11 June 2024

PaoYi Tan
Automated Vehicle Program
National Transport Commission
Via email
automatedvehicles@ntc.gov.au

Automated Vehicle Safety Reforms consultation April 2024

Dear PaoYi

Thank you for the opportunity to provide feedback to the NTC's consultation.

1 ACKNOWLEDGEMENT

Aside from taking the opportunity to participate in this consultation and provide feedback, I would like to express my gratitude to the NTC for presenting the current regulatory position so clearly and comprehensively.

As an engineering practitioner, I have found the consultation documents to be invaluable to bring myself up to date on recent developments in Australian Automated Vehicle (AV) regulatory frameworks. The background documents presenting the evolution of the regulatory environment over the past few years has given me a good appreciation for why current regulations are where they are now.

Furthermore, I am also grateful for the clear articulation of concepts and ideas relevant to automated vehicles, and the consistent use of terminology in the consultation documents. This has helped me to clarify my own thinking about the nature and characteristics of manual or automated driving – or perhaps I should say the *Dynamic Driving Task (DDT)*. I now feel more confident in adhering to a consistent language when discussing the topic with colleagues.

2 ABOUT THE AUTHOR

This section outlines my background as the author of this submission, so that the NTC can estimate the extent to which it should take heed of the recommendations and weigh them relative to other submissions.

I am the Principal Engineer at Traffic Vehicles & Logistics Pty Ltd (TVL), a consultancy that specialises in Traffic and Automotive Engineering. I have a multidisciplinary background centred around two core pillars: the road transport system, and computer technology.

My knowledge of both pillars stems from first principles understanding borne out of a 20-year career in engineering and a lifetime of experience in technology.

In my current role as a road safety practitioner, I undertake assessments and provide advice to governments across a spectrum ranging from single blackspot locations to statewide policy.

In a past role, I was responsible for information technology and innovations for the Victorian subsidiary of ComfortDelGro, a multinational public transport operator based in Singapore. This included the deployment of retrofit ADAS into buses, telematics platforms, and the development of a Mobility-as-a-Service (MaaS) on-demand transport app.

In another prior role, I was the resident Road Rules Expert at the RACV and became very familiar with the role of legislation in regulating driver behaviour.

The many hats I have worn in transport and technology has given me a wide purview over the things that AV regulations will need to address.

I am motivated primarily by a desire to reduce the extent of road trauma globally. Motorisation has liberated economies and shaped how societies operate, but there is a cost to human life and health in the form of casualty crashes and environmental impact. Society's tolerance for these costs is reducing, and I believe that the potential for automated vehicles to address/reduce this cost is significant.

It is out of this motivation that I provide this feedback. The topics I address are diverse and I would be happy to elaborate further on any specific element.

3 OVERARCHING COMMENTS AND VISION

3.1 BROAD SUPPORT FOR THE AVSL AS OUTLINED IN THE CONSULTATION DOCUMENT

Overall, I support the frameworks proposed in the consultation document, or have no comment.

Where there are exceptions or comments, these are listed and discussed in section 4 below.

In the remainder of this section, I outline my comments which are not specific to individual questions posed in the NTC's consultation document.

3.2 AVs HAVE HIGHER AND MORE CONSISTENT DDT PERFORMANCE

AVs represent the single greatest potential to eliminate the imprecision of human driver performance on the road. Many elements of our road traffic system are designed to cater for the reaction times of human drivers. This is not surprising as it has traditionally been a safe assumption to make that vehicles on the road will be driven by humans.

While there is a range of performance metrics that human drivers reliably fall within, there is always economic pressure for drivers to achieve greater time/cost efficiencies when participating in the road transport system, particularly when the risk of improbable events (crashes) are ignored. This results in activities we now generally recognise as unsafe, such as excessive speed, poor gap acceptance/failure to give way, and disobedience of safety measures.

The sensing and control mechanisms deployed in AVs have the potential to greatly outstrip human performance when undertaking the Dynamic Driving Task (DDT) once we are satisfied that AVs can make the correct decisions in every possible on-road encounter.

Aside from safety considerations, the improved DDT performance also has efficiency ramifications, as road transport system design allows for safety factors and buffer zones to cater for the fallibility and variability of human driver performance.

3.2.1 Regulatory considerations

Due to the innovation environment by which the birth of viable AVs is taking place, I do not believe that the benefits articulated above will come about naturally. This is because the coding and performance calibration of AVs is ADS-specific. When many different developers are working on ADS, the result will be many different performance characteristics across AD Systems.

