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Wednesday, 28 August 2019

Mr Luis Gutierrez
National Transport Commission
Level 3, 600 Bourke St
MELBOURNE VIC 3000

Dear Mr Gutierrez

**Re: Developing technology-neutral road rules for driver distraction
Consultation regulation impact statement**

Transurban is pleased to respond to the NTC's consultation process for Developing Technology-Neutral Road Rules for Driver Distraction Regulatory Impact Statement (RIS).

As outlined in our submission to the NTC's issues paper on this matter, Transurban has ongoing commitment to the safe operation of our assets and road safety in general. Our road safety strategic framework is underpinned by the Safe System approach. In this context, Transurban is able to influence a number of elements which have the potential to impact the safety of drivers and passengers on our network through:

- infrastructure design
- maintenance approaches
- signage
- speed management, and
- incident response.

Transurban participated in the National Summit for Driver Distraction hosted by the Queensland Department of Transport and Main Roads and the Federal Government in June 2019. The Summit comprised expert presentations and a series of workshops on strategies to tackle driver distraction. Key initiatives from the Summit were compiled into a road map for industry and government, which has been shared with participants, including the NTC. During the Summit Transurban heard support for the NTC's recommendation that a hybrid approach be taken in developing a technology-neutral driver distraction road rule, which would include both prescriptive and performance based elements.

In our response to the issues paper, we agreed that conventional and technology-based distraction should be treated equally and raised the need to ensure that road rules:

- address technologies that disengage/distract drivers from the driving task, and also
- enable drivers to interact with technologies that can improve driving convenience and safety.

Our response to the consultation questions detailed in the RIS paper are covered in the following paragraphs.

The RIS clearly outlines the need for a review of the distracted driving road rules, given:

- the pace in which technology adoption by drivers and vehicle manufacturers is occurring
- inconsistency in the application of the existing road rules, and
- the lack of understanding by motorists and enforcement agencies with regard to what is legal and illegal when using technology devices while driving.

The NTC's recommendation for government intervention has been informed by a comprehensive literature review, considering evidence from seminal research in this significant road safety issue including the latest naturalistic driving studies, views from experts in the fields of driver distraction/driver performance and human factors, and public views on distracted driving through surveys and questionnaires.

The revised definition of driver distraction can be applied clearly to each of the four options identified by the NTC in the RIS – status quo, prescriptive, performance-based and hybrid. The research referred to in the RIS is also clear on the most high risk activities involving visual manual interactions that take a driver's eyes off the road. This behaviour applies to both technology and non-technology distractions, whether texting, reaching for an item or eating.

The revised definition outlines behaviours that result from distraction and will enable consistency in messaging to support compliance by drivers and enforcement by relevant agencies. These include driving at reduced or inconsistent speeds and poor lane keeping, and can lead to rear end and side swipe crashes. Our research of drivers' experience include sub-conscious behaviours, such as zoning out and boredom. These too are distracting behaviours and can manifest in erratic speeds and poor lane positioning and lead to visual manual interactions such as phone use. These examples of distracted driving behaviours should have resonance with the community and could be used in education programs and messaging campaigns to support compliance and effective enforcement in relation to a technology-neutral distracted driving rule.

The Australian Road Rules in relation to driver distraction as represented in the paper are best reviewed by those agencies and authorities with expertise in this field. However, it is clear that the status quo is not meeting the expectations of the community in terms of clarity and in deterring and enforcing distracted driving.

In being prescriptive only, it is anticipated that the rules will not maintain currency as technology continues to advance and education of motorists and enforcement by agencies will be difficult where performance based elements are absent. At this stage, it will be difficult to suggest ways to enforce particular behaviours until all or a combination of vehicles, road infrastructure, and enforcement technologies are available, implemented and hold the public's confidence. Given the average age of the current fleet of around ten years and the period of time anticipated to achieve significant rates of in-car driver assistance technologies and eventual CAV adoption in the coming decades, other options to enforce technology neutral behaviours, such as requiring drivers to install after-market products, would be challenging.

In being performance based only, we agree that this is likely result in an increase of distracted driving leading to increased rates of crashes and road trauma.

An area of concern in the proposed hybrid option is the application of the rules to all drivers. Research outlined in the RIS discusses the heightened risk of distraction for young drivers, given their lack of experience. Continued restrictions on distracting activities and behaviours for this group should be considered, yet allowances should be made for safe use of navigation and entertainment technologies, such as setting of GPS and music prior to driving.

The RIS also identifies the high risk associated with voice-based interactions. Further consideration should be given to a driver's ability to compose a voice-based communication such as a text or email that could lead to significant distraction, given the cognitive load required to undertake this activity while driving. Transurban acknowledges that this will be difficult to enforce and would be best addressed through public education and promotion of policies with employers and industry that manage vehicle fleets.

As we suggested in our submission to the issues paper, a realistic middle-ground for developing technology-neutral road rules for distraction could lie in being prescriptive about behaviour rather than technologies. The NTC's recommendation of the hybrid approach of prescriptive and performance based elements reflects our position and Transurban agrees that this option best addresses the identified problem.

We hope these comments provide constructive feedback and would be happy to discuss further with you.

Yours sincerely



Elizabeth Waller
Road Safety Manager