

Canada implemented the National Safety Code (NSC) across the nation, provinces and territories in the late 1980s. The purpose of the code was to develop nationally consistent safety ratings, facility audits, driver and carrier profile systems, trip inspection reports, driver hours of service, commercial vehicle maintenance and inspections, and load security. Administrative-related standards include self-certification for drivers, single-driver licensing, a classified driver licence system, medical standards, knowledge and performance testing, and a driver-examiner training program.

Canada also has developed a set of national Intelligent Transport Standards (ITS) to ensure interoperable systems are deployed at local, regional, and national levels and to encourage an open ITS environment.

“Any proposal to add or amend rules must be backed by research, including a jurisdictional scan. There is generally a desire to either harmonize with other jurisdictions, or be best in class, but the closest MTO comes to a “process” would be discussions at CCMTA, which applies only to Canada, not the U.S. Various rules for commercial vehicles (Hours of Service, daily vehicle inspection, cargo securement) are negotiated as a standard through CCMTA and Ontario then adopts the standard, either by reference or by writing the rules in provincial legislation. Similarly for dangerous goods, Transport Canada works with the various provincial jurisdictions to come up with an acceptable regulation which the individual jurisdictions can then adopt. Ontario has recently begun to adopt many of these national standards by reference and through rolling adoption so that we can expedite the changes at the provincial level.

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2 Ministry of Transportation, Ontario Canada, Jun 2011
Consistency with the U.S. is probably most important in the case of commercial vehicles—which move back and forth across the border freely. Apart from CCMTA, the other organization that we work with across borders is the Commercial Vehicle Safety Alliance (CVSA). CVSA is an organization of federal, state and provincial government agencies and industry representatives from the United States, Canada, and Mexico dedicated to improvement of commercial vehicle safety.

Its mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. It provides a forum to improve safety and introduce uniformity and reciprocity in regulation, standards, and enforcement.

Amongst provinces, key conviction information is exchanged to either apply against the driver’s home driving record or follow them when relocating to another province. Several agreements are in place for conviction information exchange with border US states.

For driver’s licences, there is a Driver’s Licence Reciprocity Agreement between Canada, the U.S. and other countries. Variations are probably most problematic in the case of commercial vehicles. 100% consistency would be desirable, however, in reality provinces’ have different priorities, issues, resources and political agendas.

Measuring the Efficiency and the Effectiveness of Road Traffic Law

Transport Canada has various ongoing programs aimed at measuring the efficiency and effectiveness of various safety initiatives. However the responsibility for Road and Traffic Law (including its efficiency and effectiveness) is a direct responsibility of the Provinces and Territories. Jurisdictions provide data on fatalities /injuries and type of accidents for road safety statistics for the national database.

Transport Canada also conducts economic analysis and policy research in understanding and explaining trends and the evolution of the Canadian Transportation system to support policy making, program development and decision-making. The analysis covers issues such as taxation, financial performance of carriers, performance of the transportation system, efficiency, logistics, infrastructure needs, costs, industry structure, competitiveness and competition issues, modal comparisons as well as comparisons of the Canadian Transportation system with those of other countries. These analyses allow the Department to track how well the Canadian transportation system achieves the National Transportation Policy objectives.

Transport Canada collects socio economic data which plays an important role in the development of traffic forecast that allows the organisation to identify forthcoming transport-related issues.

Transport Canada also has a Transportation Development Centre that conducts technology research and development in response to a range of transportation challenges.

“Ontario Province has performance measures, which are reported quarterly. There is one public measure—overall fatalities—and others that are internal to government—fatalities and injuries in specific categories. The Ministry of Transportation is required to produce an Ontario Road Safety Annual Report (ORSAR). On an as needed basis the ministry performs jurisdictional scans and surveys to uncover what other jurisdictions do and best practices on which to build upon”. Ontario has the 4th best safety record internationally.
**Vehicle Standards Rules**

In 1971, the Canadian *Motor Vehicle Safety Act* empowered Transport Canada’s Road Safety Directorate to establish national safety standards for the design and construction of motor vehicles.

Transport Canada ensures and promotes road safety through setting safety standards for new and imported vehicles and equipment, testing the safety of these vehicles, investigating vehicle defects and cooperating with manufacturers in issuing recalls when appropriate, and regulating the safety of the interprovincial truck and motor industry.

Motor vehicles that operate on public roads in Canada must meet the provincial equipment safety standards (such as standards regulating lighting, braking, seat belts) and federal standards for motor vehicles used on public roads. Once these standards are met, the regional traffic acts require the vehicle to be registered and have license plates, with the operator to have a valid driver’s license and appropriate insurance before it can be operated on public roads in the region.

Canada has acknowledged the emergence of new mobility options and vehicle technologies and has developed the *Transportation Statute Law Amendment Act, 2005* to facilitate the revision of vehicle standards. This statute has enabled the Ministry of Transportation Ontario (MTO) to pilot test new technologies on Ontario Roads.

Many new vehicles and devices, such as go-peds, pocket bikes, limited-speed vehicles, and Segway “Human Transporters”, are categorised as motor vehicles in regional traffic acts. For motor tricycles to be eligible for registration for on-road use in the region, they must meet the federal Canada *Motor Vehicle Safety Act* definition of “motorcycle”, as well as all related legislative and regulatory safety standards and requirements for motorcycles. As a result, certain vehicles/devices such as go-peds and pocket bikes are not allowed to operate on public roads as they fail to meet the standards noted above.

“New vehicle standards are almost entirely the responsibility of the federal government. The federal government does not determine whether vehicles are allowed on public roads or not, and sometimes in addressing that question we need to assess whether federal standards are adequate to our needs. Sometimes new vehicles are not yet covered by federal standards.

Whenever a used vehicle is sold, it must pass a “safety” inspection, focussed on ensuring safety equipment that was original with the vehicle is in working order. There are a small number of types of equipment which are specified in our legislation as required to be kept in working order; enforcement of these provisions is limited.

