



Project Officer
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PR14/19917

Mr Paul Retter AM
Chief Executive and Commissioner
National Transport Commission
Level 15
628 Bourke Street
Melbourne VIC 3000

Dear Mr Retter,

Thank you for the opportunity to comment on the NTC Discussion Paper – ‘Access to Performance Based Standards (PBS) mass limits for truck and trailer combinations’.

As discussed within the paper, the core of this issue is potentially moving away from the existing PBS approval approach that requires individual certification of all new equipment towards an approach which gives fast-tracked approval to combinations which meet either a government published technical blueprint or which fall within an ‘envelope’ specification.

While TfNSW strongly supports increased efficiencies for the heavy vehicle industry, and recognises that increasing productivity is the driving principle behind this initiative, any changes to the scheme must also maintain safety standards. The compliance framework for the current PBS involves checks and balances which allow PBS vehicles to be safely operated. An expedited approval process which allows vehicles to bypass elements of the certification process may result in the risk that vehicles operating under the PBS would be unsafe for operation at increased mass limits.

TfNSW considers that as little innovation is currently being shown in the manufacture of truck and dog combinations, publishing specifications for these vehicle types is unlikely to have a major impact on innovation in PBS vehicle design. Any plan to expand the publishing of specifications to include other combination types would need to properly consider the original intention of PBS as a scheme to promote innovative design.

With these concerns in mind, TfNSW considers ‘option 3’ to be the most feasible option for change within the PBS management structure, because this option retains the requirement for a vehicle to be certified, which will best protect existing safety standards.

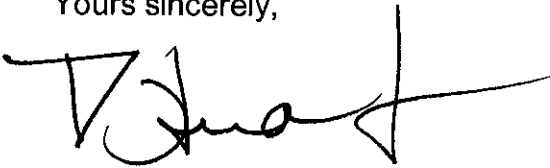
It is considered that ‘option 2’ focuses too greatly on a narrow set of factors to manage safety effectively. Compliance is a key issue for ‘option 4’ as it involves self-certification which without the development of a potentially expensive auditing regime would be difficult to enforce and could lead to vehicles operating unsafely at PBS mass limits. Due to concerns regarding vehicle safety and the complexity of enforcement, neither of these options would be supported by TfNSW.

TfNSW suggests that further work is required before jurisdictions will be in a position to approve any of the four options. The information currently being presented through the discussion paper needs to be refined and should be accompanied by a more accurate assessment of the potential costs and benefits of each option.

Further detail on specific issues is contained in the attached table.

TfNSW will continue to work with the NTC to refine the PBS program. If you or your staff wish to discuss this issue in further detail, please do not hesitate to contact Dimi Rigas, Principal Manager National Intergovernmental Coordination on (02) 8265 7464 or at Dimi.Rigas@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Stewart', with a long horizontal stroke extending to the right.

Dave Stewart
Secretary

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Access to PBS mass limits for truck and trailer combinations

NTC Discussion Paper - NSW comments October 2014

Section	Page no.	Comment
Title	Cover	The wording in the title and throughout the document would be clearer if it was reworded from "truck and trailer" to "truck and dog-trailer" combinations.
Question 4	iv	<p>Option 3 has been identified as the preferred option for NSW, noting the concerns listed in the attached letter and below. Option 3 has the potential to provide efficiency benefits while retaining a reasonably controlled, transparent PBS process.</p> <p>Unlike Option 4, the requirement that a combination be certified makes the risks of non-compliance significantly lower under Option 3.</p> <p>NSW agrees that some manufacturers and operators have already developed their own blueprints and considers that publishing blueprints may not have a significant Impact on current practices.</p>
Question 4b	iv	<p>NSW is unlikely to support options 2 or 4:</p> <p>Option 2 does not adequately ensure compliance with all the PBS standards and focuses too greatly on a narrow set of factors.</p> <p>Option 4 presents the following issues</p> <ul style="list-style-type: none"> • It lacks sufficient assurance that vehicles built will actually comply with the envelope specifications and therefore be safe to operate at higher masses. • Difficult to enforce at the roadside. The complexity of the envelopes means that agency transport inspectors will not be able to adequately check that specific vehicles comply with all the parameters in the envelope. • As this option relies solely on scrutiny by roadside enforcement officers for ensuring the compliance of built and operating vehicles, it would essentially result in industry self regulation. • Overall 'option 4' is not preferred due to the risks associated with lack of compliance checks and the increase in complexity and investment that would be required to conduct enforcement checks.

