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GEA RESPONSE TO NATIONAL HEAVY VEHICLE REGULATOR - HEAVY VEHICLE SAFETY STRATEGY 2 0 2 1 to 2 0 2 5

Dear Sal

Gas Energy Australia (GEA) is pleased to respond to the National Heavy Vehicle Regulator (NHVR) Heavy Vehicle Safety Strategy 2021-2025.

By way of background, GEA is the national peak body which represents the bulk of the downstream gaseous fuels industry which covers Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG). The industry comprises major companies and small to medium businesses in the gaseous fuels supply chain; refiners, fuel marketers, equipment manufacturers, LPG vehicle converters, consultants and other providers of services to the industry. The Association's mission is to "… improve the nation's energy security and environment and reduce energy costs by maximising the benefits of gaseous fuels to the community…"

GEA supports the broad objectives outlined in the NHVR Heavy Vehicle Safety Strategy and offers the following feedback against the four key priorities outlined in the strategy.

1. our approach to partnerships
   - partnering with industry and the supply chain to lead behavioural and cultural change that improves safety
   - collaborating with industry, regulatory partners, including jurisdictional transport agencies and police, and government to drive a consistent national safety approach
   - acquiring, sharing and using data to lead decision-making in relation to safety
   - educating the broader community about shared responsibility for road safety
   - targeting regulatory activities towards unsafe and high-risk drivers, operators and Chain of Responsibility parties.

GEA welcomes the NHVR's promises of a regulatory model with clear accountabilities and as the national agency, wants it to actively perform the role of leader of heavy vehicle regulation in Australia. In particular, GEA urges the NHVR to be the regulatory authorities' single cohesive voice and not simply a portal to a variety of regulatory agencies operating as silos rather than collaborating to deliver consistent, efficient and effective regulation of heavy vehicle safety.

The following case study identifies key shortcomings of the PBS and the current system of partnerships where accountabilities often become grey areas and in the end the processes reduce the competitiveness of industry and Australia.

Case study of the PBS working ineffectively because of poor data and lack of collaboration between regulators

A dangerous goods (LPG) supplier currently operates a shuttle from its import terminal and storage facility at Port Botany to a cylinder filling terminal and distribution depot at Blacktown on average three times per day using B doubles to deliver around 31 tonnes (t) of propane on each trip. It uses A doubles and road trains on other routes in Australia and sought to improve productivity by applying through the Performance Based Standards (PBS) to operate A doubles on this shuttle run. This would improve productivity by increasing the load carried on each trip by 6t and reducing the number of trips by one every two days.

In August 2018, the operator prepared a case with maps available through the NHVR portal and RMS websites to operate A doubles between Port Botany and Blacktown. In preparing the case, because the initial automatic routing through the portal did not recognise that as LPG was to be carried, class 2.1 dangerous goods prohibited areas as outlined in the NSW Road Rules 2014 - REG 300-2 would apply, the vehicle was mistakenly routed through the M5 tunnel.

The operator modified the route to avoid prohibited areas and submitted a case in September 2018. Three road managers (Blacktown Council, Port Authority, Airport Authority) approved the route. But the NSW Roads and Maritime Services (RMS) advised that the return journey was compromised because the route submitted included a right turn from Gardeners Road into O'Riordan St which is not allowed. When this response was queried by the operator since there were no notifications on either the NRHV portal or the RMS website, they were advised that the prohibition was signed at the intersection.

The operator redrew the return route to avoid the Gardeners Rd turn and when this was returned to RMS, they advised that because the Airport Authority Road Manager had already approved the initial route, the operator could not resubmit the re-routing and that RMS would decline the return journey. The operator was advised to withdraw the case and resubmit a new case. The operator did so in February 2019.

The resubmitted new case's outward-bound journey to Blacktown fully loaded has no flags. But the return journey with tanker empty, which will have an overall mass of approximately 40t, has subsequently been flagged as an issue because Airport Drive at the Cooks River Bridge has a PBS weight restriction. GEA notes that the current route for dangerous goods tankers heading loaded from Port Botany is via this bridge and the Concessional Mass Limits (CML) allows for 26 metre B double combinations up to 64.5 Tonne. The re-submitted case gained in-principle approval on 16 January 2020 with the proviso that weight management be fitted to ensure the tanker met weight limits on the Cooks River Bridge. GEA also notes that the prohibition on the turn from Gardeners Road into O'Riordan St has still not been updated on the RMS PBS roadmap.

This case study identifies the following key shortcomings of the PBS and lack of collaboration between regulators.