*Commercial vehicles have specific maintenance requirements to remain in-service*.\(^5\)

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\(^5\) Ministry of Transportation, Ontario Canada, Jun 2011
2.2 Stakeholder Information

GHD interviewed stakeholders covering main perspective areas including:

- Federal Government/Agency
- Provincial Government; and
- A user.

The following section captures key messages/issues raised in the interviews.

The written comments provided by the Ministry of Transport, Ontario are included in the previous section under appropriate headings.

**Canadian Council of Motor Transport Administrators**

- CCMTA represents all 13 provinces and territories and it has no authority to make law. Its focus is on road safety and focus on best practice.
- Provinces and territories make their own laws. The role of CCMTA is only facilitative and it has no enforcement role for the rules.
- Provinces are autonomous and the guiding rules developed by CCMTA are only for reference.
- About ten years ago TAC and CCMTA developed “Road Safety Vision 2010”. The hard targets set in this document enable comparative analysis of individual jurisdictions.
- The “Road Safety and Strategy 2015”, a 5-year plan published in January 2010 is based on “trend” monitoring rather than hard targets. Every research issue needs to be strongly evidenced. CCMTA is charged with responsibility to promote and maintain the best practice and communicate with their partners to encourage Road Safety Plans for each jurisdiction.
- The accountability for road safety lies with Deputy Ministers and Ministers from each province and territory.
- Federal Government has the responsibility for over-all (inter-provincial) reporting on road safety.
- Key challenges include:
  - New and emerging vehicles (eg. alternative transport options such as segways require decisions beyond standard vehicles. For example Alberta Province has just legislated the use of Segway which is not agreed across Canada);
  - Education and awareness-raising for all road users;
  - Drugs and driving; and
  - Ageing drivers.

CCMTA has three key committees:

**Table 3 Key CCMTA Committees**

<table>
<thead>
<tr>
<th>Committee Focus</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Drivers and Vehicles</td>
<td>Key influence lies with provincial Governments</td>
</tr>
<tr>
<td>Research</td>
<td>Key influence lies with provincial Governments</td>
</tr>
<tr>
<td>Commercial vehicles</td>
<td>Key influence lies with Federal Government</td>
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</tbody>
</table>
Ministry of Transportation, Ontario

- It was felt that Australia is ahead in terms of national Consistency.
- Canada has 2-tiered government. The Federal Government enacts Criminal Law (e.g. impaired driving) and laws dealing with issues of national significance. The balance of laws (including Road Rules) is the responsibility of individual provinces and territories.
- The rules are fairly consistent across Canada.
- The Canadian Federal Government does not have funding to ensure change (unlike USA, where the Federal Government may access targeted funding from highways funds).
- All new vehicles standards are controlled by the Federal Government. The Provincial Governments have some roles once the vehicles are in the market (for example window tinting, modifications for registration, third-party inspections etc.).
- Transport Canada (Federal Government’s Department) can approve vehicle types, but Provinces set requirements for access.
- In Ontario, traffic road law change is made under the Highway Traffic Act. Any changes in the Act are made through Cabinet and a legislative house (allowing for a public debate). Regulatory changes can be approved by the Minister (similar to Australian system).
- Evaluation of programs is constant but not based on a predetermined reporting timeframe.
- Road safety matters are reported through Ontario Road Safety Annual Report.
- Proposed changes to rules are based on trends and links to road safety.
- Research is based on best practice in other jurisdictions and countries. Ontario has the 4th best road safety record internationally.
- With changing technology there will be a need to adjust road rules (e.g. distracted driving rules, photo enforcement etc.). Environmental safety and technology will also be key drivers.
- The transport agencies work closely with the Police in changing and enforcing laws. There are 5 regions on Ontario and each has its own Road Safety planner. Grants programs exist to support road safety at the local level.

Transport Canada

- Transport Canada is responsible for the regulation and development of safety standards for manufacturing of new vehicles and the importation of vehicles. Provinces are responsible for the licensing of drivers & vehicles, and roads.
- Transport Canada is an equal partner as 1 of 14 on the CCMTA and works with the committees to establish best practice.
- Under the Motor Vehicle Safety Act, Transport Canada can conduct research into users and roadways, but there is no requirement to do so.
- Jurisdictions provide data on fatalities/injuries and type of accidents for road safety statistics for the national database. Transport Canada provides information to PIARC, OECD etc. Transport Canada tends to be the ‘go to’ organisation for national transport information and data.
- Chair of CCMTA rotates annually between the jurisdictions.
- CCMTA is currently undertaking a revision exercise, looking at roles. Responsibility for specific projects can shift between CCMTA and Transport Canada. E.g. Road Safety Vision 2010 was mainly led by Transport Canada, however, the replacement Road Safety Strategy 2015 has been led by CCMTA.
Transport Canada has jurisdiction over extra-provincial undertakings, which are motor carriers that transport freight or passengers over provincial boundaries or the international border. The provinces and territories have responsibility for commercial vehicle enforcement.

Licensing and rules for vehicles can vary between provinces and territories e.g. use of right hand drive vehicles. Speed limiters are set at 105 km/hour in heavy vehicles in Quebec and Ontario but not in other provinces.

The Road Safety Strategy 2015 has identified key target groups and key factors viz. users, vehicle and road, presented in a matrix format. Provinces and Territories can choose their priorities from the matrix. Each jurisdiction will be preparing their own road safety plans using the Road Safety Strategy 2015 as a guiding document. CCMTA is co-ordinating the development of road safety plans.

By regulation, as of 1 September, 2011, all new vehicles manufactured as of that date will be required to have ESC.

The general feeling is that changes in many of the newest technologies will only have an impact on vehicle requirements once they are more mature.

