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Submission

Developing technology-neutral road rules for driver distraction
Consultation regulation impact statement
National Transport Commission

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Question 1: What other factors should be considered in the problem statement?
The problem statement excludes in-depth consideration of the proliferation and ubiquity of smartphones in Australia and how their omnipresence impacts drivers.

The Deloitte Mobile Consumer Survey (2018) (Australian data) reported 89% of Australians own a smartphone and predict the maximum penetration rate of 90% to 95%. The average Australian accesses their phone 30 times per day and spends an average of 2.5 hours per day using their phone, according to Dr Brendan Meagher MAPS MCCLP (2017) when researching Problematic Mobile Phone Use.

The problem statement ought to acknowledge the depth of smartphone use in the daily life of Australians and the behavioural challenge in combating their otherwise accepted use except when required to maintain proper control of a motor vehicle.

Supplementary

These basic types of driver distraction identified by the European Commission Road Safety Study (2015) study found the following key similarities among a number of various precise definitions:

1) A diversion away from driving, or safe driving,
2) Attention diverted toward a competing activity, inside or outside the vehicle, which may or may not be driving related,
3) The competing activity may or may not compel or induce the driver to divert their attention towards it
4) There is an implicit, or explicit, assumption that safe driving is adversely effected.

The study categorises driver distraction across three basic types and states a distraction may simultaneously involve more than one type:
1) Visual – stimuli that cause the driver to take their eyes off the road
2) Cognitive – distraction concerning attention to the task at hand
3) Manual – Stimuli that causes drivers to use their hands in a manner contrary to maintaining proper vehicular control.

These types of driver distraction are surmised into four points and the statement: “Eyes on the road, hands on the wheel.” (Mobility and transport - European Commission, 2019).
- Physical distraction, such as when the driver uses one or both hands to answer a call, send a text message, eat or smoke.
- Visual distraction, such as looking away from the road
- Auditory distraction, such as a phone ringing or conversation with a passenger
- Mental distraction, such as when two mental tasks are performed at the same time.

The following concepts require further consideration.

Adopting the Safe Work Australia (Austroads, 2019) hierarchy of risk control, a framework to limit, minimise and control the identified types of driver distraction within a hybrid approach may be deliverable. For instance:

1) Linking physical distractions as a level 1 risk is prescriptive, technology-neutral and offers clarity for road users and enforcement officers, where use of the a drivers' hands ought only to be used to handle control surfaces of the vehicle, such as steering wheel, gear stick.

2) Linking impracticalities of level 1 and level 3 concepts, level 2 risks controls will mitigate any misinterpretation as well as how they affect certain road users, without undermining its intention. For instance,

- Truck driver's proper control of their vehicle may involve CB radio communication with other truck drivers.
- Taxi drivers are not required to use their dash-mounted technology during travel. “Our system is superior in terms of safety...” David Samuel, general manager, 13CABS. Taxi drivers do not receive alert about new jobs while they are completing a trip. (Jacks, 2019)
- Uber partners are required to use their smartphone, but “the industry is looking to add the function of voice activated responses...” (Cuneo, 2019)
- In this case, a smartphone may be properly mounted and used in a fashion that does not require it to be touched, as long as it does not impede or deviate the drivers sight away from the windshield and road / traffic ahead. Confirmation on permissible function will be required, such as GPS.
- Subsidiary manufacturer-installed systems, such as climate control and infotainment systems, which often include technology to mitigate driver distraction, such as Apple CarPlay, may be considered permissible for use.

3) Driver inattention (visual & mental distraction types) may require performance-based approach with level 3 risk controls, allowing desirable messaging & communication strategies in driver education while providing due discretion for enforcement officers. For instance:

- A stopped driver using a mobile phone in their lap at traffic lights may be deemed to have committed an offence through the explicit observation of keeping their eyes off the road ahead, since they are looking down. In this example, the driver is contravening the “eyes on the road, hands on the wheel” concept as well as using their hands for tasks not associated with proper control of their vehicle. As this concept may seem a departure from current levels of enforcement, level 2 risk controls may provide further checks and balances to ensure the application of this concept with within the spirit of its intention to keep drivers aware of their surroundings.

References

Austroads (2019). *Vehicles as a Workplace: Work Health & Safety Guide*. Sydney.

Cuneo, D. (2019). *Does Uber Cause Distracted Driving*. [online] Hg.org. Available at: https://www.hg.org/legal-articles/does-uber-cause-distracted-driving-34601 [Accessed 19 Jul. 2019].

Deloitte (2018). *Mobile Consumer Survey 2018*.

Mobility and transport - European Commission. (2019). *Distraction - Mobility and transport - European Commission*. [online] Available at:

https://ec.europa.eu/transport/road_safety/users/young-people/distraction_en [Accessed 17 Aug. 2019].

Jacks, T. (2019). *Uber drivers complain they are forced to break the law to do their job*. [online] Sydney Morning Herald. Available at: https://www.smh.com.au/business/workplace/uber-drivers-complain-they-are-forced-to-break-the-law-to-do-their-job-20190110-p50qm8.html [Accessed 19 Jul. 2019].

Meagher, B. (2017). Problematic mobile phone use: An emerging disorder?. *InPsych*, 39.