

DRIVERLESS VEHICLES AND ROAD SAFETY

Organisation: Pedestrian Council of Australia Ltd
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Position: Chairman / CEO
Date Received: 22/04/2016

From: Pedestrian Council of Australia [REDACTED]
Sent: Friday, 22 April 2016 4:50 PM
To: ElectorateOffice Albury; Vedrana Trisic
Subject: THE INQUIRY INTO DRIVERLESS VEHICLES AND ROAD SAFETY IN NSW

Mr Greg Aplin
Chairman
STAYSAFE

Attention: MS Vedrana Trisic

Dear Greg

THE INQUIRY INTO DRIVERLESS VEHICLES AND ROAD SAFETY IN NSW

The major issues as outlined by the Autonomous Vehicle Safety Regulation World Congress are of primary interest to us:

- Adapting current safety standards and regulations to allow further testing of autonomous vehicles on public roads
- Assessing liability in accidents involving autonomous vehicles
- Establishing an international agreement on rules and regulations for autonomous vehicles
- Safely integrating autonomous vehicles with other road users
- Code of ethics for autonomous vehicles in the event of an unavoidable accident
- Authorizing police and law enforcement agencies to intercept and remotely stop self-driving vehicles
- Allocating civil and criminal liability in the event of a cyber attack, vehicle hacking or deliberate interference with an automated vehicle

We represent the largest and most vulnerable road user group in Australia.

Pedestrian deaths represent 20 % of the Road Toll

Serious pedestrian injuries typically cost twice as much as those experienced by occupants of motor vehicles.

The annual cost to the Australian economy of road traffic crashes is estimated to be \$27 billion.

https://infrastructure.gov.au/infrastructure/publications/files/Trends_Infrastructure_and_Transport_to_2030.pdf (see page 15)

It follows that the cost of Road Trauma to NSW would be between \$8 and \$9 billion per annum (directly or indirectly)

Much of the road trauma experienced by pedestrians is due to lack of line of sight between pedestrians and drivers.

Often, when a pedestrian is hit, the brake marks on the road are after the crash, usually meaning that either both or one party did not see the other.

Here is a classic case from the Supreme Court of New South Wales

Gunning v Fellows (By his Tutor L Fellows) (96040427) GUNNING v FELLOWS

<http://www.walk.com.au/pedestriancouncil/Page.asp?PageID=226>

Here are some relevant excerpts from the case:

This is an appeal from a judgment on liability only by Master Greenwood in which the Master held that the appellant was negligent when his motor vehicle collided with the respondent who had ridden a bicycle down a driveway and onto the road. The respondent was held to be twenty-five per cent contributorily negligent for the accident. As a result of the collision the respondent, who was almost twelve years old at the time, suffered severe head injuries and permanent brain damage. So severe were his injuries he was unable to give evidence.

The accident occurred at 7 pm on 14 November 1992 during daylight saving time in well lit, clear conditions. The footpath upon which the respondent and two companions had been standing just before the respondent rode down the driveway was higher than the road by about one metre and separated from it by a grass verge approximately 6.8 metres wide. The accident occurred on the second occasion that the respondent rode the bicycle down the driveway. On the occasion when the collision occurred the respondent rode the bicycle slowly down the driveway but as he entered upon the roadway "he pedalled fast" and that is when the appellant's vehicle hit him. At that time the appellant was driving in a westward direction along Ashmont Avenue, Wagga Wagga.

Require of motorists a measure of what is sometimes called defensive driving or a lookout that not only sees immediate or immediately developing danger but looks well ahead and searches for potential danger.

It has been consistently established by authority that when young children are in the vicinity of a road or reasonably to be expected to be in the vicinity, a greater standard of care and caution is demanded of motorists

The case also establishes that where children are involved on or near the road, the Defendant must exercise greater care and caution than usual by the reasonably prudent driver.

The question is whether a "robot" will be able to exercise the same judgment as required in this case in which the Supreme Court found 25% negligence against a driver, even though the child rode his bicycle at speed, onto the road.

The driver saw the child initially from 80 metres away.

Will robots be able to develop this "sixth sense" which the courts have applied to cases such as this.

Will they be able to "look ahead" as required by the Supreme Court of NSW?

These vehicles will pass thousands of children on footpaths.

But will they be able to anticipate such unpredictable and inexperienced behaviour?

Without being luddites, we would put it to STAYSAFE that this could be a very long way off.

Apart from stating the obvious, that these vehicles will need to be 100% safe, before they can be allowed on our roads, probably the most difficult question is:

- **Assessing liability (and blame) in accidents involving autonomous vehicles**

Currently, if a driver kills or seriously injures a pedestrian and is found guilty of negligent driving causing death or grievous bodily harm, he/she can be sent to jail.

It's the prospect of jail which acts as a major deterrent in the way many motorists drive.

How can this possibly apply to a robot?

We cannot simply rely on fines to address this issue.

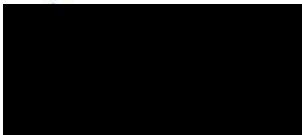
And in any event, who would we fine?

The directors of the motor vehicle companies, the software providers, or perhaps the mapping agency.

And would we be left in the courts having all the so-called responsible agencies blaming each other (with billions of dollars behind them to engage in costly and protracted legal actions).

These are just some of the issues which must be resolved in black letter law and to the nth degree, before one driverless vehicle is permitted on our roads.

Regards



Harold Scruby
Chairman/CEO



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