

Ms Mandi Mees
Director Productivity and Safety

Dear Ms Mees

As discussed on Friday, many thanks for extending the time to make a submission re Driver Distraction.

We had a major computer malfunction just after we spoke and our technical people have only just fixed it.

Also, I am in NZ so I don't have much time or access to our normal resources.

First, may I say that we are disappointed that this inquiry did not also include pedestrian distractions.

We are always at the bottom of the food chain and many agencies do not even seem to realise we exist.

WALKING IS THE PRIMARY TRANSPORT MODE.

Pedestrians are the largest and most vulnerable road user group.

Apart from the pain, grief and suffering of road trauma, pedestrian injuries are typically twice the cost of those experienced by victims inside motor vehicles.

And pedestrian deaths have experienced by far the greatest increases of all groups in 2018 and over the past 3 years.

Pedestrian distraction, due to the relatively recent advent of the smart-phone, is at epidemic levels, A study from Seattle has revealed that one in three pedestrians is now using a hand held mobile (smart) phone when crossing the road.

Injury and death data is very poor, because police and hospitals do not have a box to tick. Bu the anecdotal evidence is there, so we look forward to your next inquiry into pedestrian distraction, soon.

As for driver distraction, we have been very active in expressing our concerns for the use of mobile phones while driving.

This is a community service announcement we made over a decade ago called DON'T BE A DEAD RINGER: <http://www.walk.com.au/pedestriancouncil/page.asp?pageid=1557>

We are still using it today on social media.

We were also instrumental in advocating much tougher penalties including demerit points as long ago as 2002: <http://www.walk.com.au/pedestriancouncil/page.asp?PageID=320&SiteID=1>

Before considering the driver distractions which are inside motor vehicles, we would like to point out that we have also been expressing our serious concerns about external distractions, especially

outdoor advertising. We were very successful in NSW in convincing the Hon Rob Stokes, when he was Minister for Planning, to introduce hefty on-the-spot fines for the use of trailer advertising, in particularly the large Variable Message signs which were prevalent all around NSW and Australia. These new Regulations have largely removed these very dangerous distractions, often placed at traffic lights and intersections, advertising everything from Rug Sales to Paint. We have also been successful in getting the RMS to apply much stricter rules about the placement of their traffic management VMSs in safe places.

Unfortunately we have not yet been successful in other jurisdictions and we request you have a very close look at advertising trailers in your study.

Additionally, roadside “furniture” used by companies like JC Decaux can be serious driver distractions. They seem to place them in front of pedestrian traffic lights in spite of RMS policy that they should never be allowed to obstruct vision between motorists and pedestrians at these locations. As they also scroll, they have the double problem of distracting and obstructing. I have attached two presentations regarding Outdoor Trailer and Furniture advertising for your information and consideration.

DRIVER DISTRACTION FROM INSIDE VEHICLES (Main points)

1. It is accepted that using hand held mobile (smart or not so smart) phones while driving is extremely dangerous. VW claims in its Eyes on the Road CSA that driver distraction is now the leading cause of death behind the wheel: <https://www.youtube.com/watch?v=O7Nh7IAIOVA> In 1999 we introduced the Australia Road Rules. The primary aim was to make all rules and penalties consistent throughout Australia. Since then, it seems every jurisdiction has done its best to be different. We still have eight railway gauges embedded in our DNA. For instance, all eight state and territories have different Schoolzone times, speed limits and penalties. So the main aim of this NTC inquiry must be to standardise the offences and penalties.
2. Anomalies exist within the jurisdictions as well. In NSW, a driver can make and receive calls as long as he she does not touch the phone and the phone is in a cradle. Yet drivers cannot send text (SMS) message using hands free voice activated systems like Siri. This is absurd, as a brief SMS would be far less distracting than a long telephone conversation
3. Earphones are legal in all jurisdictions while driving. With the advent of noise cancelling earphones, a driver could not possibly hear a siren or a horn. They are incredibly distracting and should be banned while driving
4. Apple watches etc., are now the same as a mobile phone and owners can make and receive calls and SMSs through them. Yet there seems to be some confusion as to their legality. Another anomaly.
5. Uber drivers (and taxis) are required to touch their phones frequently to accept bookings and program their GPS navigators. It's illegal and very dangerous. The drivers state they must do this to earn a living. Uber disclaims any liability. Uber should be required to explain their position from an OH&S perspective and corporate responsibility perspective and be required to develop voice activated commands
6. Smoking, eating and drinking while driving. How utterly absurd is it that drivers can drink a hot cup of coffee and smoke a cigarette and eat a hamburger while driving? Every car manufacturer provides drink holders. Rather than vague laws prohibiting such behaviour (under the classification

of not being in control of a vehicle – very rarely enforced) these behaviours should be specifically codified so they are specific offences and drivers and police are under no illusion that they may be unlawful

7. Penalties generally are anomalous and inconsistent. Studies have shown that the use of hand held mobile phones while driving is as dangerous as mid range drink driving. Penalties for the latter offence in most if not all jurisdictions include very heavy fines and immediate loss of licence. So why are the penalties so low for phones. In NSW the penalty for using a radar detecting device is about \$1100, 9 Demerit Points and confiscation of the device. Put that in perspective with the potential for harm of using a smart phone. Penalties and enforcement must be a vital part of your study and recommendations.

8. The manufacturers of smart phones must share the responsibility for the harm they are causing. Instead of having their warning in 6 point font somewhere in their disclaimers, they should be required to have warnings on their packs e.g. – NEVER USE THIS DEVICE WHEN CROSSING THE ROAD OR WHEN DRIVING (UNLESS LEGALLY PERMITTED)

There's much more, but I have to return to Australia. I will send you additional information when I return.

Many thanks for allowing us to extra time.

Please confirm receipt

Regards

Harold Scruby
Chairman/CEO
Pedestrian Council of Australia Limited
The Walking Class