The way towards unification of ADS DDT performance will require open standards and architectures pertaining to DDT, vehicle sensing and control. Such a structure may not be appropriate now as it may have a stifling impact on development of ADS, but it is worth considering the vision of a unified DDT performance once the ADS market has achieved a level of maturity.

We have seen several past examples where platform standardisation has led to significant growth: DOS-based x86 Personal Computers, TCP/IP and the Apple App Store are examples that come to mind. Aside from the improved interoperability, a higher degree of competition will also result in more economically efficient outcomes.

3.3 SYSTEMIC IMPROVEMENT OF ROAD INCIDENT DATA

One of the weaknesses present in the road safety industry is in the lack of data quality, quantity/coverage and integration. The development of ADS and associated data collection requirements has the potential to revolutionise the availability of on-road insights and feed into systemic improvements in road safety policies.

From a road trauma perspective, relevant data is only collected in the event of a significant casualty crash. Property damage crashes are not noted by road authorities (though they may be by insurance providers), and near misses are rarely collected, except for some cases of fleet vehicles where this is allowed for under a strong safety culture or automatically detected by a telematics device.

Due to the highly complex interactions inherent in any road crash, small changes in crash factors can lead to large differences in crash outcomes. A small change in vehicle speed, direction, occupant restraints, lighting or even the weather can turn a minor property damage crash into a fatal one, or vice versa. For this reason, data collection of near miss incidents is nearly as important as that for major crashes if policy makers are to effectively address road trauma outcomes.

The Australasian College of Road Safety this year released a policy position statement on a New Systems Thinking Approach to Road Safety. It is my interpretation that the systemic improvement of road incident data, in terms of coverage, quality and integration, has the potential to contribute towards the Systems Thinking approach envisioned by the policy. Ultimately, I expect this will contribute towards the achievement of Vision Zero by 2050.

While the consultation documents did not mention it directly, references to DSSAD were found in earlier NTC work. This could be the basis for the data collection benefits outlined above. I understand the DSSAD is evolving under the auspices of UNECE and look forward to its potential being realised.

3.4 CONTINUOUS VEHICLE MONITORING AND DATA COLLECTION

Aside from the incident data listed above, there are also benefits arising from telematics-style vehicle monitoring and data collection for road network management, urban planning and transportation policy.

The considerations are as outlined in section 3.3 above, but do not relate directly to reduced road trauma outcomes, so I will not elaborate further here.

4 SPECIFIC COMMENTS

This section outlines my comments on specific consultation questions presented in the Public Consultation document, ordered by question number.

4.1 QUESTION 4: LEESIP

Are there are other matters that the law enforcement and emergency services interaction protocol should account for?

- From my cursory internet search, the LEESIP does not appear to exist outside of Australia, though the concept may well exist under a different name. It would appear that Australia is forging its own path, and that this situation has arisen as an outcome of prior consultation with emergency services.

  The risk for our regulatory environment is that we create a requirement that is unique to Australia and is not specified in larger markets such as Europe/UNECE and North America.

- A secondary concern is that in acute situations, the LEESIP may prove to be unfit for purpose. This is due to the requirement for Law Enforcement/Emergency Services (LEES) to identify the AV and thus its LEESIP, which may not be readily done especially if the AV is still in motion, yet to be intercepted, underwater, or on fire.

  I predict LEES demands will evolve towards having a standardised method for shutting down/pulling over across all AVs. This would in turn bring about its own set of risks of third-party interference being more likely if the methods are insecure and leaked.

4.2 QUESTION 6: ADSE IN-SERVICE OBLIGATIONS

Are there other modifications that should be considered significant? Is there other information an ADSE should provide when seeking authorisation for a significant modification?

4.2.1 Authorisation of significant modifications

This comment is not a direct response to the question, but an observation about the authorisation requirements for significant modifications.

Based on some experience in the software development process, I am concerned that the time taken for authorisation may be significant, which may lead to a stifling of innovation and iterative improvements in DDT operation.

While I support the principle that significant modifications should be signed off by the Regulator, perhaps the introduction of a turnaround time target could help alleviate this concern.

4.2.2 Predictable vs. legal driving

This comment is not a direct response to the question, but an observation about adherence to existing road traffic laws in relation to ADSE in-service obligations.

