

# Analysis of heavy vehicle road access under the HVNL

## Issues Paper: *Easy Access to Suitable Routes*

### Submission to the National Transport Commission

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Transport plays a critical role in enabling the broader economy, servicing essential industries throughout Australia including construction, mining, manufacturing and agriculture. The heavy vehicle freight task faces many challenges that significantly limit its productivity and efficiency.

One of the most challenging factors is undoubtedly access. Under the current HVNL road access regulations restrict the ability of operators to transport the required goods using the most efficient configurations along the most productive route. The freight task does not change if HPV access is restricted. The same freight moves through the same route on more trucks, resulting in a higher cost/safety risk and a greater impact on the environment and amenities. For every access action there is an equal and opposite reaction.

Road freight hubs including ports, grain silos/depots, feedlots, industrial areas, intermodals etcetera are easily identified and have not dramatically changed in years yet more efficient and productive access has not yet been achieved.

Analysis of access under the HVNL by the National Transport Commission (NTC) has identified many issues with the current access arrangements, providing an opportunity for those throughout the transport chain to submit relevant advice.

The current access arrangement results in the inefficient use of resources and substantial costs throughout the transport chain. The misconception that notices reduce the control road managers have over access in addition to the idea that road usage cannot be effectively monitored means incredibly high numbers of permits cannot be replaced by notices. The lack of access under notice means permit numbers continue to increase along with delays and inconsistent outcomes which consequently cause high costs for operators. The productivity and efficiency of the road freight task is considerably reduced by the lack of first and last mile access under notice.

Extraordinary costs associated with all aspects of road use are not correlated with road and infrastructure investment resulting in restricted heavy vehicle road access and a less efficient road freight task. Under the current HVNL road managers are subject to the access decision-making process without the necessary resources or the ability to delegate their role. As a result access decisions are not timely or consistent and made to protect infrastructure and roads. It is paramount the new HVNL better links costs associated with the road access with investment providing better access to resources throughout the transport chain. The new HVNL should also impose relevant penalties for road manager non-conformances and ensures their decisions are subject to external review and realistic time constraints.

Furthermore, the capability of the NTC to successfully deliver a modern, outcome focused law regulating heavy vehicles access depends on its ability to utilise data from modern telematics for more than detecting access breaches. The NTC correctly identifies the inability for the HVNL to recognise anything other than the IAP and therefore the barrier it creates for the potential benefits of telematics.

Historical GPS data already exists and is being built upon by the second! This existing, valuable resource could change the transport task forever if correctly regulated under law. IAP for example already has transport agencies working tirelessly to detect access breaches in order to issue thousands of non-conformance reports per year. This valuable data and more could be utilised to construct an ever growing heavy vehicle freight movement database.

The freight task database could potentially be the most valuable resource the transport industry has ever seen. Just as GPS plane tracking clearly identifies flight paths and where the airports are located, anonymous GPS tracking data provided to an independent intermediate would clearly indicate the freight task hubs. Establishing such a database requires time but could be extensively developed to include, current and planned land use data along with road and infrastructure assessment information creating transparency and assisting all parties involved in access decisions and the transport task.

Productively utilizing an extensive database of anonymous GPS freight transport data would result in the following benefits:

- An increased understanding of the freight task for all levels of the transport chain.
- Potentially more as-of-right and first and last mile access granted under notice, reducing the need for thousands of operators to be issued with the same individual permits.
- A greater ability to prioritise funding to improve roads and infrastructure necessary to access freight hubs, effectively making the freight task more efficient and productive.
- An improved ability to ensure a safer freight task through measuring, monitoring and better regulating the current freight movements. Provision of anonymous GPS data for local and state jurisdictions with additional risk scores/classifications compiled from engineering assessments for roads and infrastructure would standardise road access.
- An ability to accurately measure efficiency and productivity changes to the heavy vehicle freight task following the provision of funding improvements and any additional access under notice or permit.

Utilising such a database would consequently also result in the reduction of unnecessary use of valuable resources and cost to all involved in the transport industry.

