

Roadside worker safety policy review

Consultation paper

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Context

During the 2020 State Election, the Queensland Government made a commitment to undertake a policy review, considering legislative and regulatory amendments, to better protect roadside workers.

The Department of Transport and Main Roads (TMR) is undertaking this review which will examine road rules, driver education, road safety campaigns and engineering solutions.

This consultation paper seeks stakeholder views on the risks and issues faced by roadside workers and support for options to improve their safety.

Roadside workers

This review is focussed on two categories of roadside workers, (1) first responders and roadside assistance workers, and (2) road workers and traffic controllers. These categories of workers differ based on the type of work they carry out, the roadside environment they operate in and the measures they are able to put in place to create a safe working environment.

1. *First responders and roadside assistance workers*

First responders (for example, emergency services) and roadside assistance workers (for example, breakdown assistance providers and tow truck operators) are exposed to a range of risks when working at the roadside due to their proximity to fast moving traffic. These workers are often on their own, focussed on their primary task (for example, responding to a crash, breakdown, hazards or enforcement issue), and their worksite is temporary, in some cases lasting for only a few minutes. The nature of this work means that it is difficult to establish specific traffic controls to create a safe working environment.

Most other Australian jurisdictions have introduced laws that require drivers to slow down, and in some cases move over, when passing first responders and roadside assistance workers working at the roadside. These are often referred to as 'slow down, move over' laws.

This review will examine whether there is a need for additional legislation in Queensland and what form it should take in order to better protect these workers. The model of 'slow down, move over' laws will be the primary focus of this examination.

2. *Road workers and traffic controllers*

Road workers (for example, road maintenance and construction workers) and traffic controllers typically operate in a more controlled environment. These workers operate under a traffic management plan which is tailored to the specific circumstances of the work. A range of traffic controls can be deployed under a traffic management plan to create a safer working environment. For example, temporary speed limit reductions, lane closures, lane controls (shifting the lane of traffic so that it is a greater distance from workers), warning signage, rumble strips, speed humps, temporary traffic signals and traffic controllers.

This review will seek feedback on the existing traffic control measures to manage the risks faced by road workers and traffic controllers.

Understanding risk

TMR does not have access to data about the risks posed to roadside workers. Road crash data is categorised by road user and vehicle type. In both cases, it is not possible to specifically identify crashes involving roadside workers while working at the roadside. Road crash data cannot be separated from crashes involving other pedestrian types or other

crashes involving roadside workers' vehicles (for example, police vehicles) when in use on the road generally. Road crash data also doesn't capture near misses.

TMR has also undertaken a comprehensive literature review and media scan. In both cases, no specific information about the risks faced by roadside workers in Queensland was available.

In the absence of any specific data, we are seeking your responses to the following questions to help us to understand the current risks faced by roadside workers in Queensland.

1. **Are you aware of any safety incidents (for example, near misses or crashes) involving roadside workers while working at the roadside?**
 - Please provide details of any known incidents, including outcomes and contributing circumstances.
2. **What are your perceptions of the current risks faced by roadside workers while working at the roadside?**
 - Do the risks faced by roadside workers differ based on the circumstances? For example, single vs multi-lane roads, low vs high-speed roads, traffic density.
3. **What strategies do roadside workers within your organisation employ to minimise risk while working at the roadside?**
 - What has worked best in your organisation to improve roadside worker safety?
 - Please provide details of the strategies, training approach and program frequency.
4. **Do the risks faced by first responders and roadside assistance workers differ from those faced by road workers and traffic controllers?**

Regulatory solutions

Under current Queensland legislation, drivers are required to give way to emergency vehicles and to drive with due care and attention. This includes driving safely when passing roadside workers. To date, Queensland has opted not to implement a specific slow down, move over law and has instead relied on these more general laws, combined with education campaigns focused on improving driver behaviour around roadside workers.

Most other Australian jurisdictions have introduced some form of specific slow down, move over law. However, there is no common approach across jurisdictions. A high-level comparison of these laws is included below for context. The comparison considers three main elements of the laws:

- which roadside workers the laws apply to,
- how drivers are required to slow down, and
- whether drivers are also required to move over.

