

# **Developing Technology Neutral Road Rules for Driver Distraction**

RAA submission to the  
National Transport Commission

February 2019



## **Introduction**

The Royal Automobile Association of SA (RAA) is South Australia's leading non-government organisation representing the interests of more than 720,000 members. Through our member services such as roadside assistance, insurance, travel, finance and security, we are an organisation which prides itself on trust and supporting our members. Servicing both metropolitan and regional customers, the organisation is uniquely placed to understand the needs of South Australians.

RAA members look to the Association to represent their interests on a broad range of motoring and mobility related topics. RAA consults with industry and government to advocate for increased investment in transport solutions and promote safer mobility options, along with ensuring all South Australians have the ability to access business, travel and employment opportunities.

RAA supports the internationally recognised "Safe Systems" approach to achieving better road safety outcomes through safer vehicles, safer roads, safer drivers and safer speeds to reduce the number of road users and pedestrians killed or injured on our roads. To achieve these outcomes, RAA advocates for investment in the road system, road safety education and road safety initiatives. Driver inattention is a contributing factor in nearly 25% of all crashes (CARRS-Q) and distraction is cited as the main reason that driver's attention is diverted from the task of driving with so often disastrous consequences. Despite frequent safety messaging by RAA and other organisations, the issue of driver inattention as a contributing factor in crashes continues to increase.

RAA agrees that the current Australian Road Rules do not effectively address non-technology based activities that can cause driver distraction. We therefore support the approach to developing rules that provide clarity around managing distractions and driver responsibilities when driving.

RAA therefore welcomes the opportunity to provide comment to the National Transport Commission on the development of technology neutral roads rules to address the issue of driver distraction. Our comments in response to the ten questions proposed by the NTC are attached.

### **NTC Question 1- Defining the driving task**

*Does the proposed definition include all the key functions required to safely perform the driving task?*

#### **RAA Response**

The RAA supports the proposed definition of “the driving task” because it includes not only the elements of Brown’s (1986) definition in a broader sense but adds key additional elements. The inclusion about awareness of and appropriately responding to objects together with making other road users aware of a driver’s presence is particularly important.

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### **NTC Question 2. - A common definition of driver distraction**

*Does the proposed definition capture all the behaviours that lead to driver distraction and a reduction in driving performance?*

#### **RAA Response**

While the definition of driver distraction as proposed is supported, RAA would also support including distraction from other sources such as random smells, tactile sensations (e.g. a spider crawling over a driver) odour, as highlighted in the AAA submission.

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### **NTC Question 3- Types of driver distraction**

*How could a distinction between manageable and unmanageable levels of driver distraction be used to inform the way distraction is regulated? What evidence-based distinctions could be considered?*

#### **RAA Response**

RAA does not support exempting certain classes of vehicle operation from restrictions on the use of some in-vehicle technologies, given that the drivers of these vehicles have increased levels of responsibility due to the size and or type of vehicle they are driving.

RAA considers that the following Australian Road Rules should be amended as follows:

- **Australian Road Rule 297 – driver to have proper control of the vehicle**

It is pleasing to see that most States and Territories have an almost similar approach to ARR 297 “Driver to have proper control of vehicle”.

However there are far too many variations between the various jurisdictions in relation to ARR’s 299 and 300. It is suggested that these two rules need to be re-drafted and adopted consistently across Australia. In South Australia in 2018 there were 1,535 expiations issued for breaches of this road rule.

It is noted that ARR 271 (1) (b) requires the rider of a motor cycle to keep at least one hand on the handlebars of a motor bike. There appears to be no similar requirement for the driver of a vehicle to always have at least one hand on the steering wheel, which would certainly reduce some of the instances of distraction observed in relating to eating and drinking, applying makeup and even shaving, while a vehicle is moving or is stationary but not parked.

- **Australian Road Rule 299 – television receivers and visual display units in motor vehicles**

This rule appears to not be easily enforced, or even to lack enforcement requirements (in South Australia in 2018 only 27 expiation notices were issued for breaches of the rule, for example).

There is a level of consistency in that most jurisdictions allow an exemption for a navigational aids (GPS unit) to be used. However there are no guidelines/restrictions on the use of a GPS unit under ARR 299 similar to those that are set out in South Australia, Victoria, Tasmania and Western Australia, preventing a mobile phone that is being used as a GPS to be touched while the vehicle is moving or is stationary but not parked.