Transport Canada is responsible for safety aspects of new technology built into the vehicle at the time of manufacture.

**GHD Canada – User Perspective**

- General experience of driving in both US and Canada is that 99% of the time there is no problem with crossing state/country borders. There are some minor differences such as:
  - Default turn right on a red light (similar to our turn left on a red light. Quebec does not allow - other provinces permit.
  - U-turn at controlled intersections – allowed in Florida but not in all states – depends on congestion.
  - Line markings on approach ramps in Quebec are solid/dash to permit crossing on dotted line only. This is to prevent using ramps to queue jump in congested traffic. Not used across Canada.

- Transportation Association of Canada (TAC) plays a similar role as The American Association of State Highway and Transportation Officials (AASHTO) in the USA and Austroads in Australia and New Zealand.

- The Traffic Operations and Management Standing Committee (TOMSC) in TAC has called for the “Canadian Model Rules” of the Road” developed by TAC and the Canadian Council of Motor Transport Administrators in 1996, to be reviewed and updated.

- Key issues such as the emergence of modern roundabouts and traffic calming, increased popularity of active transportation modes and changes in traffic control issues led to the recommendation. TAC News – Volume 36 – Summer 2010.

- The US department of Transportation, Federal Highway Administration has developed a Manual on Uniform Traffic Control Devices (MUTCD) (current Edition Dec 2009) which is adopted at state level.

- In Canada, the MUTCD for Canada (1998) is used at Federal, Provincial, Regional and Local Level by professionals involved in traffic management and control. Differences are minor.

- Canada is not ‘big on roundabouts’ but that is now slowly changing resulting in the need to increase public awareness.
3 - 4 Provinces have introduced mandatory hands free mobile laws. You can’t use mobiles while operating the vehicle (people use mobiles then whilst stopped at lights).

### 2.3 Outcomes

The following key outcomes are drawn from the desktop analysis and stakeholder consultation:

**Table 4 Key Outcomes - Canada**

<table>
<thead>
<tr>
<th>Key outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each province and territory develops, implements and enforces its own Road Rules. These are influenced by the Canadian Model Rules of the Road as a reference guide. Road rules are mostly maintained at the Province/Territory level.</td>
</tr>
<tr>
<td>In general, Canada’s road rules are ‘black-letter’ law applied at the Province/Territory level. There is no formal process of monitoring consistency of road rules across Canada. CCMTA provides an important forum for discussion on issues related to road rules. In practice, the road rules are fairly consistent across Canada. There is no major difference in driving experience within Canada and cross-border.</td>
</tr>
<tr>
<td>There is a strong linkage with the new 5-year Road Safety Plan to 2015 and performance of the road traffic law is indirectly measured through road safety trends. Transport Canada and CCMTA play lead roles in data collection and analysis of trends to provide guidance to the Provinces and Territories.</td>
</tr>
<tr>
<td>New vehicle standards are almost entirely the responsibility of the federal government. The provinces determine whether vehicles are allowed on public roads. Licensing of some vehicles can vary between provinces and territories</td>
</tr>
</tbody>
</table>
3. United States of America

3.1 Context

The United States of America (USA) is a federal constitutional republic comprising fifty states and one federal district (District of Columbia). The USA is governed by a federal, state and the local county and municipal governments.

The total population in the USA is approximately 313 million. The U.S.A. has the longest roadways in the world with around 6.5 million kilometres. The U.S.A. relies heavily on its roads both for commercial and personal transit.

Construct of Road Traffic Laws

The road traffic laws in the USA are governed largely by its state governments who are responsible for developing, implementing, maintaining and enforcing road rules in the form of state traffic codes. The following bodies also play a role in the construct of road traffic laws across the USA:

- The Federal Government of the USA governs and influences the laws relating to motor vehicles through subsidiary agencies of the US Department of Transportation.
  - The National Highway Traffic Safety Administration (NHTSA) is responsible for setting motor vehicle standards.
  - The Federal Motor Carrier Safety Administration (FMCSA) works to prevent commercial motor vehicle related injuries and fatalities.
  - The Federal Highway Administration (FHWA) develops and periodically updates the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD defines standards for the installation and maintenance of traffic control devices.
- The National Committee of Uniform Traffic Laws and Ordinances (NCUTLO) was a private, not for profit organisation that promoted consistency in road traffic laws across the states of USA. There is no evidence to suggest the existence of a body to continue its work.
- State, County and municipal governments.

The role of each of these bodies in the construct of road traffic laws is presented in Figure 2 overleaf.
In the USA, road traffic laws are regulated by the states through their respective traffic codes. Each State develops, implements, enforces, and maintains its own traffic code. However, the majority of rules are similar for the purpose of uniformity, given that all states grant reciprocal driving privileges (and penalties) to each other’s licensed drivers. State traffic codes were also guided by the model laws developed by NCUTLO as part of its efforts to achieve uniformity in road traffic laws. NCUTLO is no longer in operation and each State has continued to review and maintain its own traffic laws.

Stakeholder consultations suggest that each State maintains its traffic code both in response to specific issues with road safety and changes to the MUTCD. States are bound by the MUTCD and review and update their traffic code in response to changes in the MUTCD.

A number of administrations under the US Federal Government’s Department of Transport also govern road traffic law in the USA, namely the NHTSA and FMCSA.


The FMCSA regulates the commercial motor vehicle industry in the United States. The primary mission of the FMCSA is improving the safety of commercial motor vehicles and truck drivers through the development, implementation, enforcement and maintenance of the Federal Motor Carrier Safety Regulations (FMCRs). The FMCRs govern the operating standards for commercial vehicle drivers, vehicles, carriers and vehicle equipment.
Legal Nature of Traffic Laws

Rules and regulations to prevent commercial motor vehicle-related fatalities and injuries are governed by the FMCSA. The Administration works with Federal, state, and local enforcement agencies, the motor carrier industry, labour safety interest groups, and other stakeholders, to ensure safety in motor carrier operations through strong enforcement of safety regulations, with a focus on high-risk carriers and commercial motor vehicle drivers.

