

DEPARTMENT OF INFRASTRUCTURE PLANNING & LOGISTICS

PUBLIC SUBMISSION

DEVELOPING TECHNOLOGY-NEUTRAL ROAD RULES FOR DRIVER DISTRACTION

Thank you for the opportunity to comment on the National Transport Commission discussion paper and to contribute on this issue.

This Department considers the NTC issues paper accurately defines the problem with respect to non-automated vehicles. However, as the paper recognises, the driving task may be somewhat different in the various levels of vehicle automation. Regulatory changes will need to reflect the reality of automated vehicles in the not too distant future.

We acknowledge there are advantages in a performance based approach which seek rules that are technology-neutral and include non-technology related distractions. The proposal to inform regulation based on the distinction between manageable and unmanageable levels of driver distraction is logical, but does pose serious challenges in identifying what is an unmanageable level of distraction to permit an effective regulatory response. Ultimately, some prescriptive rules are likely to still be required. For example, Rule 297 prohibits a driver from driving unless the driver has a clear view of the road, and traffic, ahead, behind and to each side of the driver.

A primary challenge for the performance-based approach will be ensuring drivers fully understand when the limit of manageable distraction is reached. There will need to be evidence based examples of distracting stimuli to inform the decisions of drivers and enforcers. We would suggest this would be best reinforced through a strong national educational campaign. Overall, non-regulatory actions to support regulation become more important when prescriptive rules are minimised. Examples of non-regulatory supportive actions include: insurance reduction incentives, promotion of safer technologies and assistance to drivers to help them make better use of these technologies; school-based education; and the encouragement of model road use through corporate policies and procedures.

There is a particular risk of non-compliance in remote areas, where police are less visible and enforcement may not be sufficiently frequent or sufficiently consistent to change behaviour. This could be exacerbated by non-prescriptive rules: if drivers don't fully understand what is and is not acceptable and they get away with unsafe behaviour most of the time, the unsafe behaviour tends to be reinforced.

The proposed definition of the '*driving task*' is suitable, however it could state that the driving task is "a complex, multi-task activity that involves, **at a minimum**, the following functions:" ? Other functions such as monitoring passengers that will frequently be required should be included in the list.

The proposed definition of '*driver distraction*' is suitable, however the term '*secondary activity*' may not adequately describe all causes of distraction; e.g. a driver focusing on a car accident in the next lane is not focusing on an "activity". Possibly '*secondary activity*' could be more accurately phrased as '*competing sensory or cognitive stimulus*'.



We wish you well developing a discussion paper on the important issue of driver distraction.