The in-service obligations consultation document states (on page 5):

> *Existing road traffic laws apply to human drivers, and provide a consistent set of requirements for drivers that help vehicles move safely, efficiently and predictably on public roads*.

There are instances of conflicts between what is predictable and what is legal. Detailed considerations should be given to each law (this is a large task) as human drivers are likely to instinctively take a conservative approach when approaching these ambiguous situations. Those that do not tend to form one of the many crashes that occur daily across the country.

One example of this inconsistency is the roundabout give way rule, which is still widely misunderstood (and therefore practiced) by human drivers to be “give way to vehicles on your right”.

A second example is the yellow traffic signal. Strict adherence to the road rules by AVs will result in a sharp increase in rear end crashes because the road rules specify that Yellow means stop unless you cannot do so safely. In contrast, typical human driver practice is to treat the Yellow as a warning of impending Red and to “keep going if you can make it into the intersection on Yellow”.

This is not specifically an AV concern per se, but one of the gaps between road rules and common practice on the road, which is also a function of the degree to which these rules are enforced. In practice, these rules tend to be enforced only in the case of a negative outcome such as a crash. If the police attending a crash determine that a rule was broken, they are more

likely to issue an infringement to the relevant crash participant, despite not doing so when there is no crash.

4.3 QUESTION 8: ADSE CERTIFICATION

> *Are there measures we should consider to manage the consumer impacts of an ADS being disabled due to suspension, cancellation or surrender of certification?*

There is a structural approach that could help to mitigate consumer impacts of ADS disablement. Once AVs have become mainstream and the supply market has a large experience base and has settled into a few dominant players, regulation could be considered to standardise the performance characteristics of ADS, as outlined in the ***REGULATORY CONSIDERATIONS*** section above.

ADSE and transport operators by that time should have developed sufficient experience and guidelines in order to decide on an optimised way forward.

It is also at this point that the existence of ADS becomes a public good, much like the private, educational and military computer networks that formed the backbone of the internet did in the 1990s.

While this consideration is likely to be premature for the NTC's current stage of consultation, it is worth maintaining the vision of this future state for reference and updating it as our experience base grows.

4.4 QUESTION 9: INFORMATION MANAGEMENT

> *For how long should ADSEs be required to retain data? Should there be different periods for different types of information?*

I approach this question with the aims of a road safety researcher combined with first principles understanding of information technology.

Due to the rich variability of data that can be collected, any regulatory instrument to define data retention will unfortunately be quite blunt. It is also unlikely to be able to evolve quickly enough to take advantage of emerging data capabilities. I do not know how to overcome this.

From a road safety perspective, retention duration is less relevant than data quality, which can be comprised of breadth of scope, depth of detail, sampling rates, digital resolution and trigger

events. It is also difficult to determine an advance exactly what metrics to retain as we don't know what problems will arise in the future that could be assisted by current data sets.

One potential approach to take would be to mandate the retention of four weeks (for example) of complete operational data per year to the extent permitted by contemporary privacy legislation. Doing this over several years permits the development of time series in the future, at the best available level of detail. If retention costs under this regime prove to be prohibitive, this could be reduced to one week per year, but it is important that the full scope of available data is retained.

4.5 QUESTION 11: REMOTE OPERATION

> *What are your views on the proposed additional AVSL measures to manage the safety risks of remote operation of a vehicle with an ADS?*

I approach this question from the perspective of a road safety practitioner who also has some experience as a CASA-accredited Remote Pilot Licence (RePL) holder, flying drones. I do not have any direct experience with remotely operated road vehicles.

I am unclear on the difference in application of Remote Operation between SAE Level 3 and Level 4 operation as I see it potentially having a role in both.

Remote operation could be used in a Level 3 AV to accommodate situations where there is no fallback-ready user in the vehicle. Similarly, remote operation could be used in a Level 4 AV to cater for gaps in the operational design domain. In both cases, a trip can be completed without interruption to the passenger.

> *11c. Should an ADSE have responsibility for the safety remote operation performed to support its ADS? Should we consider other models for allocation of safety responsibility for remote operation?*

I would consider remote operation to be an integral part of the ADS equipped transport service. It allows for far quicker response times when AVs get stuck as there is no need for a technician to physically attend to the AV. Remote operation is likely to be more significant in early years when ODDs are small and gaps between need to be bridged.

The safety responsibility for RO can be delegated to commercial operators, which is same as for normal ADS operation.