### **Question 1: Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow access decision delays?**

The HVNL directly influences access decision time frames which vary significantly due to numerous reasons, including but not limited to the following:

- Under the current HVNL there is a lack of access to resources and training, along with the regulation/absence of framework/standards for those controlling (NHVR) and making access decisions. This results in a significant variation in timeframes and unacceptable inconsistencies within and across jurisdictions for all access decisions. E.g. The lack of training, HVNL framework and standards for road managers means they often do not have extensive knowledge of different vehicle classifications like PBS. Their lack of access to resources along with the inability to delegate access decisions under the HVNL means gaining PBS access is timely and the cost of infrastructure and road assessments is directly passed on to the operator. The total assessment costs are not disclosed to the operator yet the operator is asked to agree to pay. The agreement to pay for the unknown total assessment costs has to be made for the access application to proceed any further. The access application still has the potential to be refused despite the operator having to pay for all the assessment costs.
- The inability for the HVNL to subject low risk routes/combinations access decisions to the provision of notices instead of permits.
- The current regulations under the HVNL for road access decisions do not dictate realistic time frames or provide the NHVR with the ability to impose relevant penalties for road manager non-conformances or ensure their decisions are subject to external review.
- The HVNL does not provide the ability for road managers to delegate access decisions therefore placing unnecessary strain on limited resources resulting in delays, uninformed and inconsistent decisions and costs for the operator.

**Question 2: Most road managers can grant consent within seven days. Given this is the case, should we reduce the 28-day timeframe currently in the HVNL? Should we introduce a mechanism to deal with a nil response?**

The 28-day timeframe could be significantly reduced to one that is more realistic by establishing the following under the new HVNL:

-A framework and standards for the access decision making process giving road managers the ability to delegate the access decision making process to another party who has access to the required resources. Under the current system access decision making timeframes do not parallel the timely requirements of the heavy vehicle freight task. Resources consumed to produce pre-approved routes which still require permit application and have the same delays would be better put into providing access under notice. Compliant operators are continually disadvantaged by permit delays that result in freight task inefficiencies, decreased safety and high costs. Disadvantages can also be clearly seen through comparison of increased costs for operators complying with access restrictions compared with those that are non-compliant. Non-compliant operators continue to “run hot” as they are not always subject to any consequences.

**Question 3: Is vehicle classification useful? Does the new HVNL need a vehicle classification system and, if so, should it be different from the current system?**

Vehicle classification is complex and complicated but essential to assist in the correct determination of safe access for the different vehicle types. There is no one size fits all vehicle classification system as new manufacturing is always taking place, especially with the emergence of PBS vehicles. Despite the existing classification system not being well understood by road managers, a more extensive classification system is still required. A better classification system is needed to provide a framework for those involved in the access decision making process that may not have a high degree of expertise. An extensive classification system and appropriate training has the potential to remove some inconsistencies and delays by road managers.

**Question 4: What are the challenges that road managers face under HVNL access decision-making framework? Which road managers do it well, and why? Why are some road managers struggling with access?**

The challenges road managers face are a direct result of the lack of framework and standards provided for determining heavy vehicle access decisions under the HVNL. Without a regulated framework detailing standard procedures for road managers making heavy vehicle access decisions, delays, costs and inconsistencies are unavoidable.

The lack of a direct link between road user costs and roads/infrastructure investment means road managers are subject to the access decision making process without the necessary resources at their disposal. As a result, access decisions are made to protect roads and infrastructure the road manager might not have resources to upgrade or maintain.

As NTC established in its issues paper, the current HVNL does not allow road managers to delegate road access decisions. This means road managers cannot re-direct decisions to parties that have the necessary resources to conduct road and infrastructure assessments. These costs can also be passed on to operators as a direct result of this constraint.

The availability of training and information to road managers also hinders the access decision making process, causing costly delays. An extensive vehicle classification system for example is a critical resource that should be developed and referenced under the new HVNL access decision making framework. Applying an appropriate access decision making framework and standards will eliminate inconsistencies and confusion for road managers who may not have the extensive knowledge/resources required to make informed access decisions.