- Inability to select dangerous goods routes through the portal.
- Inconsistency and inaccurate data between on-road restrictions and PBS websites.
- Bureaucratic processes entailing regulatory agencies operating as silos rather than collaborating to deliver consistent positive outcomes.

Overall, GEA seeks a Safety Strategy which has more measurable outcomes with the NHVR leading heavy vehicle regulation and safety in Australia.

2. creating positive change in individual behaviours and industry culture to improve safety
   - Support industry to manage human factors that contribute to heavy vehicle crashes, with a specific focus on fatigue.
   - Educate, inform and empower operators and the supply chain to improve their organisational safety culture.
     - Support the uptake of safety management systems
     - Address driver health (including mental health and acute health) and other human factors that play a role in heavy vehicle safety.
     - Enable Chain of Responsibility parties to successfully discharge their legislative safety duty obligations.
   - Undertake visible and consistent compliance activities.
     - Ensure the right person is held legally responsible for non-compliance with the Heavy Vehicle National Law (HVNL).
   - Improve road users' understanding of driving safely around heavy vehicles and promote road safety awareness initiatives about sharing the road.

GEA supports the need for cultural improvements and suggests that the NHVR can also support these changes by ensuring operators have the flexibility in systems to improve safety GEA notes and supports the focus on adoption of safety management systems and the associated compliance schemes such as Mass Management, Maintenance Management and Fatigue Management (Basic or Advanced).

GEA suggests that the way safety management systems are offered makes it difficult to have a blended system (eg, operating part of the fleet under normal regulation and part under a safety management system) as this effectively means operating a two-tiered safety management system. The current offering is more of a 'all-in' approach.

Operators in the gaseous fuels industry run line haul freight, but their fleets also contain a majority of vehicles on a multi drop or customer service type operations. The line haul operations lend themselves to the adoption of compliance schemes, particularly fatigue and mass management. But the multidrop and customer service type operations are more easily managed using existing fatigue laws and regulation. The all-in' approach means advantages that could be gained for the line haul drivers and vehicles under safety management scheme are not realised.

GEA recommends that the NHVR strategy work to provide for a cost effective blended system.

3. driving uptake of modern, safer heavy vehicle fleet that reduces the likelihood and impact of crashes
   - Enable industry to increase heavy vehicle safety technology uptake.
   - Support the uptake of newer, safer, more-productive vehicles to reduce the average heavy vehicle fleet age.
   - Target operators that do not properly maintain heavy vehicles

GEA supports the uptake of modern safer vehicles. GEA urges the NHVR as part of its safety strategy to advocate and lead the incentivisation of adoption of newer vehicles in fleets through two mechanisms.

- Recognition that extra safety features increase the mass of the vehicle and allow an incremental load increase for vehicles with safety technology.

- Allow expanded route access for vehicles fitted with safety technologies.

4. influencing road network design to support safe heavy vehicle use.
   - Collaborate with decision-makers to help design and deliver infrastructure that is safe for heavy vehicles.
     - Provide information and advice to jurisdictions on heavy vehicle interactions with infrastructure to help inform future safety-related infrastructure decisions.
   - Partner with stakeholders to improve the number and quality of rest areas.
   - Work with road managers to assess infrastructure assets to support heavy vehicle safety.

GEA supports the NHVR endeavours in developing infrastructure that is heavy vehicle friendly and recommends the following issues be actioned in its safety strategy.

- The NHVR advocating for better infrastructure and access for heavy vehicles including:
  - expanded route access including through prohibited areas on a risk-based approach for dangerous goods;
  - dedicated freight lanes; and
  - reducing development along freight routes where it increases the amount of merging, interaction with other traffic, number of intersections navigated or turns undertaken by heavy vehicles.
- The NHVR championing improvement in the number and quality of rest areas with two key areas for improvement:
  - improved infrastructure around terminals, in particular Port Botany; and
  - taking into account that dangerous goods vehicles are prohibited from some areas and this adds time and distance to journeys[1], which means rest areas should be planned accordingly.
- As highlighted by the case study of the PBS working ineffectively because of poor data and lack of collaboration, the NHVR providing a cohesive, collaborative and reliable information source for industry.

In summary, GEA supports the NHVR Heavy Vehicle Safety Strategy 2021-2025 and recommends it be enhanced such that the NHVR leads heavy vehicle regulation and safety in Australia, develops flexibility in safety management schemes, supports and incentivises vehicles fitted with safety technologies and advocates for better road network design and improved infrastructure design for heavy vehicles nationally.

For your consideration.

John Griffiths
Chief Executive Officer
Gas Energy Australia

[1] • ARRB Dangerous Goods Movement Study produced for Transport for NSW (TfNSW) Oct 2020.