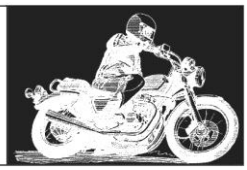
# National Transport Commission

# Discussion Paper

# "Regulatory options to assure automated vehicle safety in Australia"

July 2017

MOTORCYCLE COUNCIL
OF NEW SOUTH WALES
INCORPORATED

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# About the Motorcycle Council of NSW Inc.

The Motorcycle Council of NSW Inc. (MCC) is an internationally recognised umbrella group for motorcycle clubs, associations and ride groups, in the state of New South Wales, representing over 50 clubs, with more than 41,000 riders.

Established in 1981, MCC is recognised as the peak motorcycle representative body in NSW and subject matter experts on many complex issues dealing with motorcycling including crash data and statistics, traffic data and congestion information.

MCC has published documentation that has been referenced worldwide by overseas motorcycling and traffic bodies and has produced video training films that have been utilised and referred to by many overseas trainers, researchers and ride associations.

The MCC wishes to thank the National Transport Commission for this opportunity to make a submission in response to the discussion paper "Regulatory options to assure automated vehicle safety in Australia".

Should you require further information on the information contained within this submission please feel free to contact the MCC enquiries@mccofnsw.org.au or 1300 NSW MCC

Regards,

Brian Wood
Secretary

## Consultation questions

**Question 1: Should government have a role in assessing the safety of automated vehicles or can industry and the existing regulatory framework manage this? What do you think the role of government should be in the safety assurance of automated vehicles?**

Yes, Government should have role in the safety assurance of automated vehicles. The community needs to be reassured that automated vehicles are as safe as reasonably practical. Vulnerable road users need to be reassured that their safety is not being compromised by the introduction of automated vehicles.

Many multivehicle crashes with motorcycles are the result of the other party failing to give way. Many motorcycle safety campaigns include a request for drivers to look twice for motorcycles. Many of these crashes occur when a vehicles fails to see a motorcycle when changing lanes, in these cases a toot of the horn causes the driver to move back into their lane. An automated vehicle either needs to be more observant than a human driver or respond to the sound of a horn.

**Question 2: Should governments be aiming for a safety outcome that is as safe as, or significantly safer than, conventional vehicles and drivers? If so, what metrics or approach should be used?**

Many road authorities have the vision of Towards Zero. Automated vehicles need to be capable of achieving this target.

Initially, the serious injury and fatality rate for automated vehicles has to be as good, if not better, than that for conventional vehicles particularly in regards to vulnerable road users

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**Question 3: Should the onus be placed on the automated driving system entity to demonstrate the methods they have adopted to identify and mitigate safety risks?**

Yes, the community needs to be reassured that automated vehicles are safe not only for the occupants but also for other road users and the driving system entity is best placed to demonstrate to the community and Government that they can achieve this.

**Question 4: Are the proposed assessment criteria sufficient to decide on the best safety assurance option? If not, what other assessment criteria should be used for the design of the safety assurance system?**

The MCC is satisfied that the 8 criteria are sufficient.

**Question 5: Should governments adopt a transitional approach to the development of a safety assurance system? If so, how would this work?**

As much is still unknown on how automated systems will work and many of the standards for testing automated vehicles are yet to be developed, then a transitional approach will be required. The MCC recommends that the Accreditation option should be adopted initially, transitioning to the Pre-market Approval option as Standards and test procedures are developed.

**Question 6: Is continuing the current approach to regulating vehicle safety the best option for the safety assurance of automated vehicle functions? If so, why?**

No, the current Standards and safety test procedures are not designed to assess the safety of automated vehicles.

**Question 7: Is self-certification the best approach to regulating automated vehicle safety? If so, should this approach be voluntary or mandatory? Should self-certification be supported by a primary safety duty to ensure automated vehicle safety?**

The community needs to be re-assured that automated vehicles are at least as safe as conventional vehicles. Self certification is unlikely to allay the community's concerns.

**Question 8: Is pre-market approval the best approach to regulating automated vehicle safety? If so, what regulatory option would be the most effective to support pre-market approval?**

The MCC supports this option in the longer term as it provides:-

- the highest level of certainty that automated vehicles will be able to interact safely with motorcycles.
- ensures that there is always a legal entity responsible for the automated driving system.
- that the automated driving system entity would be required to provide the government agency with data on in-service safety-critical events

As it will take time for standards and testing procedures to be developed, this option has the disadvantage that it is unlikely that it can be implemented within two years. The MCC supports the Accreditation option in the short term before moving to the Pre-market option in the longer term as it becomes clearer how automated vehicles will evolve. This will reduce the risk of exposing road users to risk from technologies that are not covered by design standards or test procedures and, hence, are not ever reviewed by regulators.

**Question 9: Is accreditation the best approach to regulating automated vehicle safety? If so, why?**

The MCC supports this option in the short term before transitioning to the Pre-market option as it:-

- would be possible to implement within 2 years
- would be technology and application-neutral – it would not require government agencies to initially develop technical standards or test procedures
- would support innovation and allow automated technology to develop making it clearer how automated vehicles will operate
- would ensure safety throughout the life cycle of the automated driving system

The MCC does not support this option in the long term as it doesn't provide the highest level of certainty that automated vehicles will be able to interact safely with motorcycles

**Question 10: Based on the option for safety assurance of automated vehicle functions, what institutional arrangements should support this option? Why?**

The MCC supports either Option 1:- The Commonwealth or Option 2:- National Entity as these options will provide greatest certainty to motorcyclists that their safety is being assessed in a consistent manner

**Question 11: How should governments manage access to the road network by automated vehicles? Do you agree with a national approach that does not require additional approval by a registration authority or road manager?**

The MCC does not support the NTC's preferred Option 3 as Type 2, and possibly Type 3 vehicles, compatibility with the road network may not be adequately addressed.

The MCC supports Option 1 as it provides:-

- a final safe guard after the safety assurance system.

- accommodates Type 2 and Type 3 vehicles

**Question 12: How should governments ensure compliance with the safety assurance system?**

The MCC supports the Pre-Market option in the long term,

The NTC suggests that a primary safety duty to provide safe automated vehicles would be unlikely to align with a pre-market approval approach resulting in a greater role placed on the government agency to determine an automated vehicle or technology is safe.

A greater role for government has the benefit of:-

- government is not likely to take this responsibility lightly.
- the goal of Towards Zero will be more easily achieved
- in cases where there are breaches of safety it will be easier for stakeholders to lobby government to address these breaches than it will be to lobby the driving system entities
- vehicles with repeated safety breaches will be able to be recalled. While recalls could have major societal impacts on consumers, productivity and mobility, this is currently the case with existing recall provisions.

Many motorcycle crashes are the result of other vehicles failing to give way. Should automated vehicles repeatedly fail to give way to motorcycles, then these vehicles could be recalled until the issue is resolved.