The rules and regulations cover areas such as drug and alcohol testing, vehicle noise emission standards, safety, compatibility of State laws and regulation in regards to interstate operations, routing, vehicle registration and insurance, application for a certificate, passengers, training requirements, pilot program, driver license standards and penalties, hours, etc.

State laws have been developed using the Model Traffic Ordinances for guidance. Enforcement of the State laws is carried out under State, County and municipal jurisdictions.

National Consistency of Road Rules

The DOT in the U.S. is responsible for establishing overall transportation policy for the country. The Department works collaboratively with applicable state and local offices to decide policy in regards to highway planning, development and construction; urban mass transit; railroads; aviation; and the safety of ports, highways and oil and gas pipelines.

As with a recommendation / model law, some states have adopted selected portions as written, or else with modifications, and others have created their own versions.

There is no evidence of national co-ordination of the Model Traffic Ordinances or any attempts to maintain national consistency in road rules. There is evidence that changes to the Manual of Uniform Traffic Control Devices (MUTCD) are reviewed at the State level to monitor their impact on the road laws.

Measuring the Efficiency and the Effectiveness of Road Traffic Law

The effectiveness, efficiency, and responsiveness of the transportation-related functions and missions are evaluated and enhanced by one of the federal administrations – the Research & Innovative Technology Administration.

There is no evidence of formal programs to measure the efficiency of Road Rules and the effectiveness of Road Traffic Law at either the federal or State level. There are no formal national committees set up to revise traffic laws, instead ad-hoc committees are formed on a needs basis to deal with targeted issues e.g. distraction of mobile phones.

Vehicle Standards Rules

Safety performance standards for motor vehicles and equipment are set and enforced by the National Highway Traffic Safety Administration (NHTSA). They cover areas such as air bags, brakes, fuel economy, child passenger safety, disabled drivers and passengers, electronic stability control, manufacturer info, other equipment, seat belts, tires, and other vehicle related issues.

The Federal Motor Vehicle Safety Standards (FMVSS) and Regulations, issued by the National Highway Traffic Safety Administration under the United States Code for Motor Vehicle Safety, are to be conformed and complied by manufacturers of motor vehicle and equipment items.
3.2 Stakeholder Information

GHD interviewed stakeholders covering main perspective areas including:

- Federal Government/Agency
- State Government; and
- A user.

The following section captures key messages/issues raised in the interviews.

Department of Transport, New York State

- Model law for traffic rules was prepared by NCUTLO and the States have amended and/or adopted it. This was called Model Traffic Ordinances. However its ongoing maintenance and/or review appear to be delegated to individual states. There appears to be no national co-ordination for the Model Traffic Ordinances.

- New laws are developed with good reasoning, but often are not fully researched. They tend to be ‘hot buttons’ issues – for example ‘Move-over” law as developed due to police officers being killed at traffic stops. The law was implemented over the past 5 years in most states.

- There are some laws developed at the national level e.g. Default 55 MPH in 1974. In the 1990’s, this was repealed and now the states have the right to set the law.

- The Manual of Uniform Traffic Control Devices (MUTCD) is developed and maintained by a national committee (250 people) through the Federal Highway Agency. This manual provides the know-how for practitioners. Changes to the MUTCD are reviewed by the State to monitor impact on road laws.

- Each agency in DoT NY State puts in potential legislation changes where there are conflicts between MUTCD and Traffic Laws.

- There are currently few differences between MUTCD and Traffic Laws and these differences tend to be minor.

- New York City has exemptions from the State Law due to a clause “except for a city of 1 million or more” which gives it the ability to adjust laws for high density traffic scenarios (New York state population of 18 million is highly urbanised with 8 million people living in New York City, 4 million in Long Island and only 6 million distributed across a large geographical area, creating two quite different traffic scenarios).

National Highway Traffic Safety Administration

- Vehicle standards are developed at the Federal level with states adopting these standards. There are some exemptions e.g. California has more stringent requirements than Federal standards.

- Traffic Laws are managed by the states – the Federal Government has little input. Traffic Laws are not all that dissimilar across the various states. There are some exceptions:— e.g. Maximum 55 MPH ‘Nationally mandated speed limit’ where, during the 1974 oil crisis the Federal Government decreed that states would lose aid for roadways, collated through the Gasoline Excise. Some states applied the 55 MPH but with a $5 fine. To overcome this evasion, a new law was passed that the average speed measured in the field should not exceed 55 MPH, some States put counters in congested areas and on top of hills to show a reduced average speed. Also, there are some exceptions in the BAC limit of 0.08, through a penalty program.

- Traffic laws and enforcement are managed by the states with the exception of Federal property e.g. National Parks, Military Installations.
• State/County/city laws apply with fines revenue going to the relevant body. Matters for court are dealt with in State/County/City courts.

• Driver licensing is undertaken by the states. They are similar but some differences e.g.
  – New Jersey – 17 years minimum
  – Many States – 16 years minimum
  – Some States – 14 to 15 years – Farm License where no transport to School i.e. to and from school and any related activity – difficult to police.

• Most states don’t discriminate on ageing. A greater % of females self-regulate – not so much with males. There is concern with social isolation and they have restricted licences e.g. to within 25 km of home and not at night time.

**GHD USA – User perspective**

• Level of enforcement is the key differentiation factor between individual states.

• Default speed limits on highways vary as follows:
  – East 65 MPH
  – South 70 – 75 MPH
  – Virginia – tough laws 20 – 25 MPH over – go to jail – no radar laws
  – Quebec – 55 MPH – radar enforcement
  – West – 70 MPH on interstate highways (previously unlimited, but the limit is now applied)

• Differences have been standardised by reducing funding to those States that do not comply. For example “Complete Streets Bill” - this Bill is being opposed by the American Public Works Committee due to increased cost of infrastructure.