In the case of AVs that are not part of a commercial transport operation, I envision that remote support would be offered as an optional service package, much like roadside assistance is to conventional vehicles.

Perhaps there is a legislative gap to mandate the take up of a remote operation service so that we do not see "abandoned" AVs taking up road space.

> *11g. Should the AVSL require that remote operations centres be located in Australia? What are the advantages or disadvantages of this?*

I support the AVSL requiring remote operations centres be located in Australia. Aside from latency benefits (particularly for remote driving), there are differences in driving culture that could affect safety outcomes if remote drivers are based overseas.

For example, a remote driver's expectation of a nearby motorcyclist's or pedestrian's behaviour will vary depending on whether the remote operator is used to Australian versus Southeast Asian (for example) road environments.

4.6 QUESTION 12: CONSUMER INFORMATION

> *Should an ADSE be required to ensure certain technical information is provided to consumers to inform purchasing decisions?*

I agree that an ADSE should be required to furnish a purchaser with comprehensive technical information. However, I do not believe that this information will be readily absorbed by consumers. The primary appeal of AVs is the provision of trips without having to worry about driving the vehicle. Few Australian consumers would be likely to take the time to consider the implications of all the technical information supplied – I expect that they would sooner drive themselves.

Where an AV is supplied to a commercial operator, the relevance of technical information becomes much greater, as the operator seeks to optimise the safety and efficiency of their fleet.

Over time as AVs mature and there is growth in a cohort of the population who are comfortable with taking trips in AVs and have not wanted to drive themselves, then there will be a greater consumer audience for technical information.

> *14. Are other measures needed to address consumer risks?*

Yes – the risks outlined in this section are not confined to inaccurate marketing. Consumers can develop inaccurate expectations on vehicle capabilities even after software updates that make available new or altered functionality to their existing hardware.

Even what is considered a minor update can have unexpected consequences if consumers are misled into false expectations due to the complex interactions faced during the DDT.

There is a wider issue at stake here particularly with Level 1-3 automation where vehicle and human are expected to work together to achieve safe outcomes on the road. Any reduction in predictability of the machine represents an increase in risk. However, the communication of these changed behaviours is not easily done. For example, if a manufacturer changes the response of an Active Lane Centring function, how can the nuances of this update be communicated? The consumer is typically left to discover the new response characteristics for themselves, while driving.

4.7 QUESTION 15: HUMAN USER/OCCUPANT OBLIGATIONS

> *What are your views on how we should approach laws for human user obligations in highly and fully automated vehicles?*
>
> *15c. How should driver licensing requirements apply to users of vehicles with highly and fully automated driving features with accessible manual controls? Do you support any of the options identified, a combination of options, or propose any other options?*

I am not supportive of Option 1 as it eliminates one of the core benefits of ADS. I fully support Option 2. Option 3 is not supported as a blanket regulation, but could apply on an operational risk mitigation basis.

> *15d. How should drug and alcohol restrictions apply to users of vehicles with highly and fully automated driving features? Do you support any of the options identified, a combination of options, or propose any other options?*

As with 15c, Option 1 is supported, with proper risk mitigation in place to prevent vehicle control by the passenger.

> *15e. Do you think there should be a requirement to always have a person capable of driving travelling in a vehicle with highly or fully automated features? Why or why not?*

Perhaps we could require it in the early days while ODDs are small, and have a trigger to reevaluate the requirement once it is commonplace for ODDs to have exceeded a certain threshold, for example "all roads within 90% of the population" (this is just an example and might be hard to calculate – I am not sure how ODDs are defined.)

> *15g. How should non-dynamic driving task obligations be assigned in vehicles with highly and fully automated driving features? Do you agree with our analysis?*

I am largely in agreement with your analysis. For detailed responses, please refer to the attached PDF excerpt with my highlights and raw comments.

5 CLOSING

I would like to reiterate my gratitude for the opportunity to take part in this consultation. It is my hope that this will help to shape the AVSL to be compatible with practical approaches towards reduced road trauma outcomes.

Should you require any clarification or wish to discuss any elements of this letter, please feel free to contact me directly.