It is recommended therefore that GPS Units and mobile phones being used as a GPS (navigational aid) have uniform rules – in relation to mounting correctly in a vehicle and with a total ban on drivers touching the unit while the vehicle is moving or is stationary but not parked. The Victorian wording of “does not require the driver at any time while using it, to press anything on the body of the phone or to otherwise manipulate any part of the body of the phone”, could be used, with minor amendments, in both ARR 299 and 300 to address this.

It is further suggested that the Victorian clarification of “stationary but not parked” be adopted by all jurisdictions and that a similar clarification be provided for the word parked – similar to but not restricted to – “parked means being out of any lane or line of traffic, with the vehicle’s handbrake on and the vehicle out of gear”. There is confusion in South Australia at least as to whether the vehicle’s engine needs to be turned off – but – in Australia’s climate it would appear to be totally inappropriate to require a driver to turn the engine off and lose the benefit of the vehicle’s air conditioning to make a phone call or to re-program a GPS unit.

Consideration should be given to changing ARR 300 to only allow incoming calls only when a vehicle is moving or is stationary but not parked, unless calls being made can be done by voice activation. Even though a mobile phone can be correctly and legally mounted in a vehicle – to enable a driver to press 10 numbers to make a call to another mobile phone is a distraction which should be avoided.

Consideration should be given to providing a full definition of what constitutes a mobile phone rather than the current “mobile phone does not include a CB radio or any other two-way radio”

Clarification is needed regarding the use of smart watches, iPads and other devices that can be used to make or receive phone calls. It could addressed through a change to the definition as follows:

“A mobile phone includes any device that can be used for the making of or receiving of audio phone calls but does not include a CB radio or any other two way radio”

- **Australian Road rule 300 – use of mobile phone**

This rule is one which is either not understood or is simply ignored by many drivers – in South Australia in 2018 there were 6,950 expiations issued for the offence resulting in approximately \$1.6m in fines. (In addition there were three learner drivers expiated for using a mobile phone contrary to the SA prohibition of that practice and 117 P1 drivers were also fined for the same breach)

It is concerning that there is not a greater level of consistency across the various jurisdictions in relation to ARR 300 and that should be a prioritised outcome of this review.

- **Careless driving provisions in state and territory legislation**

South Australia has Section 45 of the Road Traffic Act for the offence of “Driving without due care or attention or without reasonable consideration for other persons using the road”

More serious offences are able to be dealt with by Section 46 of the Road Traffic Act under the offence of “driving a vehicle recklessly or at a speed or in a manner which is dangerous to any person”.

The SA legislation also includes at Section 87 a due care requirement for pedestrians – “A person must not walk without due care or attention or without reasonable consideration for other persons using the road”

The absence of any prohibition on pedestrians in using a mobile phone in Part 14 of the Australian Road Rules means that the above section would be relied upon in terms of policing that behaviour on a road by a pedestrian.

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***NTC Question 4 - Clear and consistent approach in the Australian Road Rules***

*Should conventional and technology-based causes of distraction be treated equally in the Australian Road Rules? Why?*

**RAA Response**

Where possible all forms of distraction should be treated equally because of the road safety risks attached to those distractions. The Australian Road Rules should seek to have uniform rules on the topic of distraction in all jurisdictions, accepting that the best case scenario may be to minimise (if not remove) that distraction.

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***NTC Question 5 - Responsibility for distraction***

*Can you provide examples of effective non-regulatory approaches to driver distraction that assist drivers to self-regulate their behaviour in a dynamic driving environment?*

**RAA Response**

RAA members regularly seek advice on self-regulation in use of a mobile phone in their motor vehicle – the standard advice is to place it out of sight and reach, leaving the mobile phone in a brief case, handbag or in the glovebox to minimise the temptation.

RAA understands that a number of technological options are now available to restrict the operation of mobile phones while in a vehicle. This however only deals with one source of potential driver distraction.

RAA considers that further education on the consequences of distracted driving is required as although we remind drivers regularly about this we don't know of its effectiveness.

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***NTC Question 6 - Shared responsibility***

*Can you provide examples of strategies successfully implemented by other international jurisdictions and industries (for example, aviation) that could be applicable to driver distraction?*

**RAA Response**

We are not aware of any examples of strategies implemented by other international jurisdictions that have proven successful in addressing the issue of driver distraction.