• Basic rules haven’t changed overtime.

• Right at Red Light – every place, except New York and Washington due to the urban environment and issues with pedestrian traffic.

• Issues in Florida are not consistent across all states i.e. similar to our demerit points
### 3.3 Outcomes

The following key outcomes are drawn from the desktop analysis and stakeholder consultation:

**Table 5 Key Outcomes - USA**

<table>
<thead>
<tr>
<th>Key outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each state develops, implements, enforces and maintains its own traffic laws, but the laws were initially influenced by the Model Traffic Ordinances developed by the National Committee of Uniform Traffic Laws and Ordinances (NCUTLO).</td>
</tr>
<tr>
<td>Most new road laws are developed and maintained at the state level. Large cities such as New York may have exemptions under the state law.</td>
</tr>
<tr>
<td>In general, USA's road rules are ‘black-letter’ law applied at the State level.</td>
</tr>
<tr>
<td>There appears to be no pressure/urgency in US to have complete national laws.</td>
</tr>
<tr>
<td>There is no evidence of national co-ordination of the Model Traffic Ordinances or any attempt to maintain national consistency in road rules. Changes in the MUTCD are reviewed at the State level to monitor impact on their road rules.</td>
</tr>
<tr>
<td>There are only few minor differences in traffic laws across the US states. There is no apparent major difference in driver experience within USA, except for different levels and severity of enforcement of laws.</td>
</tr>
<tr>
<td>There is no evidence of formal programs to measure the efficiency and effectiveness of Road Traffic Law at either the Federal or State level. The main focus appears to be on the effectiveness of Road Safety Programs.</td>
</tr>
<tr>
<td>Vehicle Standards are developed at Federal level and adopted at state level.</td>
</tr>
<tr>
<td>NHTSA sets and enforces safety performance standards for motor vehicles and motor vehicle equipment by developing, maintaining and implementing the Federal Motor vehicle Safety Standards (FMVSS). Most states adopt these standards without change, with some exceptions e.g. California has more stringent emission controls.</td>
</tr>
</tbody>
</table>
4. United Kingdom

The UK is a unitary state (i.e. governed by a central government) comprising Northern Ireland and the three countries that make up the Kingdom of Great Britain: England, Scotland and Wales. Northern Ireland, Scotland and Wales each have their own devolved governments which are delegated power by the UK central government. The laws in England are exclusively governed by the UK central government. The UK also comes under the power of the European Union (EU).

The total population in the United Kingdom of Great Britain and Northern Ireland (UK) is close to 62.7 million. The total length of roadways in the UK is 394,428 kilometres.

Construct of Road Traffic Laws

As shown in Figure 3, road traffic laws in the UK are governed by a combination of:

- Treaties, laws and court judgements developed by the EU that have direct effect within the EU’s member states and, where conflict occurs, takes precedence over national law;
- Rules set by the UK Central Government and a number of its subsidiary agencies; and
- Rules set by the devolved government of Northern Ireland’s Driver & Vehicle Agency (DVA)

The UK Central Government and the devolved government of Northern Ireland play the key roles in developing, implementing, maintaining and enforcing road traffic laws in the UK.

Figure 3 Development of the UK’s road traffic laws

Source: GHD, 2011

The legislative acts of the EU come in two forms: regulations and directives. Regulations become law in all member states, without the requirement for any implementing measures, and override conflicting domestic provisions. Directives require member states to achieve a certain
result while leaving them discretion as to how to achieve the result. The details of how directives are to be implemented are left to member states.\textsuperscript{6}

Regulations developed by the EU govern the design of vehicles throughout the UK in the form of Regulation (EC) No 78/2009 (the regulations comprise the type-approval of motor vehicles with regard to the protection of pedestrians and vulnerable road users). The EU develops and maintains these regulations.

In Great Britain (England, Scotland and Wales), the UK government’s Department for Transport and its subsidiary agencies implements and enforces the EU regulations. The Department for Transport also develops and implements a number of vehicle codes and guidance documents which apply to both motorised vehicles and bicycles. The EU regulations and UK codes are enforced on an ongoing basis through MOT\textsuperscript{7} testing (a testing scheme to ensure that vehicles meet the required road safety and environmental standards) carried out by the UK central government’s Vehicle & Operators Services Agency (VOSA).

In Northern Ireland, vehicle design and ongoing standards for vehicles are governed by the EU regulations and enforced by the Northern Ireland devolved government’s DVA on the basis of the MOT tests.

There is little EU law in relation to Road Rules in member states. The EU has developed a number of directives relating to professional drivers (e.g. Directive 2003/59/EC relating to the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers) and relating to the enforcement of road safety and driver licensing (e.g. Council Direction 91/439/EEC on driving licenses).

The road rules in Great Britain (England, Scotland and Wales) are defined by The Highway Code developed, implemented, maintained and enforced by the UK central government’s Department for Transport. The Highway Code is enforced through a number of subsidiary agencies of the central government:

- The UK Highways Agency which enforces road rules through its traffic officers;
- VOSA undertakes a range of licensing testing and enforcement services to improve the roadworthiness standards of vehicles;
- The Driving Standards Agency (administers driving tests) which sets standards for pre-driver education and driving trainers; and
- The Driver and Vehicle Licensing Agency which facilitates road safety and general law enforcement by maintaining registers of drivers and vehicles and collecting vehicle excise duty.

The Highway Code is also implemented and enforced by the devolved governments of Scotland and Wales through the local authorities acting under these governments.

The Road Rules in Northern Ireland are governed by The Highway Code for Northern Ireland developed, implemented, enforced and maintained by the Driver and Vehicle Agency (DVA) of the Department of the Environment, a department of Northern Ireland’s devolved government. This Code is based on Great Britain’s Highway Code; however, there are some differences to reflect the knowledge and practices of road users in Northern Ireland.


