

Breakdown Safety Strategy

A way forward

SEPTEMBER 2012



Transport
for NSW

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1. Introduction

In February 2012 a tragic crash occurred on the Hume Highway near Mittagong which claimed the lives of Ms Sarah Frazer and Mr Geoff Clark. Ms Frazer's vehicle had broken down and Mr Clark, a tow truck driver who had come to her assistance.

An analysis conducted by Transport for NSW's Centre for Road Safety shows that during the five year period 2007-2011 (provisional data) there was a total of 145 breakdown lane crashes in NSW. Of these, there were 111 casualties, with 8 fatalities and 103 injuries.

Breakdown lane crashes are more common on high speed roads. Almost three quarters occurred on roads with a posted speed limit of 80km/h or more. In 2011 there were 41 recorded crashes in breakdown lanes or road shoulders, which was the highest number of crashes in breakdown lanes since 1996.

An analysis of this subject showed that in the past the risks associated with breakdown safety have not had the attention they deserve, particularly in terms of road assessment and educating road users how to respond in a breakdown situation. This Strategy endeavours to address this gap and ensure increased road safety for all road users.

Transport for NSW has worked with key stakeholders to develop the *Breakdown Safety Strategy - A way forward* to improve breakdown safety generally across the NSW road network.

This strategy details actions to improve breakdown safety including improved dissemination of communications to motorists, auditing of the road network and improved visibility of response vehicles.

The NSW Government is committed to working with our partners and the community to improve breakdown safety.

2. Actions

The following actions were developed in consultation with the Breakdown Safety Working Group which includes representatives from:

- NRMA Motoring & Services
- WorkCover NSW
- NSW Police Force
- NSW Centre for Road Safety, Transport for NSW
- Transport Management Centre, Transport for NSW
- Customer Experience, Transport for NSW
- Tow Truck Licensing & Compliance, Roads and Maritime Services
- Motorway Management, Roads and Maritime Services
- Traffic Management, Roads and Maritime Services

Roads and Maritime Services audit of shoulder widths

The Roads and Maritime Services (RMS) audit of shoulder widths initially examined the shoulder widths of roads with at least a dual carriageway and a speed zone of 80km/h and above. This audit, which covered 2,079km led to the capture of information on the major freight and intercity routes typified by generally high speed high volume characteristics.

The current position of RMS for new projects is, wherever possible on high speed roads, install a 3 metre wide shoulder adjacent to a safety barrier. This current practice provides sufficient width for a vehicle to be positioned wholly in the breakdown lane and away from the through traffic.

Actions

1. Following on from the audit of shoulder widths, RMS will develop an internet application that will allow all emergency services vehicle operators and other first response vehicle operators to click on a given point and see the width of the shoulder.
2. As upgrades to the road network are finalised they should be mapped as part of the RMS Information Strategy & Services (RISS) project. This can be used as a tool for future planning.
3. Of the roads initially audited, the portions of road highlighted red/orange on the map (sealed shoulder widths below 2.5m, which equates to approximately 900km) will undergo a more detailed review which will examine adjacent road space. Based on these reviews a program may be developed recommending the retrofitting of pull off bays at high risk locations.
4. RMS to continue to install 3 metre wide shoulders on high speed roads, for new projects, wherever possible.
5. RMS will map all State roads with a speed limit of at least 80km/h, to further analyse shoulder widths throughout the State.
6. When retrofitting safety barriers, RMS will ensure that road shoulder width is not compromised.

Communication of key messages to all road users

Currently there is little information available to motorists outlining what to do in the event of breaking down when travelling on a highway or motorway, or when passing an incident or breakdown.

There is limited information contained in the RMS Road User Handbook which relates to heavy vehicle drivers and the placement of warning triangles in the event of being broken down.

NRMA Motoring and Services has developed key messages for drivers in the event of a breakdown requiring roadside assistance.

However, there is a need for an improved level of communication across NSW to be developed for motorists outlining what to do in the event of breaking down and how to do it safely, and potential to share and promote this as a national issue.

Transport for NSW has developed a communications plan aimed at generating discussion in the community about the need to be vigilant following an incident or breakdown, to deter drivers from stopping except in an emergency, and also for drivers to take care when driving past an incident or breakdown. The plan will also promote best practice guidelines for those that respond to road side incidents, including tow truck drivers and industry groups such as the NRMA.

The keys messages will target all road users and include information for motorists on what to do if they break down and messages for incident response drivers and passing motorists. The messages for motorists include:

- Do not stop unless you have to
- If possible, find a safe spot to pull over such as the emergency breakdown area
- If you have to stay in your vehicle, keep your seatbelt on
- Park the vehicle as far left as possible
- Use hazard lights
- Call roadside assistance
- Assess the area for hazards and risks
- If possible, exit the vehicle from the left (passenger) side
- Be aware that it is often difficult for vehicles travelling on high speed roads to stop in a hurry

The communications plan includes messages for many different breakdown scenarios, with a wide range of avenues proposed to disseminate these essential road safety messages.

