

**Victorian Government's Response to
the Parliamentary Road Safety
Committee**

"Inquiry into Driver Distraction"

February 2007

Government Response to the Recommendations of the Parliamentary Road Safety Committee Inquiry into Driver Distraction

Recommendation 1. That VicRoads adopt a clearer concise definition of driver distraction, consistent with the definition arising out of the 2005 Toronto conference on driver distraction, and establish a range of categories of distraction sources. Any definition and categorisation should distinguish distraction from other driver behaviours such as fatigue and inattention.

Recommendation 2. That VicRoads and Victoria Police develop methods to enable the future assessment of the role of distraction in crashes on Victorian roads including a review of existing traffic crash reporting systems. Consultation should take place with other Australasian jurisdictions and the Australian Transport Safety Bureau on appropriate methods and classification of distraction.

These recommendations are supported in principle.

VicRoads will coordinate the development of an appropriate definition of driver distraction.

While the assessment of the role of distraction in crashes is a necessary first step in developing and seeking resources for countermeasures there are considerable difficulties in obtaining reliable evidence of driver distraction. The Government supports a review by VicRoads and Victoria Police of possible options that may lead to a better understanding of the role of distraction in crashes. A suitable project will be considered in the preparation of 2007/2008 programs by the road safety agencies.

Recommendation 3. That VicRoads undertake a comprehensive roadside observational study to determine the prevalence of both hand-held and hands-free mobile phone use by drivers in Victoria that will provide a benchmark for future studies and a basis for measuring the effect of any countermeasures.

This recommendation is supported in principle.

The Government acknowledges both the benefits and difficulties associated with obtaining this information. It will be necessary to identify feasible, cost - effective means of obtaining adequate information to provide accurate estimates of use. In addition to monitoring relevant national and international studies VicRoads will be asked to consider whether such a study is feasible.

Recommendation 4. That VicRoads continue to monitor research on the effects of various aspects of mobile phone use on driving performance, with a particular emphasis on:

- the context, duration and content of conversations;
- experimental validity and repeatability;
- age-related differences;
- phone design and new technology; and
- experience with using a mobile phone while driving.

This recommendation is supported.

VicRoads will continue to monitor research related to the driving performance effects of mobile phone use, which considers the above (and other) parameters.

Recommendation 5. That VicRoads and Victoria Police improve crash data systems on mobile phone use, including type of device and the context in which it was being used when the crash occurred.

Recommendation 10. That VicRoads and Victoria Police improve crash data systems on video, audio and other electronic device use, including the type of device and the context in which it was being used when the crash occurred.

These recommendations are supported in principle.

There are difficulties in clearly establishing usage of these devices at the time of a crash based on interviewing crash survivors. Drivers and other surviving vehicle occupants are unlikely to always provide reliable information about the use of such devices. This is likely to provide data which would compromise the accurate analysis of the contributory factors to crashes.

VicRoads and Victoria Police will develop a project to review options for improving data on the contribution of these devices to crash involvement. The project will be considered in the preparation of each agency's 2007/2008 program.

Recommendation 6. That the State Government work with the vehicle industry to encourage development of safer in-car mobile phone technology including integrated speech-controlled phone communication systems.

This recommendation is not supported.

The Government acknowledges the potential attraction of speech controlled phone communication systems. However, research evidence as examined by the Committee indicates that the crash risk when using hands free mobile phones is almost of a similar magnitude as using hand-held phones.

Therefore, rather than encouraging any expansion of this technology and in view of the separate Committee recommendation (7) to discourage – through public education - hands free phone use in moving vehicles and the response to recommendation 22 identifying potential ATC consideration of research activity in this area, the Government will ask VicRoads to continue to monitor relevant international research findings and to provide advice on any potential policy measures, as appropriate.

Recommendation 7. That relevant State Government agencies implement targeted publicity campaigns warning drivers of the dangers of mobile phone distraction, including:

- the use of hands-free phones in hazardous traffic conditions;
- the dangers of text and video messaging; and
- the greater risks associated with complex phone conversations.

In developing publicity campaigns, the Government should examine the recent 'Switch off before you drive off' campaign undertaken in the United Kingdom.

This recommendation is supported.

The Government agrees that increased public education is required about the dangers of mobile phone use while driving. VicRoads and the TAC road safety websites will be amended to provide advice about these risks and encourage behavioural change. The TAC will work with VicRoads in conveying this general message to the public and will investigate the possibility of a public education campaign regarding mobile phones in 2007. The TAC will also seek to work with telephone providers regarding the possibilities of advertising the driver distraction message at points of sale of mobile phones.

VicRoads will include further information on the crash risks associated with distraction in reprints of key driver publications, and in the material to be produced to support the introduction of new graduated licensing arrangements.