\textsuperscript{7} The MOT test is named after the defunct government department: the Ministry of Transport.
Legal Nature of Traffic Laws

The Highway Code consists of both legal requirements and advisory rules. Penalties can apply for breaches of the law. These include fines, license suspensions, and prosecutions for the most serious cases. The Code covers areas of pedestrians, powered wheelchairs and mobility scooters, horse riders and animals, cyclists, motorcyclists, drivers and riders, signs and markings.

The Traffic Management Act, introduced in 2004 by the DfT, places a duty on local traffic authorities to tackle congestion and disruption on the road network with better parking policies, moving traffic enforcement and the coordination of street works.

Regional/National Consistency of Road Rules

The DfT works closely with Executive Agencies, local authorities and many other organisations and stakeholders to develop nationally consistent rules and standards to reduce congestion and improve road safety.

The DfT develops and maintains the Highway Code which applies to road users in England, Scotland and Wales.

The DfT also work closely with the police to enforce the safety law. Local authorities are also given civil enforcement powers to regulate parking contraventions and other traffic offences to enhance safety and efficiency.

The Local Transport Act serves to empower local authorities to initiate appropriate steps to meet local transport needs.

Efficiency and the Effectiveness of Road Traffic Law

The evaluation team of the Department for Transport, based within the Transport Analysis and Economics Directorate, manages key and cross cutting evaluations of strategically critical transport policies. It is responsible for developing and implementing the Department’s evaluation strategy. The evaluation team also designs evaluations for some innovative, complex, or challenging transport programmes such as guidance for the evaluation of road pricing schemes and transport capacity.

A National Transport Model (NTM) is developed by the Department as an analytical and policy-testing tool to provide a systematic framework to compare and evaluate transport policies. The Department also has a programme for conducting modelling, appraisal and evaluation.

DfT is setting up a database that will enable evidence based changes to the Highway Code and ultimate upload to an internet based system for easy access for the community. There was no information available on review frequency of specific programs or the outcomes of reviews. There appears to be strong linkage in any changes by DfT in Road Traffic Laws to EU directions and the Strategic Framework for Road Safety 2011.

Vehicle Standards Rules

Two systems of type approval for road vehicles have existed in Europe for more than 20 years. ECE (United Nations) Regulations provide approval of vehicle systems and separate components whereas EC Whole Vehicle Type Approval (ECWVTA) provides the approval of whole vehicles in addition to the systems and separate components.

Under the vehicle type approval system, once the vehicles or components of the same type pass the prototype-test and the production arrangements also pass inspection, they are approved for production and sale within Europe without further testing.
In the UK, the Vehicle Certification Agency provides testing and certification for vehicles before they go to market. The Vehicle & Operator Services Agency provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners.

4.1 Stakeholder Information

GHD interviewed stakeholders covering perspective areas including:

- Central Government; and
- A user.

Driver Safety Agency, Department of Transport

- Rules are set by the UK Central Government for England, Scotland and Wales and separately but in consultation by the devolved government of Northern Ireland. Scotland is looking at more autonomy and has already achieved devolved responsibility for road safety.
- There are 2 key drivers for change:
  - The highway code and
  - The new government
- The Highway Code comprises:
  - Interpretation of Statutes
  - Advisory (learning process)
- DSA is involved in writing national driving standards, looking at the:
  - Basis for training
  - Connection to the Highway Code
- UK is moving away from ‘Must Do’ and future changes will mean less definition due to changing technologies e.g. Stopping using brake/ hand brake terminology will be ‘can you stop the car in a straight line’.
- DfT is working towards setting up a database which will enable evidence based changes to the Highway Code be included efficiently.
- The new Government is concerned with developing new regulation without good reason. It is unlikely to get legislation through to change the Highway Code – i.e. there is a moratorium on new legislation.
- Until recently, all local authorities (Counties) had devolved responsibility on road safety. There has been some reduction to funds to local government for road safety. There is now a greater emphasis on bidding for funds and allocating to bigger societal organisations rather than local authorities.
- Local authorities are responsible for speed cameras due to distancing of Police from this activity and shifting of police resources to other activities.
- There is increasing implementation of EU directions. Changes developed from within DfT go to the Minister, through a non-policy filter and then a formal proposal to Parliament.

GHD UK

- The DSA is also responsible for the production of the Highway Code, which was first introduced in the 1930s and contains the ‘rules’ for all highway users. Not all the rules in the current version are legal requirements, but whilst breaching the rules might not result in
prosecution, it could be used as evidence in any court proceedings, which might have a direct bearing where the rule contains ‘should/should not’ or ‘do/do not’. All rules underwritten by corresponding laws are clearly identified.

- The DSA is an executive agency of the Department for Transport (DfT), whose mission is ‘Safe driving for life’. They are responsible for the standards for driver tests for all commercial and non-commercial vehicles and maintain a register of approved driving instructors, with a voluntary register for large goods vehicles instructors. All tests are undertaken by DSA examiners.

- In 1996 the DSA introduced a theory test for all learner drivers and riders, which they have to pass before booking a practical driving test. The theory addresses topics such as attitude, safety, handling, rules of the road, traffic and road signs.

- Licences for drivers and Vehicles are managed by the Driver and Vehicle Licensing Agency (DVLA), another executive branch of the DfT. The DSA, DVLA, Vehicle and Operator Services Agency (VOSA), and Vehicle Certification Agency (VCA), are agencies within the Driver and Vehicle Operator Group (DVO) in the DfT.

- VOSA provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners.

- VCA is the designated UK Vehicle Type Approval authority and with more than 30 years experience supports industry by providing internationally recognised testing and certification for vehicles, their systems and components.