Yours sincerely,

<Signature>

Johann Tay – Principal Engineer
Traffic Vehicles & Logistics Pty Ltd

Table 6: Partial assignment of non-driving obligations to the ADSE

Australian road rule	Who will be assigned for conditionally automated features at level 3?	To what extent could this rule be assigned to an ADSE, in relation to vehicles with higher levels of driving automation?	To what extent could this rule be assigned to another party?
287: Duties of a driver involved in a crash A driver involved in a crash must stop at the scene of the crash and give the driver's required particulars to a police officer, another driver, a person injured in a crash, or the owner of damaged property. The driver has up to 24 hours to provide this information, but it is preferable that this is exchanged at the scene of the accident. This rule also requires a driver involved in a crash to stop and give assistance to anyone who is injured.	In a conditionally automated vehicle, these obligations apply to the fallback-ready user.	The ADS can carry out some but not all of these obligations. There are performance requirements for an ADS in response to a crash and procedures for data exchange with law enforcement. While stopping is part of the dynamic driving task and an ADS must be able to safely stop after a crash, providing details to another person is not part of the dynamic driving task. An ADS may not be capable of identifying who the driver of the other vehicle is, or who is a property owner. It may not be technically feasible for the ADS to identify if a person is injured or has been killed in the crash. If the ADS is required to provide details to other people involved in the crash, the type of information exchanged under this rule will need to be changed. The AVSL includes requirements for the ADSE to have certain data recording and sharing capability, including where this data is required to determine liability. An ADS must stop after a crash and provide information to law enforcement. An ADSE should not be responsible for providing assistance. This does not preclude the ADS from performing these obligations if it has the technical capability to do so (e.g. recognising a person is injured and calling emergency services).	Passengers could have obligations to provide assistance if it is reasonable for them to do so (excluding children and people who are medically unfit or otherwise impaired). The intent of the requirement for drivers to exchange details is to enable police to investigate any offences and insurance to assign liability. Given the passenger will not have been undertaking the driving task, this may not be appropriate. The registered vehicle owner could be responsible for complying with obligations for exchanging information within the allotted time.

Australian road rule	Who will be assigned for conditionally automated features at level 3?	To what extent could this rule be assigned to an ADSE, in relation to vehicles with higher levels of driving automation?	To what extent could this rule be assigned to another party?
Rule 219: Lights not to be used to dazzle other road users A driver must not use, or allow to be used, any light fitted to or in the driver's vehicle to dazzle, or in a way that is likely to dazzle, another road user.	This obligation will apply to the fall-back ready user when a conditionally automated feature is engaged.	Where the lights form part of the normal vehicle design and are under ADS control, the obligations is assigned to the ADSE. Where the lights do not form part of the normal vehicle design and is not under ADS control, the ADSE cannot comply with the rule.	This duty could be assigned to passengers and the person seated in the driver's seat position in the vehicle when the light function does not form part of the normal vehicle design and is not under ADS control. For example, a passenger must not bring a torch into the vehicle and shine the torch into the windscreens of oncoming vehicles. The passenger would be in breach of Rule 219.

Table 7: Assignment of non-driving obligations to a human occupant or other party

Australian road rule / source	Who will be assigned for conditionally automated features at level 3?	To what extent could this rule be assigned to an ADSE in relation to vehicles with higher levels of driving automation?	At higher levels of driving automation, who should be assigned this obligation? Why?
265, 266, and 267: Ensuring passengers wear a seatbelt or a proper restraint These rules require that a driver ensure passengers are wearing seatbelts or the appropriate child restraint. They also provide that passengers aged 16 years and over are responsible for ensuring they wear their own seatbelt.	The intent of the rule is to ensure all passengers are safely restrained when travelling in a vehicle. In a conditionally automated vehicle, this obligation will be fulfilled by a fallback-ready user when a conditionally automated feature is engaged.	While the ADS could potentially be designed to detect whether seatbelts are in use, it is not appropriate to place this duty on an ADSE because of the varying requirements about how passengers under the age of 16 are restrained based on their age and the range of exemptions from seatbelt rules. Such an obligation is too complex for the ADSE to comply with because they will not be able to access these factors. This includes the age of the passenger, types of child restraint required, how the restraint is fitted and used, and the provisions to produce a medical certificate for a person exempt from wearing a seatbelt and to make sure that the person is complying with the conditions of the medical certificate.	Passengers over the age of 16 are responsible for their own compliance with these rules. This will not change in automated vehicles. It could potentially be applied to the person sitting in the driver's seat position when a highly or fully automated feature is engaged. However, there is a gap for children under the age of 16. This responsibility could be responsible for complying with the rule. This is distinct from a child travelling in the same vehicle as another person (for example, on a transport service), who may not know the child and should not be responsible for their compliance. The registered vehicle owner (or fleet operator) could be responsible for compliance of unaccompanied minors. In the case of transport services, operators can develop procedures to manage this obligation (e.g. impose an age limit to ride, provide a vehicle supervisor or attendant).
293: Removing fallen things from the road This rule requires a driver to remove things from the road or take action to remove things that fall off the vehicle or is put on the road if they may cause injury or obstruction.	This obligation will apply to the fallback-ready user when a conditionally automated feature is engaged.	The ADS cannot remove objects from the road. This duty needs to be shared amongst those in a position to mitigate the safety risk.	This duty could potentially be applied to the person sitting in the driver's seat position when a highly or fully automated feature is engaged. It could also apply to any passenger when a highly or fully automated feature is engaged where there is no other person available, and it is reasonable for them to fulfil these