In addition VicRoads will produce a fact sheet on the crash risks associated with mobile phone use while driving in 2007 and distribute this with all vehicle registration renewals over a twelve month period.

Recommendation 8. That VicRoads review the results of the NSW Roads and Traffic Authority study of the distraction from in-vehicle videos and possible subsequent Australian Transport Safety Bureau investigations for their implications in addressing driver distraction in Victoria.

This recommendation is supported.

VicRoads will review these studies as they become available.

Recommendation 9. That VicRoads undertake a survey on the current use of video, audio and other electronic devices by drivers in Victoria to establish a benchmark for future usage surveys and a basis for measuring the effect of any countermeasures.

This recommendation is supported in principle.

Subject to identifying a suitable reliable survey methodology, a project will be considered for inclusion in a future VicRoads program.

Recommendation 11. That VicRoads and the Transport Accident Commission undertake a publicity campaign warning of the dangers of drivers being distracted by 'everyday' activities and the need to remain alert to the driving task.

This recommendation is supported in principle.

The TAC will explore particular aspects of distraction with a view to developing suitable targeted campaigns aimed at changing driver behaviours in relation to specific 'everyday' activities that contribute significantly to road trauma and that are amenable to change through public education.

Recommendation 12. That VicRoads, in consultation with local councils, develop a set of guidelines to regulate the location, size and content of all road authority and other signs within road reserves. Such guidelines will be designed to minimise potential driver distraction and will apply to individual signs as well as the total signscape along a road. That following the implementation of the above guidelines, VicRoads and local councils aim to remove superfluous and obsolete signs.

This recommendation is supported in principle.

VicRoads has in place specific guidance for the design and use of signs on roads through a number of documents, including the Australian Standard AS 1742 Manual of Uniform Traffic Control devices, which provides details for consistent design (shape, colour and message) and use of signs throughout Australia.

The Government will ask VicRoads to work with the Municipal Association of Victoria and as appropriate, Tourism Victoria, in the further development and application of guidelines and checklists to address location and clutter issues for road use related signage in general.

The subsequent removal of existing signs will need to be considered on a case-by-case basis within normal operational and maintenance activities.

Recommendation 13. That VicRoads, the Department of Sustainability and Environment and municipalities develop a more consistent and stringent approach to the installation, use and content of scrolling, moving and video-style advertising within and adjacent to road reserves. Any installations should be monitored for their effect on road safety.

This recommendation is supported.

There are two aspects to the response to this recommendation.

Firstly, the Government has already initiated a review to streamline the planning process headed by the former Parliamentary Secretary for the Environment Elaine Carbines MLC. The *Cutting Red Tape in Planning* report was released on 30th August 2006. The report contains 15 recommended actions for a better Victorian planning system.

Action 8.1 of the report recommends a review of the signage provisions in planning schemes and associated guideline documents. The review of signage provisions will be conducted by an advisory committee, scheduled to report to the Minister for Planning in December 2007. This Committee will review the signage provisions, including the effect of signs on road safety, opportunities to simplify the provisions, reduce the numbers of permit applications and streamline the approvals process.

Secondly, the Department of Sustainability and Environment and VicRoads have been working together on a proposal to amend the Victoria Planning Provisions (VPP) to:

- Require an application to display an electronic billboard sign on or within 60 metres of a freeway or arterial road declared under the *Road Management Act 2004*, to be referred to VicRoads, in accordance with section 55 of the *Planning and Environment Act 1987*.
- Consider the effect on road safety of all applications for planning permits for signs. The checklist of safety issues contained within the VPP currently only applies to major promotion signs.

These changes are currently being considered as a priority for early incorporation into the VPP and all planning schemes. They will also be reviewed at a later time by the Advisory Committee as part of its wider review of the signage provisions and emerging trends in advertising signage such as projected images, advertising on street furniture and integration with buildings.

Recommendation 14. That VicRoads, the Department of Sustainability and Environment and municipalities develop more prescriptive regulations and guidelines controlling advertising in or near road reserves, including the need to control the content of advertisements.

This recommendation is supported in part.

A review of the signage provisions in planning schemes and associated guideline documents by the Advisory Committee to be appointed by the Minister for Planning as discussed in recommendation 13, is best placed to review prescriptive regulations and guidelines controlling advertising in or near road reserves.

However, it is considered that the general content of advertising signs (i.e. the topic or message) should not be a consideration under the *Planning and Environment Act 1987*.

VicRoads will be responsible for the approval of any advertising which could be deemed a road safety hazard, including material that could distract, mislead or confuse drivers, (such as representations of speed limit type signage or coloured traffic signal lamp displays) on roads for which VicRoads is responsible.

Recommendation 15. That any future consideration of the laws dealing with mobile phone use while driving, take into consideration the potential safety and economic benefits to be gained from using hands-free mobile phones.

This recommendation is supported in principle.