7. Implementation of a communications plan to generate discussion in the community about the need to be vigilant following an incident or breakdown. This includes educating drivers how to mitigate risks when involved in an incident or breakdown, or when passing an incident or breakdown.
8. The information contained in the communications plan will be distributed and disseminated through a wide variety of channels.

Improvements to vehicle standards

Improve visibility of people and vehicles

The road rules concerning portable warning triangles do not apply to light vehicles, however warning triangles can be purchased for use by any road user. In many overseas jurisdictions, particularly in Europe, all vehicles must be equipped with portable warning triangles. However, when these vehicles are imported into Australia the warning triangles are often removed prior to their supply to Australia.

In some European countries such as France, drivers are required to carry vests and warning triangles.

9. Encourage the voluntary use of safety devices and high visibility vests rather than mandate. Also encourage people to be cautious when deploying safety devices.
10. Transport for NSW will encourage manufacturers to retain warning triangles in vehicles when importing them into the Australian market.

Tow Truck Industry Standards

The working group agreed that tow-truck operators should be encouraged to improve the conspicuity of their vehicles and the vehicles they are attending and towing, through the use of equipment such as light boards with additional lights, flashing lights, cones, portable warning triangles and reflective tape.

In examining this proposal, it was found that the Australian Design Rule (ADR) governing tow-truck design, ADR 44/02 *Specific Purpose Vehicle Requirements*, already has provisions for these features. In particular, Clause 44.4.4 states: "Every 'Tow Truck' shall have equipment which can be placed on the towed vehicle and connected electrically to the 'Tow Truck' so as to enable the requirements of ADR 13/... [*Installation of Lighting and Light Signalling Devices on other than L-Group Vehicles*] to be complied with", and Clause 44.4.4.3 states "Every 'Tow Truck' shall be equipped with not less than 3 portable warning devices complying with the Standard Specification for warning signs set out in AS E38-1962 "Portable Warning Signs for Motor Vehicles", including Amendment 1."

Clause 52(1)(a) of the Road Transport (Vehicle Registration) Regulation 2007 requires that a person must not use a registrable vehicle unless it complies with the applicable vehicle standards for the vehicle. The 'applicable vehicle standards' include the ADRs applicable to it at its date of manufacture, which means that tow-trucks must have the equipment required by the above-mentioned clauses of ADR 44/02.

However, currently ADR44/02 only applies to crane-type tow trucks and does not cover flat bed trucks that winch vehicles on to the tray of the truck. This needs to be rectified. Refer to action items in the following section 'Tow Truck Vehicle Design'.

11. To ensure that tow-truck operators comply with Clause 52(1)(a) of the Road Transport (Vehicle Registration) Regulation 2007, RMS will ensure the carrying and installation of warning devices required under ADR 44/02 is checked on tow-trucks undergoing safety inspections at an Authorised Inspection Station (AIS), and the absence of this mandatory equipment should be deemed a reason for a tow-truck to fail the inspection.
12. RMS will develop guidance material to help ensure this equipment is used properly. Training will also be rolled out to industry, to remind operators to turn hazard lights on and use light bars. Also the review of the Tow Truck Industry Act will consider how to better ensure the use of warning lights.

13. RMS will also be in regular communication with industry through newsletters, which will ensure the latest information is being communicated. It is hoped that this approach will ensure the equipment is carried on tow-trucks and that it is properly used in order to help improve the safety around incidents such as crashes and breakdowns.

Tow Truck Vehicle Design

As with all vehicles in Australia, the design of tow trucks as a vehicle is subject to the Australian Design Rules, and ADR 44/02 *Specific Purpose Vehicle Requirements* deals with specific requirements for tow trucks. Although primarily concerned with tow trucks functioning as a vehicle, it does have general provisions for the 'crane fitted to a tow truck', and it requires compliance to AS 1418.1-1977 and AS 1418.5-1980

This presents a number of problems: both the referenced standards have been superseded many years ago; ADR 44/02 only refers to crane-type tow trucks and ignores others, such as flat beds with winches; and there is no design requirement for the location of the controls of the hoist/winch mechanism on a tow truck, which means the controls can be positioned on the right-hand side of the vehicle, exposing the operator to traffic in the adjacent lane

It has been identified that the technical specifications for tow trucks were previously included in AS 1418.5 *Mobile Cranes* up until the 1995 edition when they were excised. These have not been transferred to any other part of the AS 1418 series; AS 1418.8 *Special Purpose Appliances*, which would seem to be the logical place to include them.

Transport for NSW tabled a paper outlining problems with ADR 44/02 identified above at a meeting of the Australian Motor Vehicle Certification Board (AMVCB) on 14 and 15 August 2012. The AMVCB is responsible for maintaining the ADRs, and comprises the federal Department of Infrastructure, and Transport and representatives from all States and Territories.

The proposal to amend the ADR to update the references to the Australian Standards and to include all types of tow trucks was supported, as was the proposal to approach Standards Australia to have the crane standards updated to include requirements for dual or remote controls.