The “Can Drive” Trial by Seeing Machines should be considered as they have undertaken work on driver distraction in regards to response times and durations of on road and off road glances dependent on complexity of distraction and duration of distraction. (<https://www.seeingmachines.com/humanfactors/can-drive/>)

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***NTC Question 7 - The concept of chain of responsibility***

*Are there other parties besides the vehicle driver who can influence the risk of driver distraction? If so, are there mechanisms to ensure those parties are doing all that is reasonably practicable to ensure safety?*

**RAA Response**

Urban planners, road designers, vehicle manufactures all have a part to play in ensuring that their areas of responsibility are self-explanatory as much as is possible and do not in themselves constitute a distraction through the presentation of too much information.

The widespread use of electronic information to display information that was once provided by static displays is a potential distraction and while there is now guidelines on the use of electronic signage for driver information and wayfinding for example, the broader use of screen type messaging is not consistently managed in all jurisdictions. This includes targeted advertising / any video screen billboard advertising on the side of the road.

Passengers within a vehicle can adversely influence driver concentration by a number of different methods – showing the driver something on their phone, arguing with the driver or even in passing the driver food or drinks. ARR 272 goes some way to addressing that issue: “A passenger in or on a vehicle must not (a) interfere with the driver’s control of the vehicle or (b) obstruct the driver’s view of the road or traffic”.

Perhaps consideration could be given to strengthening ARR 272 by adding after the word vehicle in (a) “by distracting the driver or by any other means” or (b).

In South Australia, this has been recognised through the graduated licencing scheme which now restricts the number of peer passengers for newly qualified young drivers, for example.

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***NTC Question 8 - Technologies that can assist with (and distract from) the driving task***

*Can you provide examples of effective strategies for ensuring that new in-vehicle technology and mobile apps minimise driver distraction?*

**RAA Response**

RAA considers that the Australian Design Rules could be modified to require a risk assessment from manufacturers to show that either the level of distraction from infotainment system or other in vehicle technology does significantly impact on the driver or how its use can be restricted during driving to mitigate any potential risk. In the future such assessment could form part of the ANCAP testing procedure

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**NTC Question 9 - Transition towards automation**

*Can you provide examples of strategies to ensure that users of partially automated vehicles are fully informed about their responsibilities, and the limitations of their vehicle's technology?*

**RAA Response**

Manufacturers must ensure they take all reasonable steps to inform drivers of about the operation and limitations of automated driving systems where fitted. Reliance on current paper based or online instruction manuals alone, would not be deemed adequate, for example. Other actions should be available such as:

- Public education campaigns, short course / demonstration when buying a car to show what you have to do when driving partially automated vehicle.
- Stationary vehicle tutorial on car info screen to educate drivers how to interact with AV tech and how they need to remain prepared to control the vehicle at any time and what the handover sequence will be. Tutorial can have videos/sound/voice/graphics/individual lighting of switches on screen and HUD where necessary if possible.
- Sellers of new vehicles with driving automation technologies should be required to at least offer training on the use of such technology so that drivers understand the capabilities and limitations how the technologies intervene and hand back control to the driver.
- Log book or theory section in driving test components regarding distraction and responsibilities.
- Driver monitoring system should be mandatory for partially automated vehicles. These systems could also include notifications / reminders of what is required as part of their warning system (i.e. voice feedback from vehicle so as not to distract driver).

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**NTC Question 10 - Prescriptive and performance-based approach to regulation**

*What evidence is available in support of a performance-based approach or a prescriptive approach for managing the risks of driver distraction?*

**RAA Response**

A performance based approach is considered preferable because it would ensure that any such regulations would not be so readily outdated by any technological changes. The challenge will be on how we then educate both new and existing drivers and pedestrians about what constitutes distraction and the consequences.

RAA supports increased ongoing public education campaigns on the risks of driver distraction – not just for young drivers but all drivers and pedestrians in terms of mobile phone use.

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Mr Luis Gutierrez  
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Dear Mr Luis Gutierrez,

**RAA submission to the Developing Technology - Neutral Road Rules for Driver Distraction**

As South Australia's leading non-government organisation representing the interests of more than 720,000 members, RAA welcomes the opportunity to provide comments on the Neutral Road Rules for Driver Distraction.

If you would like to discuss any of our comments, please contact me on (08) 8202 4568 or [cmountain@raa.com.au](mailto:cmountain@raa.com.au).

Yours faithfully

Charles Mountain  
Senior Manager Road Safety  
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