Jurisdiction	Applicable workers	Slow down speed	Move over requirement
NSW	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES • Transport enforcement • Traffic emergency response Roadside assistance <ul style="list-style-type: none"> • Breakdown assistance • Tow trucks 	Differs based on the speed limit of the road: <ul style="list-style-type: none"> • On 80km/h and under roads – 40km/h. • On 90km/h or more roads – a safe speed for the circumstances. 	On roads where the speed limit is 90km/h or more – drivers must allow sufficient distance to avoid a collision. If a multi-lane road – drivers must move out of the closest lane to the vehicle, if it safe to do so.

Jurisdiction	Applicable workers	Slow down speed	Move over requirement
Vic	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES • Transport enforcement 	40km/h	No
SA	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES 	25km/h	No
WA	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES • Transport enforcement Roadside assistance <ul style="list-style-type: none"> • Breakdown assistance • Tow trucks 	40km/h	Drivers must change lanes on a multi-lane road if the vehicle is in their lane and it is safe to do so.
ACT	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES 	40km/h	No
Tas	First responders <ul style="list-style-type: none"> • Police • Ambulance • Fire and rescue • SES • Transport enforcement 	40km/h	No

No Australian jurisdiction has extended slow down, move over laws to apply to road workers and traffic controllers. In some cases, the application of these laws could be in conflict with specific traffic management controls in place. For example, a temporary speed limit may be in place or the lane configuration may have already been changed to create physical separation between workers and passing vehicles.

Some jurisdictions have evaluated the implementation of slow down, move over laws. The results of these evaluations are mixed and do not reveal a clear best practice model. Some of the themes of these evaluations include:

- There are challenges with enforcing the laws. Some elements are subjective and enforcement officers are often busy undertaking other work associated with the crash, breakdown or enforcement issue that resulted in them stopping at the roadside.
- The laws must be supported by clear and consistent messaging to ensure drivers are aware of the laws and able to comply.
- Requiring a specific slow down speed limit on all road types may have unintended safety consequences. For example, in some circumstances slowing rapidly to 25km/h or 40km/h can be dangerous, particularly on high-speed roads and in situations where heavy vehicles with long braking distances are traveling behind.

Based on the implementation of slow down, move over laws in other jurisdictions, this review will consider whether similar laws are appropriate for Queensland, and in particular:

- which roadside workers the laws could apply to (for example, first responders, roadside assistance providers, road workers and/or traffic controllers),
- if drivers should be required to slow down and how (for example, to a set speed or a speed that is safe for the circumstances, as well as whether this should differ based on the speed limit of the road), and
- if drivers should be required to move over and how (for example, to avoid an obstruction in the lane, to provide a lane gap, or a minimum passing distance).

We are interested in your organisation's views on regulatory solutions to improve roadside worker safety in Queensland. We are seeking your responses to the following questions.

- 5. Do you consider the current laws in Queensland (to give way to emergency service vehicles and drive with due care and attention) are sufficient to manage risks faced by roadside workers?**
- 6. Have you had any experience with slow down, move over laws in other jurisdictions?**
- 7. Do you have any perspectives on the effectiveness of slow down, move over laws?**
- 8. Do you support the case for slow down, move over laws in Queensland?**
 - Your views on the key elements are sought, for example:
 - Which types of roadside workers should the laws apply to?
 - What speed should drivers be required to slow down to?
 - Should drivers also be required to move over?
 - Please consider the broad impacts and possible consequences when responding.
- 9. Do you agree that the application of slow down, move over laws would not be appropriate for roadworkers and traffic controllers?**
 - Consider the potential for conflict between slow down, move over laws and more specific and tailored traffic controls. Would this lead to driver confusion and poor compliance?
 - If you disagree and think the laws would be of benefit, how should they be integrated with other engineering solutions? For example, which speed limit should drivers comply with if one is posted as part of the traffic management plan and one is imposed by slow down, move over laws?
- 10. Do you have any other suggestions for regulatory solutions that could improve roadside worker safety?**

Education campaigns

TMR has undertaken a range of education campaigns to encourage safer driving around roadside workers:

- Slow down, move over campaigns across 2019 and 2020, using billboards on high volume roads (see example below) and social media. These focused on both first responders and roadside assistance workers.
- Breakdown safety using social media and the development of a simple Breakdown Safety Glovebox Guide.
- Road worker safety using social media.