As established by the TCA in its issues paper the lack of established asset management information on road networks and key assets also presents a problem. The aforementioned freight task database will eliminate this

problem by including access for road managers to risk/safety scores and classifications from engineering assessments on roads and infrastructure for all configurations and historical data from previous access decisions. Changes to data available to road managers will eliminate the need to conduct road and infrastructure assessments more than once for the same parameters. As mentioned previously access to anonymous GPS data would also allow road managers to better prioritise resources to increase the safety and efficiency of the freight task.

Every access decision is only as good as the resources utilised to determine that decision.

#### **Question 5: Should the law allow for external review of access decisions?**

Yes, the HVNL should allow for external review of access decisions but the question arises as to what costs would be associated with this review and who within the transport chain would be responsible for these costs?

An external review by an independent third party may reveal additional information that the road managers may not have been able to obtain or considered in their initial evaluation. A review could alter the perspective of road managers in relation to safety or suggest a more appropriate alternate route for the requested access application. It is not often that a road manager provides information to the operator under the current system in relation to a variation in the proposed route when the access application is rejected. The HVNL should dictate that road managers making access decisions provide any additional knowledge possible in relation to rejected access applications.

#### **Question 6: Have we covered the issues with access under the current HVNL accurately and comprehensively? If not what else should we consider?**

The paper provided by NTC contains limited information in relation to issues with PBS and first and last mile access. PBS is of great importance when attempting to increase freight task efficiencies nationally yet the issues with timely delays, costs and the lack of priority for adding to PBS networks was not comprehensively covered in the paper. First and last mile access issues were similarly not covered in detail in the NTC paper however, addressing these issues is paramount to increasing efficiencies for the New South Wales freight task. As mentioned previously compliant operators are greatly disadvantaged by permit delays, particularly first and last mile access permits. These delays for result in freight task inefficiencies, decreased safety and high costs for compliant operators which are not passed on to those not complying with access restrictions.

Telematics including GPS and potentially IAP data provide a valuable resource for improving access for heavy vehicles yet was also not covered in depth within NTCs access issues paper. Telematics were only briefly mentioned as a form of regulation and NTC acknowledged that telematics is not covered in great depth under the HVNL. GPS data has the potential to assist those making critical access decisions and monitoring the road freight task as previously explained in this submission.

#### **Question 7: How can the new HVNL work, most likely with other reforms, to best support optimised use of our transport assets and vehicles?**

The HVNL should be utilised to outline the regulation of access in correlation to road access costs. As stated in the NTCs access issues paper, “the provision of anonymous telematics data could take place to assist road managers to prioritise resources for road asset assessments, upgrades and maintenance programs.” Where possible, more access should be granted by road managers under national notice in return for provision of this valuable resource. Pre-approved routes consume resources and result in more permit applications, a greater effort should be made to provide access under notice and have additional roads added to the existing networks.

#### **Question 8: How can the new HVNL expand as-of-right access and generalize access authorisations? Can we remove time limits for notices, for example?**

Details mentioned in this submission outline the need to reduce the number of individual permit applications and their associated delays and costs by utilising as-of right access and notices. The new HVNL should heavily regulate

the process under which low risk routes for various combinations must be submitted for access under notice instead of permits. Removal of time limits and constraints for notices should be prioritised under the new HVNL. The telematics GPS freight task database should likewise be utilised to its greatest potential when determining access decisions under notice.

**Question 9: Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?**

Many of the right tools are already in place for implementing access decisions including the NHVR, notices and permits however, the framework/standards for making access decisions, available resources and time frames for processing require refining, expansion and regulation under the new HVNL.

**Question 10: How can the new HVNL accelerate access decisions? Is a proactive approach possible?**

The NTC issues paper appropriately identifies many ways in which access decision making can be improved:

- Prescribes a maximum time for parties to refer matters onwards and for road managers to provide or deny consent
- Requires process handovers to be more robust (so that applications aren't lost), and include 'triggers' for action when there is no response
- Provides incentives and consequences for road managers to meet the decision-making timeframes
- Requires road managers to consider the costs and benefits of granting consent
- Requires consistency in definitions underpinning access decisions (for example, defining an 'indivisible load')
- Improves dealings with third parties (such as utilities managers)
- Provides the power for a local government to delegate its responsibilities as a road manager, in whole or in part, to another party.

