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Dr Geoff Allan
Acting Chief Executive
National Transport Commission
Level 15/628 Bourke Street
Melbourne VIC 3000
Via NTC portal

DEVELOPING TECHNOLOGY NEUTRAL ROAD RULES FOR DRIVER DISTRACTION

Dear Dr Allan

Gas Energy Australia (GEA) appreciates the opportunity to respond to the National Transport Commission (NTC) Developing Technology Neutral Road Rules for Driver Distraction Issues Paper released in December 2018. GEA notes the formative work being done by the NTC on this critical issue and wants to ensure that additional driver responsibilities, such as those mandated under related transport laws, are considered inclusive of the driving task and not seen as a competing distraction in the eyes of the law.

The best way to outline this important issue is to review the Australian Road Rules Maintenance Advisory Group's (ARRMAG) definition of the driving task in the context of delivering dangerous goods by road in a placarded vehicle and highlight the need for inclusivity in this definition to recognise driver aids required through transport related laws as complementary and not competing.

According to the ARRMAG definition, the driving task is a complex, multi-task activity with the following core functions:

- route finding
- route following
- velocity control
- avoiding collisions
- complying with rules; and
- vehicle monitoring (for example, speedometer, tachometer, distance driven).

Route finding and route following raise similar issues for a placarded vehicle as other vehicles. But placarded vehicles must also observe prohibited areas that are inclusive of the driving task and impose special requirements during transport, including parking which are outlined Australian Code for the Transport of Dangerous Goods by Road & Rail Edition 7.6, 2018 [1].

Route following can often be hampered by temporary traffic management conditions on the identified path. For example, recently in Victoria a placarded load was directed by temporary traffic management conditions to enter a tunnel. The driver made the decision not to obey the temporary traffic management directions but to observe the prohibition imposed by the Victorian Road Transport (Dangerous Goods) ACT 1995 on entry into a prohibited area.

Route management driver aids currently used in the gaseous fuels industry support back to base alerts via email for speed and no access areas as soon as they occur, and these features can also be used to support the driving task.

The Victorian temporary traffic management example highlights the complexity of route finding and following for placarded vehicles over and above the average road user and the need for inclusivity of driver support systems and complementary legal requirements in any definition of the driving task.

[1] ADG Code 7.6 – Chapter 13.1 – Procedures During Transport

More broadly than just placarded vehicles, the driving task of velocity control should not be limited to obeying speed limits but defined more broadly to include both the driver and vehicles systems that are inclusive of systems which support driving to the road conditions. Driver support systems include monitoring “G” force events as well as vehicle systems such as traction control. For example, a vehicle may be obeying the speed limit, but active feedback from traction control systems would allow a driver to adjust velocity control accordingly and drive to the conditions.

As previously stated, complying with the “rules” does not just encompass the Australian Road Rules when travelling with a placarded load. The National Heavy Vehicle law (NHVL) and the Australian Code for the Transport of Dangerous Goods by Road & Rail are also key compliance drivers for the industry. Compliance with these ‘other’ rules will impact on the driver distraction definition. By way of example, compliance with the NHVL requires adherence to Chain of Responsibility requirements with systems being implemented in relation to fatigue management both actively with in-cab monitoring and through driver support systems such as electronic work diaries that record work hours. In relation to these systems, in-cab monitoring systems currently provide active warning (audio beep and a vibration in the driver’s seat), and there are electronic work diaries that record real time and alert the driver of upcoming break times. GEA is concerned a narrow definition of the driving task could exclude warnings to the driver that are vital in maintaining the safe transport for dangerous goods.

In summary, currently the driver has control of the vehicle and relies on an ever-increasing number of support systems to ensure safe transport. These systems are often stand-alone with the driver being the human computer to understand the significance and take action. These support systems can be required under a number of different regulatory regimes and must be allowable and included as part of the driving task.

GEA supports technology neutral road rules for driver distraction and recommends that the NTC adopt a broad definition that supports technologies and systems that support safe transport and is inclusive of the requirements outlined in other related transport laws. GEA looks forward to working with the NTC on this and other projects in the future.

Yours sincerely

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