Question 10	v	<p>Both options 3 and 4 offer what essentially amounts to a 'shortcut' for industry which will risk encouraging designers and manufactures to gravitate towards existing solutions rather than thinking laterally and developing optimal designs.</p> <p>It is noted that designers and manufacturers will still be able to provide other solutions through PBS if the blueprints or envelopes do not suit the customer's application.</p>
Question 11	v	<p>NSW considers that the specification envelopes result in unworkable complexity for effective compliance and enforcement. Without effective compliance and enforcement, road safety risks will increase.</p>
Question 12	v	<p>The masses proposed for these "prescriptive" combinations are set at Concessional and Higher Mass Limit levels, however no mitigating measures as such as National Heavy Vehicle Accreditation Scheme (NHVAS) Mass Management Accreditation or mandatory participation in the Intelligent Access Program (IAP) are proposed. This may represent a significant dilution of safety measures compared to those applied to existing PBS vehicles.</p> <p>It is also necessary to specify minimum total masses for drive axle groups to ensure truck can always get sufficient traction to tow a laden trailer. Further, there is no condition proposed to prevent a fully laden trailers being towed by an empty truck.</p>
Question 13	v	<p>Option 3 would improve access as states and territories continue to develop PBS networks.</p> <p>Option 4 would also provide equivalent access however for reasons stated above option 3 is the preferred option for NSW.</p> <p>In any system, it is important that industry is provided with information upfront about the access and any conditions would accompany a specific blueprint or envelope.</p>
Introduction	1	<p>The adoption of PBS was expected to lead to more predictable and consistent regulatory outcomes and to provide scope for the <u>design of innovative, safer and more productive vehicles</u>. However, this discussion paper proposes to establish a set of <u>prescriptive regulatory requirements</u>. This would be a complete change in direction and revert back to a regulatory model used in the 1990's. It would also lock in existing PBS designs to current thinking while at the same time limit further innovation for truck and dog-trailer combinations.</p>

		<p>The vehicle manufacturing industry is of a technical nature, with manufacturers continually improving their products to improve their market share. There is a constant stream of new automotive products, devices and innovative technologies becoming available to the market. However, since the adoption of Performance Based Standards (PBS) in 2003, the performance standards that underpin the scheme have not had a comprehensive review to reflect these market driven changes. Safety technologies, such as autonomous emergency braking, lane departure warning systems and trailer roll stability systems, are commonly available but have not been included as performance measures for PBS.</p> <p>The statement that the safety standards “have been subject to an extensive rigorous development process” is considered ambiguous as it is based on demonstrating compliance with the standards rather than ensuring the actual standards have been continually measured against best practice.</p>
2.1 Most common vehicles	3	<p>The term Gross Combination Mass (GCM) is incorrectly used throughout the discussion paper. The GCM of a vehicle is set by its manufacturer and is the Gross Vehicle Mass of the hauling unit plus the total mass of the trailer/s being drawn. The permitted regulatory mass limit, does not determine the vehicles GCM. Tables 3 and 4, on page 9, also incorrectly use the term GCM.</p>
2.1 Most common vehicles	3	<p>The percentage increase stated for GCMs under PBS are compared to the NHVL MDL limits and not the limits allowed under the Class 3 Truck and Dog Trailer Notice which are also approved prescriptive mass limits for 6 and 7 axle Truck and Dogs.</p> <p>The effect of this is that it overstates the comparative productivity of PBS Truck and Dogs compared to prescriptive Truck and Dogs, especially for the 6 axle combination.</p>
2.1 Most common vehicles	4	<p>The mass limits shown in figures 2 and 3 are confusing and do not clearly explain when those mass limits apply.</p>
2.3 PBS under the HVNL	5	<p>It should be noted that advantages in terms of time savings and access certainty may be negligible as processes are still essentially the same (only difference is formal role of the review panel).</p>
3 Purpose of this discussion paper	6	<p>As PBS currently requires vehicle certification, an unanswered issue in the paper is how compliance with the envelope is appropriately addressed? This is a particular issue where further exemptions are involved.</p>

4. Performance based standards	7	<p>Table 4 is missing some key safety measures; <i>Directional Stability Under Braking</i> is a key measure that needs to be addressed to ensure the combination can maintain stability under braking and stop in an appropriate distance.</p> <p>Compliance with braking standards and compatibility issues between hauling units and trailers is not adequately considered in this discussion paper. There are significant road safety risks with higher mass limits that are associated with longer stopping distances and the outcomes of crashes involving higher energy levels.</p> <p>NSW recommends that any change to the PBS scheme should ensure that safety related components (including brakes) are performing to an adequate standard before vehicles can operate at PBS mass limits.</p>
4.1 Performance based standards	8	<p>It should be noted that the maximum mass limit for non-PBS vehicles (42.5 tonnes) is due to road safety issues; those being emergency stopping distances and the exposure of road users in crashes.</p>
4.1 Performance based standards	9	<p>The third dot point is the only reference that brakes, suspension and tyres need to be assessed for performance; details need to be provided regarding what is involved in determining if these components are sufficient beyond the statement that a "PBS assessor decides".</p>
4.1 Performance based standards	9	<p>Pavement wear is a significant issue for combinations running at higher masses. This is an issue for NSW as well as other jurisdictions and should be taken into account when evaluating the options.</p>
4.1 Performance based standards Table 3	9	<p>Table 3 uses inconsistent measuring points for the 'prescriptive GCM'.</p> <p>For 6 axle truck and trailers the prescriptive GCM is measured using the mass limits in the MDL Regulation. For 7 axle truck and trailers the prescriptive GCM is stated as the mass allowed under the Class 3 Notice.</p> <p>As a result of this inconsistency the benefits offered to 6 axle trucks are inflated. The amount allowable under notice should be used in both cases.</p>
4.1 Performance based standards	9	<p>As above, using the Class 3 Notice prescriptive mass limit together with the steer axle concession, the figures for the 6 axle combination would change a GCM gain of 1.0t, the percentage GCM gain to 2% and the percentage payload gain to 3%.</p>