The NTC issues paper also recognizes the need to maintain the existing instruments for implementing access decisions including:

- General as-of-right access decisions would be implemented in the primary legislation. CML and HML would be implemented in the regulations, supported by an accreditation scheme.
- Restricted as-of-right access decisions would be implemented in broadly-applicable notices.
- Specific access decisions would be implemented by permit

In addition to the improvements outlined by the NTC this submission has proposed the following:

- Creating a defined access decision making framework/process and increased access to the necessary resources under the new HVNL to ensure all decisions are consistent and delivered in a timely manner.
- Establishing a correlation under HVNL between the provision of resources for road and infrastructure improvement and the costs associated with road use.
- Implementing through the new HVNL the provision of anonymous GPS tracking data to a specifically regulated, independent intermediate or many (like IAP), for the addition to a national freight task database.
- Provide access to the national freight task database for all parties involved in the transport chain with regulation under the new HVNL.

**Question 11: How should the new HVNL implement access decision-making? Should it specify process and roles? What role is there for the operator? What improvements to access decision-making can be made?**

The HVNL should implement the previously mentioned improvements to the access decision making process. This includes the need for the new HVNL to implement an access decision making framework that defines specific processes and regulates the roles of all involved as outlined above. Implementing the aforementioned changes to the HVNL is critical to eliminate inconsistencies, delays and unnecessary costs.

The operators' role in the access decision making process should remain the same but the need to submit permit applications will be greatly reduced. Operators' will still need to comply with mass, dimensions, IAP and other existing criteria utilised to enable access. Operators' better managing their risks under existing accreditations will however be provided with better access provisions utilizing more notices under the new HVNL. The HVNL needs to ensure these accreditations are better acknowledged.

**Question 12: How do we reach consistent and predictable risk-based access decision-making? How can we make sure decision-making is transparent and fair?**

Consistent and predictable risk-based access decision making can be achieved not only through the methods outlined by the NTC in the issues paper on pages 61-63 but with the additional measures outlined in this submission. The transparency of heavy vehicle access decision making is critical through specific governance under the new HVNL and provision of the freight task database proposed in this submission.

**Question 13: How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?**

All current risk management responsibilities must remain and be enforced under COR and HVNL, these include but not limited to:

- The responsibility of the NHVR and road access decision makers to make sure access decisions manage safety and risks to all road users
- The responsibility of operators to ensure they manage the risks associated with their operation E.g. have legally compliant vehicles and comply with legal speed limits, access conditions and restrictions put in place to ensure the safety of other road users. Operators are also responsible for complying with risk management procedures put in place under accreditations.
- All those involved in the transport COR are still required to make sure they meet legal requirements as they are put in place to manage risks.

The risk management responsibilities could also be better shared throughout the chain of responsibility under new HVNL and COR law once greater transparency of the freight task is established. Transparency of the freight task is introduced through access to the freight task database proposed in this submission, including risk scores for roads and infrastructure etcetera. Access to a common freight task database will allow all levels of COR to implement better risk management strategies and procedures conducting reviews as changes to the freight task are anticipated or identified. Risk management responsibilities incorporated into the access decision making process can also be better shared under the new HVNL by allowing road managers to delegate decisions to others who have better access to resources and can make a more informed decision.

**Question 14: How do we manage the accountability of parties with a role in heavy vehicle access?**

Management of accountability takes place through prosecutions as necessary for those who are found to be non-compliant under and the HVNL. The NHVR similarly plays an integral role in enforcing HVNL at a roadside level along with other enforcement agencies. Further education for transport operators is critical alongside enforcement consequences. Roadside enforcement should also have readily available access to any operators' permits through an electronic database similar to that of registrations to alleviate the unnecessary need for operators to consume resources maintaining paper or electronic copies of permits that are already on the NHVR system.

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