Example of slow down, move over billboard from 2019.

To help us understand the impact of TMR's education campaigns, we are seeking your responses to the following questions.

- 11. Do you think education campaigns assist to reduce the risks faced by roadside workers?**
- 12. Do you recall seeing TMR's slow down, move over education campaign on billboards or social media in 2019 and 2020?**
 - Have you noticed any change in driver behaviour following this campaign?
 - For example, are drivers slowing down or providing a larger distance when passing first responders and roadside assistance workers?
- 13. Are you aware of TMR's breakdown safety education campaigns?**
 - If yes, have they been helpful in improving safety at breakdowns?
 - Are more education programs required?
 - If so, what specific areas should be of focus?
- 14. Are you aware of any broader education campaigns that promote road worker safety?**
 - If yes, have they been helpful in improving safety for road workers and traffic controllers?
- 15. Has your organisation undertaken any internal or external communications on the issue of roadside worker safety?**
 - If so, please provide information about the types of communications, including examples, and whether these have had any measurable impact?
- 16. Do you have any comments or suggestions for future education campaigns focused on improving roadside worker safety?**

Traffic management and engineering solutions

Road worker and traffic controller safety is managed under the *Austroads Guide to Temporary Traffic Management* (AGTTM) which is called up in the *Queensland Guide to Temporary Traffic Management* (QGTMM) and the Queensland specific *Guideline - Traffic Management at Works on Roads* (TMWR). Combined these provide operational guidelines for the provision of temporary traffic management at works on roads.

The AGTTM is the result of collaboration between road authorities and stakeholders involved in the road construction and traffic management industry. The AGTTM is currently available for voluntary use and will be mandatory in Queensland from 1 August 2021.

The AGTTM, QGTMM and the TMWR provide a set of principles, guidelines and tools for the design of temporary traffic management controls to ensure the safety of road workers and traffic controllers.

The solutions are highly individualised based on a risk assessment of the specific environment and its associated variables. Consideration is given to the proximity of workers when designing the appropriate solutions. Traffic management plans are designed by appropriately qualified individuals and focus on traffic moving:

- around the site – where the road being worked on is closed and traffic is detoured.
- through the site – where work on the road occurs for short periods of time and are then paused to allow traffic to intermittently travel through.
- past the site – where there is a shuttle flow arrangement and traffic is reduced to one lane, flowing past the workers.

Increasing use of smart motorways also helps to create safer roadside working environments. This includes technologies like ramp signalling, variable speed limit signs, lane use management, variable message signs and closed-circuit television.

In addition, TMR is currently exploring new traffic control solutions. For example, TMR is working with the traffic management industry to use portable remote-controlled traffic control devices for managing traffic to remove traffic controllers from harm's way.

We are interested in your organisation's views on the current approach to managing the safety of road workers and traffic controllers in Queensland.

17. Do you think that the traffic management solutions available under the AGTTM (for example, reduced speed limits and lane controls) are sufficient to protect traffic controllers and road workers?

- If not, what additional solutions could be considered?
- What traffic management solutions have contributed most to your organisation's safety? Please provide details on equipment, people, best practise methodologies etc.
- Are there any differences in the suitability of existing traffic management solutions in creating a safe workspace for road workers compared to traffic controllers?

18. Is Smart Motorways contributing to improved safety for your roadside workers operating in high speed environments?

How to respond

To provide us time to consider all stakeholder feedback we are requesting your responses to this consultation paper by **18 June 2021**.

Please send your responses to dlrr@tmr.qld.gov.au, with an ATTN: Lauren Stanley in the subject line of the email.

If you have any questions about this consultation paper or would like to meet to discuss your feedback before responding, please do not hesitate to contact Ms Lauren Stanley, Senior Policy Advisor, on (07) 3066 2972.

Next steps

TMR is undertaking a holistic policy review of this issue. Your responses to this consultation paper will be considered alongside a comprehensive review of Australian and international research and literature. Public perspectives will also be considered. Outcomes of this review will inform advice to Government on any changes required to improve roadside worker safety in Queensland.

We will contact you directly if we need clarification on your responses or have follow-up questions.