Table 4		
5 Options	10	The report states that States and Territories support the idea of incorporating vehicles which could safely operate at PBS mass limits into prescriptive regulations. However, further clarification should be provided to explain each jurisdiction's views.
5 Options Paragraph 2	10	Any benefits gained by reducing the administrative burden should be weighed appropriately against the potential risks posed by allowing higher mass, lower safety margin vehicles to operate in an environment with diminished safety and compliance checks.
5.4 Option 4	12	<p>What is proposed in this option does differ from PBS vehicles with self certification and vehicles running under national notices currently. In the case of the former, the vehicles are none the less certified as compliant to the PBS standards and provided a NHVR Vehicle Approval. The self certification system will also have a robust audit regime for manufacturers who self certify.</p> <p>In the case of vehicles operating under notice, risk mitigating conditions such as lower masses, maximum truck to trailer load ratios and heaped loading restrictions are applied. Most of these risk mitigation measures are removed by the PBS process.</p>
5.4 Option 4	12	Intellectual Property has not been raised in the report. This may present a barrier to developing or publishing both blueprints and envelop specifications.
7 Feasibility of vehicle specification envelopes	18	<p>NSW considers it essential that PBS vehicles continue to be certified. How would enforcement agencies ensure compliance with the envelope without a certification process?</p> <p>This is a particular issue for ensuring that the internal dimensions of the combination meet the bridge standards. Some PBS vehicles do not comply with the bridge formula because of the way they manage weight between axle groups. A specification envelope that assumes the current standard will not cover all bridges. This may set up unrealistic expectations with industry about the access that would be granted by the Road Authorities?? (see also issue discussed in Qu 3).</p>
7 Feasibility of vehicle specification envelopes	18	<p>Does there need to be an assessment of the impact of proposed changes on manufacturers?</p> <p>Trailer manufacturers have invested in the PBS process and are not specifically charging to recover those</p>

		costs. The implementation of 'envelopes' may have a negative impact on the business models of manufacturers.
7.2 Consultant methodology	19	In the last dot point, clarification is required regarding the use of the word "vehicles". It is unclear if it includes the trailer, hauling unit or both.
7.4.3 Access	21	<p>PBS access splits the PBS levels into and 'A' and 'B' access category and hence network (except for Level 1). For example while a vehicle may be granted approval as PBS Level 2, it's access will be determined by the Level 2 access category the vehicle complies with.</p> <p>The paper incorrectly states that PBS Level 1 is 'General Access'. This is not always the case. Rather, a PBS Level 1 approved vehicle may access the PBS Level 1 approved network or roads which may or may not be the same as 'General Access' used for prescriptive MDL compliant vehicles.</p> <p>The paper also does not acknowledge that the PBS level 2 masses proposed for a 7 axle dog trailer combinations are the same as the HML allowance for this combination. In NSW and other jurisdictions IAP is a requirement to operate at HML .</p> <p>7 axle truck and dogs above 50.5 tonnes up to 57.5 tonnes combination are currently allocated the HML B-double network (while RMS develops its PBS Level 2 networks) which contains restricted bridges.</p>
7.4.2 Compliance	21	PBS combinations have specific safety and infrastructure issues. Relying on on-road enforcement/business as usual is not satisfactory.
7.4.3 Access	22	In NSW access is currently by permit, not under notice as stated in the paper.
8. Next steps	25	<p>The paper needs to better compartmentalise the different vehicle configurations being considered and use more consistent measuring points to allow for proper consideration of the advantages and disadvantages of each of the four options.</p> <p>This means that 6 and 7 axle truck and dogs need to be considered separately and that the allowances and mitigation strategies of the existing and proposed instruments (access under regulation, access under notice,</p>

		access under the existing PBS scheme, access under the proposed PBS scheme etc) need to be clearly stated.
8. Next steps	25	There has not been sufficient evaluation of the impact of these options to allow for their implementation at this stage. It is recommended that work to determine the cost impacts be considered as a next step.