These proposals were endorsed by the Technical Liaison Group (TLG) which comprises the AMVCB plus members of key industry associations. In addition, it was recommended that all the technical requirements for tow trucks be removed from ADR 44/02 and incorporated in the standard. Finally, it was agreed that Transport for NSW should approach Standards Australia on behalf of the TLG/AMVCB, and represent their interests.

Subsequently, Transport for NSW has made a submission on behalf of both the Breakdown Safety Working Party and the TLG to amend AS 1418.8 to include the technical specifications for tow trucks including winch-types. The Standards Australia Board is expected to consider a proposal during September. Transport for NSW has separately approached Standards Australia to become a member of the ME-005 Crane Committee, and this request has been accepted.

14. Transport for NSW will continue advocating for the revision of ADR 44/02 to include the technical specifications for the hoisting and winching mechanisms applicable to all types of tow-trucks.
15. Transport for NSW to advocate Standards Australia to have AS 1418.8 amended to incorporate technical specifications for tow trucks, including requiring the capacity for the vehicle to be controlled from the left hand side, including by dual, pendant or remote controls.

Procedures for roadside warnings

Procedures for Tow Truck Operators

Roadside procedures are already included in the new accreditation program for tow truck drivers, they are however more generic in nature and in some cases aligned to crash scenes.

16. RMS will work with WorkCover to amend the tow truck accreditation program to include specific safety messages around high speed roads and breakdown lanes.

Use of Flashing Lights

The use of the amber lights is common on the road network. The use of amber lights indicates a hazard and drivers should be proceed with caution to maximise safety in the vicinity of amber lights.

There is also a certain level of inappropriate use of amber lights, and motorists need to be educated on correct use.

17. An opportunity exists to educate the public, through a communications campaign which:
 - i. reinforces when to use amber lights; and
 - ii. emphasises that when motorists see flashing amber lights, they should slow down and be cautious.

Response Vehicles Measures

There are some legal impediments to enable response vehicles to deploy warning devices such as traffic cones. Currently, traffic cones, when used to regulate traffic are deemed to be traffic control devices, which, under legislation can only be used under delegation by RMS. Transport for NSW and RMS will undertake to remove any such legal impediments to allow the deployment of warning devices on the road by response vehicles.

Guidelines to assist breakdown response vehicles to safely deploy road and roadside warning devices will be developed.

18. Ensure incident and breakdown respondents can use additional visibility measures such as safety cones and high visibility markings to notify oncoming motorists of a hazard ahead.
19. In consultation with the NSW Police Force, develop regulations to provide for nominated incident respondents to use the breakdown lane (if safe to do so) to enable a quicker incident response time.

Assistance

There are opportunities for cooperation between the Transport Management Centre, the various toll road operators and the NRMA to work to develop consistent messaging to assist motorists in protecting themselves when their vehicle has broken down.

20. A partnership between Government, industry and other stakeholders will be established to ensure consistency of messaging from call centres / point of first contact and to explore the development of a centralised contact point.

Possible law changes

A number of provinces in Canada and a number of states in the United States of America (USA), have implemented laws requiring motorists to slow down and move over to another lane (unless it is not safe or reasonable to do so), when there is a stationary emergency vehicle, and in some states a tow or service vehicle, with flashing lights operating.

The 'slow down, move over laws' vary across jurisdictions, as to which vehicles they apply to, the required reduction in speed and which roads they apply on (e.g. number of lanes, posted speed limits).

Any proposal to change the law to reduce the speed limit for vehicles travelling past broken down vehicles must consider its enforceability. In the USA and Canada, police have had difficulties in enforcing the slow down, move over laws.

Generally when an incident occurs, police priority is to attend to the people involved and clear the incident as soon as possible rather than enforce passing motorists.

Under rule 42 of the Road Transport (Safety and Traffic Management) Act 1999 a person must not drive a motor vehicle negligently on a road or road related area. This rule also provides that a person must not drive furiously, recklessly or at a speed or in a manner dangerous to the public.

These laws can be applied to motorists who drive negligently, furiously, recklessly or in a manner dangerous to the public in the vicinity of a breakdown incident. These laws are enforced by the NSW Police Force and offences carry significant fines and possible imprisonment.

The Government will introduce legislative amendments to make it clearer that the failure to appropriately slow down and exercise care when approaching and passing a broken down vehicle or a crash scene could be considered negligent, dangerous, or reckless driving. Transport for NSW will continue to investigate further changes.

Further, there are other offences in road transport law and the Crimes Act if a motorist causes a crash including negligent driving and driving in a manner dangerous to the public.

- 21.** The Government will introduce legislative amendments to make it clearer that failing to appropriately slow down and exercise care when approaching and passing a broken down vehicle or a crash could be considered negligent, dangerous, or reckless driving.
- 22.** The communications plan will raise awareness of the current offences, in combination with a breakdown safety education campaign.

This information is intended as a guide only and is subject to change at any time without notice.

Transport for NSW

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