- Whilst there are very specific test standards for the UK licence, we also permit overseas visitors to drive on licences from their countries of origin. This is not universal but very widespread.

- Vehicle Standards are managed by the DfT. DfT is responsible for the MOT test, a mandatory road worthiness test for cars, motor cycles, light vehicles (including some light goods vehicles), and private buses, conducted annually when vehicles reach a specified age, e.g. for cars this is 3 years from first registration. All MOT tests are now centrally recorded and all testers are appropriately accredited.

- European integration appears to be actively pursued in terms of standards for vehicles but there remain variations and it will be some time, even if all parties are willing, before they can be fully unified.

- There are a range of issues raised by vehicles crossing national borders, not all of which are vehicle or licence specific. An archive document ‘The Government’s Response to the Transport Committee’s Report on the Work of VOSA and VCA’ from 2004, notes the occurrence of foreign drivers exceeding their permitted driving hours, which for large goods vehicles is measured by equipment in the cab and can be checked at any time by enforcement officers.

- Another interesting document is the ‘Consultation on the possibility of allowing an increase in the length of articulated lorries (DFT-2011-06)’, which illustrates the issues associated with significant changes in the standards. This is accompanied by ‘Impact Assessment of Longer Semi-Trailers’.

- There is an EU directive (2007/46/EC) which establishes a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles’.
Whilst instances of standards might not be unified in the EU, the method of approval will be, from which the EU can expect to achieve a range of acceptable vehicle standards, albeit there will be variations.

4.2 Outcomes

The following key outcomes are drawn from the desktop analysis and stakeholder consultation:

**Table 6 Key Outcomes - UK**

<table>
<thead>
<tr>
<th>Key outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an increasing implementation of EU directions for road rules and regulations.</td>
</tr>
<tr>
<td>UK is moving away from ‘Must Do’ in the Highway Code and future changes will mean less definition due to changing technologies.</td>
</tr>
<tr>
<td>The Department for Transport develops and maintains the Highway Code which applies to road users in England, Scotland and Wales.</td>
</tr>
<tr>
<td>As Road Rules / Standards have matured, there is now a key emphasis on applying any future changes through road safety strategies.</td>
</tr>
<tr>
<td>There was no information available on review frequency of specific programs or the outcomes of reviews.</td>
</tr>
<tr>
<td>The new government is not supporting additional regulations unless there are very strong reasons to do so.</td>
</tr>
</tbody>
</table>
5. **Australia’s Overview**

5.1 **Context**

The total population in Australia is over 21.7 million with an urban population rate of 87%. The total length of roadways in Australia is approximately 812,972 kilometres and the private motor vehicle continues to dominate the current transport mode.

**Construct of Road Traffic Laws**

The key bodies involved in developing, implementing and maintaining road traffic laws in Australia are as follows:

- The Australian federal government.
- State and territory governments.
- The NTC, an independent statutory authority established to ‘develop and co-ordinate reform of nationally consistent road transport policies and laws’.
- The Australian Transport Council (ATC), a body comprising federal, state and territory Transport Ministers.

The role of each of these bodies in the construct of road traffic laws is presented in Figure 4.

**Figure 4 Development of Australia’s road traffic laws**

As shown in Figure 4, the Australian federal government develops, implements, and enforces rules governing the design and construction of new vehicles in the form of the *Australian Design Rules* (ADR). All road vehicles are required to comply with the relevant ADR’s under the *Motor Vehicle Standards Act 1989*. 

Source: GHD, 2011
With the exception of these rules, Australia’s road traffic laws are developed, implemented and enforced by state and territory governments on the basis of model rules developed by the NTC. The model rules comprise the Australian Road Rules pertaining to the activities of all road users on the road and road related areas and the Australian Vehicle Standards Rules which govern the application of the ADR during the life of a vehicle and the modification, combination and maintenance of vehicles. While the Road Rules and Vehicle Standards Rules in each state and territory are based on the model rules developed by the NTC, the model rules have no legal effect and states and territories are responsible for implementing and enforcing the rules, whether in their original form or modified.

As well as developing the model rules, the NTC maintains the Road Rules and Vehicle Standards Rules by submitting annual reform recommendations to the Australian Transport Council (ATC) for approval, co-ordinating approved reforms and monitoring their implementation.

Local government also plays a role in implementing and enforcing some local level Road Rules in relation to parking.

Legal Nature of Traffic Laws

The Australian Road Rules, commenced in December 1999, were developed by the National Transport Commission (NTC) in consultation with all Australian governments through their transport agencies and police, the Commonwealth Office of Legislative Drafting, the Parliamentary Counsel’s Committee and many other stakeholders.

The Australian Road Rules contain the basic rules of the road for drivers and riders of motor vehicles, riders of bicycles, pedestrians, passengers and others.

The majority of these rules have been adopted at the state/territory level.

National Consistency of Road Rules

Before the adoption of national road rules, variations in road rules between state and territories sometimes caused driver confusion which had potential impact on road safety and transport efficiency.

The Australian Road Rules are model rules that serve to form the basis of Road Rules of each Australian state and territory, and thus have no legal effect. Each jurisdiction has its own laws that set the penalty for an offence. Almost all road rules will be consistent throughout Australia with full implementation of the national rules.

Efficiency and the Effectiveness of Road Traffic Law

The NTC is required to undertake reviews of key reforms of the Australian Road Rules with regard to the extent to which they deliver their intended policy outcomes and develop to meet future requirements. These reviews involve examining the current road rules and their roles within the transport system in Australia as well as other countries, identifying issues that potentially affect the forming of future road rules, and providing options for improvements in efficiency and effectiveness.

Vehicle Standards Rules

The development of the Australian Vehicle Standard Rules, approved by the ATC as ‘model law’, was designed to:

- Harmonise vehicle standards in each State and Territory, thereby eliminating the discrepancies between vehicle standards across borders and improving productivity for national transport operators;
Reduce the cost of transport administration, through the elimination of the need for each State and Territory road agency to maintain their own sets of vehicle standards; and

Promote the safe use and efficiency of vehicles and the protection of the environment.

