Slow down for emergency vehicles legislation review

RACT submission

March 2021

The Royal Automobile Club of Tasmania

RACT enjoys a trusted position and extensive market penetration in the community. More than 200,000 Tasmanians are RACT members.

Formed in 1923, RACT is an apolitical and independent transport, infrastructure, road safety, tourism and mobility advocate.

It is committed to supporting and furthering the interests of Tasmanians and does this through a comprehensive program of consultation, education, awareness and public advocacy.

RACT is represented in a number of stakeholder reference organisations in Tasmania and undertakes liaison with government and other groups. It also has three regional advisory committees which are made up of local volunteers.

RACT's advocacy activity is defined by a series of public policy documents developed and endorsed by RACT Community and Advocacy Committee and RACT Board.

These policies have been informed by history, experience, statistical analysis, consultation, industry knowledge and our members.

Nationally, RACT is a constituent member of the Australian Automobile Association (AAA) which represents some 8 million Australian motorists.

Internationally, RACT has joined with other Australian motoring organisations as a member of the Fédération Internationale de l'Automobile (FIA) to work on road safety and related issues at a global level.

The RACT Mobility Strategy contains three key pillars, which include road safety, future mobility and sustainability

Overview: slow down for emergency vehicles legislation in Tasmania

During the 2018 State election the Tasmanian Liberal Government committed to amend road laws in Tasmania to make it an offence to travel faster than 40km/h past an emergency services vehicle parked on the roadside with emergency lights flashing.

This includes vehicles with red and blue flashing lights, such as Tasmania Police, Tasmania Fire Service, the State Emergency Service and Ambulance Tasmania. National Heavy Vehicle Regulator vehicles with magenta flashing lights are also included in the law, but not vehicles with amber lights such as RACT Roadside Assistance vehicles or tow trucks.

This rule was introduced in December 2019, with the view of conducting a 12-moth evaluation post-implementation to ensure it is fit for purpose.

Legislative review

The Department of State Growth has commenced its review of the legislation, which will be undertaken in two stages:

1) An evaluation of the media campaign surrounding the rule; and
2) Stakeholder views on the rule

RACT Roadside Assistance employees took part in Stage 2 via interviews with Enterprise Marketing and Research Services (EMRS).

These interviews addressed how often they attend roadside call outs, their perceptions of safety when on the roadside, as well as awareness and perceptions of the rule. RACT spoke to Roadside patrols and can share the following concerns:

- The lives of patrols are just as valuable as emergency services workers and other road construction or maintenance workers
- Patrols often help emergency services workers keep the roads safe and are required to work in the same conditions, only without the backup provided by the current law.
- Like emergency workers, patrols often do not have the luxury to choose where to set up a worksite. Patrols regularly work on the side of high speed roads and have experienced several occasions where they felt uncomfortable or unsafe
- Patrols have observed increased driver distraction and impatient driver behaviour
- There are frustrations regarding the inconsistent messaging around 40km/h laws for school buses with flashing amber lights, but not for RACT Roadside Assistance vehicles or tow trucks

As part of Stage 2, RACT is also providing this written submission to the Department, cementing our position on the need for Roadside patrols and tow trucks to be included.

RACT Submission

Background

Slow down for emergency vehicles legislation is designed to improve the safety of emergency workers and first response personnel, as well as the people they are protecting, during crashes or road incidents across Australia.

While some jurisdictions include minor localised differences, the laws typically dictate that drivers travelling in the same direction as stationary emergency response vehicles, that are displaying red and blue or magenta flashing lights, must safely slow down and travel at no more than 40km/h when passing.

The 40km/h law is active in Victoria, Western Australia and the ACT, with a 25km/h limit in South Australia. The NSW law has a slightly different speed limit rule (explained below), while Queensland does not yet have such legislation.

Additionally, roadside assistance vehicles and tow trucks are included in Western Australian and NSW laws, but not in any other state.

The Western Australian legislation covers all emergency and roadside assistance vehicles when they are "displaying a flashing light other than a turn indicator light or hazard warning light". This includes: police, the fire service, ambulances, road incident response services, break-down assistance vehicles.

Following a trial of the rule in NSW, the government reviewed and altered the legislation to include stationary roadside assistance vehicles and tow trucks with flashing yellow lights, in addition to emergency vehicles displaying flashing blue or red lights. This followed stakeholder consulation during the review.

The speed limit rule in NSW stipulates that on roads with a speed limit of 90km/h or more, motorists are required to slow down to a reasonable speed before providing sufficient distance between their vehicle and emergency response vehicles. This is considered safer than slowing to 40km/h in high speed areas. However, on roads with a speed of 80km/h or less, motorists are required to slow to 40km/h.

Evidence

RACT Roadside Assist workers attended 67,000 callouts in 2019-20, on average 184 a day. Of these, roughly 12,000 breakdown callouts are to roadside locations where the speed limit was 90km/h and above.

RACT Roadside Assistance workers are considered vulnerable road users and regularly report near misses and dangerous situation at the roadside.

RACT has 22 Roadside Assistance workers. A survey of 20 patrols in 2019 indicated that 75% experienced a near miss in the previous 12 months, with 60% experiencing more than one near miss over the same period. Additionally, 30% reported a near miss in the week prior to taking the survey.

Anecdotal evidence suggests that when there is a road incident or breakdown, drivers/riders often observe the event and as a result may become distracted.

Position

RACT welcomed the introduction of slow down for emergency vehicles legislation in Tasmania in 2019. However, the absence of RACT Roadside Assistance vehicles and tow trucks with amber lights means we can not fully support the law in its current form.

While Tasmania Police, Tasmania Fire Service, State Emergency Service and Ambulance Tasmania vehicles, as well as National Heavy Vehicle Regulator safety and compliance vehicles, are covered, the lack of protection for RACT vehicles and tow trucks must be addressed.

Despite RACT Roadside Assistance workers being provided with extensive risk assessment and training aimed at working safely at the roadside, they cannot control every situation – particularly with increasing instances of distracted driving. Roadside assistance workers face the same risks as other emergency services workers on Tasmanian roadsides, meaning they should be afforded the same safety benefits through their inclusion in this legislation.

Western Australia already includes roadside assistance vehicles and tow trucks, while following a review of the NSW trial, the same conditions were implemented in that state following stakeholder consultation.

As a result, RACT requests that the Tasmanian Government follows the lead of Western Australia and NSW by extending the legislation to include other emergency response vehicles, particularly RACT Roadside Assistance vehicles and tow trucks with flashing amber lights.

During consultation with Tasmania Police, RACT was informed that there is an understanding that Roadside Assistance vehicles and tow trucks experience similar risks to emergency services vehicles. As such, police have no overt objection to their inclusion in the legislation.

Additionally, RACT requests the Tasmanian Government to alter its advertising and education campaign for motorists in the state once the law is changed to include Roadside Assistance vehicles and tow trucks. RACT would be eager to support the Tasmanian Government in this campaign through its school education programs and social/digital media channels.

In conclusion, RACT also urges the Tasmanian Government to conduct regular reviews of the impacts of this legislation in Tasmania and other states, given the immaturity of slow down for emergency vehicles laws in Australia. Legislative changes should be introduced if more appropriate models have been proven to deliver safer outcomes.