Australian road rule / source	Who will be assigned for conditionally automated features at level 3?	To what extent could this rule be assigned to an ADSE in relation to vehicles with higher levels of driving automation?	At higher levels of driving automation, who should be assigned this obligation? Why?
			(excluding children and people who are medically unfit or otherwise impaired). Where a vehicle does not have a human occupant, the obligations for complying with this rule could be assigned to the registered vehicle owner or a fleet or commercial operator.
Rules 226 and 227: Use of Portable Warning Triangles These rules require that a person must not drive a heavy vehicle unless it is equipped with warning triangles. The driver must place the warning triangles on the road at set distances leading up to the vehicle if they stop, or if the load falls off. The person must produce the portable warning triangles for inspection if the person is directed to do so by a police officer or an authorised person.	This obligation will apply to the fall-back ready user when a conditionally automated feature is engaged.	The ADS cannot place warning triangles on the road. This duty needs to be shared amongst those in a position to mitigate the safety risk.	This duty could be assigned to the person seated in the driver's seat position or passengers, noting the likelihood that these vehicles are likely to be operating in a commercial capacity. If there is no person seated in the driving seat position and no passengers, and no other party in the vehicle is supervising or escorting the vehicle, the obligation could be assigned to the registered vehicle owner or the commercial service operator (who may be able to arrange for third parties to fulfil this obligation within a reasonable time). Where a vehicle does not have a human occupant, the obligation could be unassigned so that nobody is responsible.
Automated Vehicle Occupant Registration Obligations – Various State and Territory Regulations These rules place a range of obligations on people using vehicles, including for instance, that a person must not drive or use an unregistered vehicle on a	This obligation will apply to the fall-back ready user when a conditionally automated feature is engaged.	Whilst an ADS might have the technical capacity to confirm if a vehicle is registered and not engage if unregistered, this approach could be challenging for practical reasons. The vehicle's registration status could also change during a journey. An ADSE's key responsibility is for the safety of the ADS. On balance, the ADSE should not have this additional responsibility.	A passenger or a person seated in the driver's seat position who engages the ADS or directs the ADS to make a trip could hold registration obligations with exclusions based on age and whether a passenger transport service is being used. Vehicle owners may be better placed to fulfil this duty. Passengers could be exempt from state and territory registration laws. As part of

Australian road rule / source	Who will be assigned for conditionally automated features at level 3?	To what extent could this rule be assigned to an ADSE in relation to vehicles with higher levels of driving automation?	At higher levels of driving automation, who should be assigned this obligation? Why?
road or drive or use a vehicle that does not comply with applicable vehicle standards.			this approach, vehicle owners must not allow an automated vehicle to operate on the road if it is unregistered or does not comply with vehicle standards.
Rules 268 and 298: Duties on drivers not to drive if people are in particular parts of the vehicle These rules place duties on drivers not to drive if people are in parts of the vehicle not designed primarily for carriage of passengers or goods.	This obligation will apply to the fall-back ready user when a conditionally automated feature is engaged.	Rule 268 currently applies to passengers as well as a driver, so there is no regulatory gap under existing rule 268. Rule 298 stipulates that a driver must not drive a motor vehicle towing a trailer with a person in or on it. For practical reasons it may be difficult for the ADSE to hold this obligation. The ADS might not have the technical capability to detect if a person is in or on a trailer.	This duty could apply to a passenger or a person seated in the driving seat position. The duty could be extended to clearly apply to the person in the trailer.

Consultation question

15g. How should non-dynamic driving task obligations be assigned in vehicles with highly and fully automated driving features? Do you agree with our analysis?