The Vehicle Standards Rules specify in-service or roadworthiness standards for motor vehicles, and for light and heavy vehicles operating on public roads, and their operators.

The *Motor Vehicle Standards Act 1989* serves to achieve uniform vehicle standards for new vehicles to operate in Australia as well as to regulate the first supply of used vehicles imported into the Australian market.

The Minister may determine vehicle standards and examine the procedures and arrangement adopted to determine the compliance of road vehicles or vehicle components with this Act.

Once new vehicles of a particular type (or vehicle components of a particular type) comply with the national standards, approval for identification plates must be approved by the Minister and to be placed on vehicles or components of that part. Nonstandard vehicles are not to be made/supplied within or imported to Australia unless in prescribed circumstances or with the written approval of the Minister.

### 5.2 Key points

The following key points are drawn from the desktop analysis to enable a comparative analysis with other nations:

**Table 7 Key Points - Australia**

<table>
<thead>
<tr>
<th>Key points</th>
</tr>
</thead>
<tbody>
<tr>
<td>National interests are managed and co-ordinated by a single agency – National Transport Commission.</td>
</tr>
<tr>
<td>There is a good national consistency of road rules and vehicle standards across all states and territories.</td>
</tr>
<tr>
<td>A strong road rules maintenance program is in place co-ordinated by a single agency.</td>
</tr>
<tr>
<td>Vehicle Design Standards are managed at the national level whilst in-service use is the responsibility of individual states and territories.</td>
</tr>
</tbody>
</table>
6. Comparative Analysis

6.1 Key Jurisdictional Differences

Sections 2, 3, 4 and 5 respectively presented an overview of road rules and vehicle standards for the United Kingdom, Canada, the United States of America and Australia.

Based on these areas, a comparative assessment between the different jurisdictions was undertaken. Table 8 summarises the findings.

**Table 8 Comparative Issues**

<table>
<thead>
<tr>
<th>Key points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia has a national co-ordination body for Road Rules and vehicle Standards management and maintenance (NTC). There are clear roles and responsibilities for Federal and State Governments and its relationship with NTC. This is not the case with other countries where roles and responsibilities are more dispersed.</td>
</tr>
<tr>
<td>Implementation and enforcement is done mainly at the State and Territory levels. This is consistent with other countries.</td>
</tr>
<tr>
<td>Canada national bodies have a ‘partnership’ approach with Provinces and Territories resulting from strong legislation ensuring autonomy of individual provinces/territories. USA and Australia has a more directive relationship.</td>
</tr>
<tr>
<td>Generally, there is a good consistency of Road Rules and Vehicle Standards across individual states, provinces and/or territories in the specified jurisdictions, however USA and to some degree Canada have no frameworks to maintain and/or improve the consistency.</td>
</tr>
<tr>
<td>All jurisdictions have well specified and comprehensive traffic laws. UK is however moving from ‘must-do’ black-letter type law towards ‘should-do’ guide type legislation.</td>
</tr>
<tr>
<td>The UK legislature is centralised. Other jurisdictions have ‘model’ rules at the national level that are generally adopted by states/provinces/territories.</td>
</tr>
<tr>
<td>USA and Canada have developed guidelines/ordinances which in most cases have been applied by states/provinces/territories. Australia has adopted a similar approach but used a single agency (NTC) to implement and maintain the rules. This results in ongoing consistency.</td>
</tr>
<tr>
<td>USA is not driven by a need for national consistency and is only targeting key issues that may impact on safety. Canada is similar in this approach.</td>
</tr>
<tr>
<td>Driver experience in all jurisdictions is mostly consistent. The main difference is in the level of enforcement and some different approaches to infrastructure solutions.</td>
</tr>
<tr>
<td>While responsibility for projects and initiatives can shift in Canada case by case, it remains consistent in other jurisdictions.</td>
</tr>
<tr>
<td>Typically in all jurisdictions, the Vehicle Standards are developed at the federal level and adopted at the state/province/territory level. The in-service use responsibility remains at the state/province/territory level.</td>
</tr>
<tr>
<td>Australia, with its strong focus on consistency and harmonisation, is well set-up to react fast to any future issues that may need to be addressed through Road Rules.</td>
</tr>
</tbody>
</table>
Figure 5 below provides an illustrative summary of the comparative analysis outlined in previous sections.

**Figure 5 Comparative Assessment between Jurisdictions**

<table>
<thead>
<tr>
<th>Coverage and Construct of Traffic Laws</th>
<th>Generalised</th>
<th>Highly Specified/Comprehensive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Nature of Traffic Laws</td>
<td>Highly Decentralised</td>
<td>Highly Centralised</td>
</tr>
<tr>
<td>Approaches to Create National Consistency of Road Rules</td>
<td>High Degree of Separation</td>
<td>Low Degree of Separation</td>
</tr>
<tr>
<td>Measuring the Efficiency and the Effectiveness of Traffic Law</td>
<td>Limited Reviews</td>
<td>Regular &amp; Robust Reviews</td>
</tr>
<tr>
<td>Vehicle Standards Rules</td>
<td>Generalised</td>
<td>Highly Specified/Comprehensive</td>
</tr>
</tbody>
</table>

Source: GHD, 2011

**Conclusion**

Based on the jurisdictional case studies undertaken for this study, it was found that, in relation to the other countries (Canada, the U.S.A. and UK) road rules in Australia were readily comparable and rated well on each of the five areas investigated.

Australia’s institutional structure and ongoing emphasis on law harmonisation, consistency, effectiveness and efficiency will enable it to react fast to any future issues that may need to be addressed through Road Rules across the nation.
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<th>Reviewer</th>
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