The Government will provide information to the community through the TAC and VicRoads to encourage drivers not to engage in any distracting activity while driving. This would include hands – free use of mobile phones.

Any change to current legislation would be subject to a Regulatory Impact Statement which will involve an economic and safety analysis.

Recommendation 16. That VicRoads monitor, evaluate and publish the results of the impact on road crashes and driver performance of a ban on all mobile phone use while driving by learner permit and first year probationary licence drivers under Victoria's revised Graduated Licensing System.

This recommendation is supported in principle.

The crash reduction benefits arising from the overall graduated licensing improvements being introduced over the next few years will be evaluated.

However, it is likely that the effects of individual measures for learners and first year probationary licensed drivers will be difficult to separate out from the overall crash reduction outcomes for those groups.

Recommendation 17. That in relation to the road rule on the use of television and video-screen devices in vehicles, Victoria Police and VicRoads implement separate penalties for installations which could distract the driver and those which may distract drivers of other vehicles.

This recommendation is supported in principle.

The Government believes that the penalties for non – compliance with road rule 299 should be reviewed.

Advice will be sought from VicRoads, based upon research into relative distraction risks, as to the merits, if any, of separate/different penalties for installations which distract the driver and those which may distract the drivers of other vehicles and whether the current penalties adequately reflect the relative risk of these activities.

Recommendation 18. That VicRoads develop, in conjunction with the automotive manufacturer and aftermarket motor accessory industry, a verification process for the installation of video and TV screens in motor vehicles so that vehicle owners and potential purchasers can be assured that the installation satisfies Australian Design Rules.

This recommendation is supported.

VicRoads will develop a verification process during the 2007/08 financial year for the installation of Visual Display Units (VDUs) in motor vehicles in conjunction with the automotive manufacturer and aftermarket motor accessory industry. Funding for implementation will be considered in the preparation of VicRoads 2008/09 program.

Also, there is an anomaly in that while both the Australian Design Rules (ADRs) and road rule 299(1)(a) require that a VDU must not be visible to the driver, road rule 299(1)(b) also requires that a driver must not drive a vehicle if any part of the image on a screen is likely to distract another driver.

Accordingly, the requirement applicable to other drivers is not covered by the ADRs and VDUs installed in compliance with the ADRs may still be in contravention of the road rules.

Victoria will bring this issue to the attention of the Australian Transport Council and seek resolution by 2008, through potential amendment of the ADRs to include a change in the road rules.

Recommendation 19. That VicRoads review the intent of Australian Road Rule 299 (television receivers/visual display units) and Australian Road Rule 300 (use of hand-held mobile phones) in view of emerging technologies and consider the appropriateness of having two separate rules.

This recommendation is supported in principle.

The current Road Rule provisions cater for two predominantly different uses.

Distinguishing the Rule 299 offence from the Rule 300 offence enables accurate analysis of the impact of enforcement on reducing the occurrence of these two different behaviors.

Enforcement is carried out based on drivers either viewing a visual display or using a hand – held phone for voice or text communication. If drivers use a hand – held phone to display (and view) images then Police can rely on the visual display provisions of Rule 299.

VicRoads will review the Road Rules in 2007/8 in association with Victoria Police to assess if any recommendations for change to the Road Rules would assist enforcement.

Recommendation 20. That following the development of a clear definition and categorisations of driver distraction (see Recommendation 1), Victoria Police and VicRoads introduce an appropriate road rule to prohibit driving while undertaking activities which could distract from safe driving.

This recommendation is supported in principle.

If, as envisaged by Recommendation 1, driver distraction can be clearly defined, the Government will consider whether this behaviour is adequately addressed by the current legislative framework, and whether the creation of a new, specific offence would offer road safety benefits.

Recommendation 21. That following the implementation and evaluation of the recently announced changes to the Graduated Licensing Scheme, the Government reconsider the issue of restricting the carriage of multiple passengers by novice drivers.

This recommendation is supported in principle.

The Government maintains its current policy on this issue. The Government will continue to monitor the issue during its evaluation of the effectiveness of Victoria's new Graduated Licensing System.

Recommendation 22. That VicRoads liaise with the Australian Transport Council with a view to further research and development into the potential benefits to be gained from various emerging driver assistance technologies including:

- **Electronic Stability Control**
- **Driver Workload Managers**
- **Speech recognition devices.**

Recommendation 23. That VicRoads liaise with the Australian Transport Council with a view to further research and development to ensure that driver assistance technologies minimise potential driver distraction through appropriate system integration, driver-machine interfaces and the positioning of vehicle displays and controls

These recommendations are supported in part.

As a now widely implemented technology, Electronic Stability Control (ESC) has been evaluated internationally, with substantial evidence attesting to its road safety benefits. The available and emerging evaluation studies will continue to be monitored by VicRoads.

The Australian Transport Council on 13 October 2006 agreed to encourage all motor vehicle manufacturers to install ESC in all new vehicles and agreed that the Australian Government should examine the introduction of an Australian Design Rule requirement for the technology in new vehicles.

On the other hand, there is only very limited available research into the safety benefits of driver workload managers and speech recognition devices.

Such devices may be useful in limiting the distracting effects of in-vehicle driver assistance technologies.

The Government is aware that local and international vehicle manufacturers are already developing standards and guidelines for fitting and using a broad range of in-vehicle driver assistance technologies and would encourage measures to minimise any potential driver distraction arising from driver assistance technologies.

The Government will seek the support of the ATC, following liaison with other Australian jurisdictions, for research into the status and scope of technologies recently developed or in progress to assess potential benefits and adverse effects of in vehicle driver assistance technologies including driver workload managers and speech recognition devices.

Recommendation 24. That the Minister for Transport raise at the Australian Transport Council the need to undertake public and industry consultation leading to a Memorandum of Understanding between governments and industry to reduce driver distraction from in-vehicle electronic devices.

This recommendation is supported.

The Government will ask VicRoads to work with Industry to prepare an initial Memorandum of Understanding. The Government will also request the ATC in 2007 to support the development and conduct of a program of R&D as an integral part of further developing and strengthening the Memorandum with Industry. The aim of the Memorandum with Industry will be to reduce driver distraction, which could otherwise arise from current and future in-vehicle technologies.

Recommendation 25. That the Government increase the profile of driver distraction as a road safety issue. This should include:

- addressing the issue in the forthcoming Victorian road safety strategy;
- school road safety programs; and
- development of suitable publicity for use by the rental car industry.

This recommendation is supported.

The Government has recently announced funding for a new program to provide road safety resource kits for Year 10 school students. Driver distraction issues will be addressed in this material.

The Government will also include the issue of driver distraction measures in the next Victorian road safety strategy and will ask VicRoads and the TAC to consider the most effective means of tackling the issue of driver distraction through targeted educational strategies. Proposals for the development and implementation of educational strategies will be considered in the preparation of each agency's 2007/08 program.

Recommendation 26. That VicRoads develop a comprehensive and prioritised program of research and policy initiatives on driver distraction to improve road safety in Victoria.

This recommendation is supported.

The Government will ask VicRoads to include the development of a prioritised program of research and policy initiatives to address the road safety impacts of driver distraction over the next three years. This program will be co-ordinated with any research at a national level.

Recommendation 27. That VicRoads and the driver training industry incorporate driver distraction material in driver training and licensing processes and publications.

This recommendation is supported.

VicRoads will develop a project to incorporate material on driver distraction in its pre-licensing materials and knowledge tests and to work with the driver training industry to assist the industry to develop suitable materials, for consideration in its 2007/2008 programs.

Recommendation 28. That VicRoads and WorkSafe encourage an occupational health and safety approach to driver distraction for people who drive as part of their work.

Recommendation 29. That the State Government implement vehicle safety policies to encourage government and vehicle fleet drivers, while driving, to:

- minimise hands-free mobile phone use;
- more safely use other electronic devices, such as navigation systems,
and
- avoid or minimise non-electronic distractions.

These recommendations are supported.

The TAC in conjunction with WorkSafe and with the assistance of VicRoads are working to develop safe practice guidelines for organisations to implement. These safe practice guidelines will encourage safer road user behaviour under the Occupational Health and Safety umbrella during 2007/2008. Driver distractions that contribute significantly to road trauma will be referenced within the safe practice guidelines.

Recommendation 30. That VicRoads and Victoria Police investigate how information from Event Data Recorders in modern motor vehicles can be used to provide new insights into the role of driver distraction in crashes and other information to improve road safety in Victoria. This should include data access, privacy and resourcing issues.

This recommendation is supported in principle.

The technology to implement this recommendation is already present in vehicles that are equipped with airbags, and several trials, particularly in the US, have confirmed the value of Event Data Recorders for general safety purposes.

The Government will ask VicRoads and Victoria Police to consult with the Department of Justice and the Victorian Privacy Commissioner to develop a project to assess the feasibility of use of data from event data recorders, taking into account privacy concerns, for consideration in the preparation of their 2007/2008 programs.

Recommendation 31. That VicRoads investigate how video camera event recordings of driver behaviour and traffic conditions when collisions or near-misses occur can be used to provide new insights into driver distraction and other aspects of road safety.

This recommendation is supported in principle.

The Government acknowledges the potential road safety opportunities this recommendation suggests and also the substantial longer term privacy issues that may be involved. It will ask VicRoads to consult with the Department of Justice, the Victorian Privacy Commissioner and other relevant stakeholders to examine the issues and seek to establish a recommended basis for a future in-vehicle pilot research project.
