

17 September 2019

TOPIC: 'Slow down and give space'

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What are the key features of the new rule?

The rule will be expanded to include stationary tow trucks and breakdown assistance vehicles displaying flashing yellow lights, as well as emergency vehicles displaying flashing blue or red lights at the roadside attending incidents.

If the sign-posted speed limit is 80km/h and under drivers will still be required to slow to 40km/h passing the vehicle.

Where the speed limit is 90km/h or over drivers will not be required to slow down to 40km/h. Instead they will be required to safely slow down to a speed that is reasonable for the circumstances and give sufficient space to the people and vehicles at the scene. On a multi-lane road, drivers must move over to keep the lane next to the vehicle clear, unless it is unsafe to do so.

Drivers must also give way to any person on foot in the vicinity of a stationary tow truck, breakdown assistance or emergency vehicle displaying flashing lights and not increase speed until a sufficient distance past the vehicle and people.

As per the current rule, it will not apply when a stationary tow truck, breakdown assistance or emergency vehicle displaying flashing lights is on the opposite side of a divided road separated by a median strip.

When is the new road rule being introduced?

The changes to the road rule will take effect from **26 September 2019**

Why is the rule being changed?

This rule is being changed to improve the safety of emergency workers, tow truck operators and breakdown assistance providers working on the road, as well as the people they are helping, particularly on higher speed roads where the time and distance required to reduce speed to 40km/h is the greatest.

Why have you changed the rule to include vehicles with yellow lights and changed the speed that motorists need to slow down to?

The government has been monitoring the rule over the past 12 months and has also been listening to community and stakeholder feedback.

This showed that the rule was working well on lower speed roads. However safety concerns and risks were highlighted on higher speed roads where the time and distance required to reduce speed to 40km/h was the greatest.

Tow truck and breakdown assistance workers face similar risks on the road to emergency workers. There was always a commitment to consider the application of the rule to cover other at-risk workers over the 12 trial month period.

Now that the rule is being made safer in higher speed environments, it's appropriate to extend the rule and enhance safety for these high-risk workers.

Won't having different requirements depending on the speed limit be confusing for drivers?

There are already road rules in place in NSW which have different requirements depending on the speed limit. For example the minimum safe passing distance for bicycle riders stipulates different passing distance requirements for roads with a posted speed limit of 60km/h or less and roads with a speed limit over 60km/h.

There is some continuity for drivers as they will still be required to slow down to 40km/h on roads with a speed limit of 80km/h or less. Changed requirements will only apply on high speed roads with a speed limit of 90km/h or more.

These changes will be accompanied by a comprehensive community education campaign to educate and inform drivers of the reason for the change and what they will be required to do.

How will drivers know what a reasonable speed reduction is on roads 90km/h or more?

Drivers passing a stationary emergency vehicle displaying blue or red lights or a tow truck or breakdown assistance vehicle displaying yellow flashing lights in a high speed environment need to exercise their judgment in order to safely slow down to a reasonable speed for the circumstances, taking into consideration a range of factors such as weather, road and traffic conditions.

It is important to remember that anyone working on or around the road is at increased risk of being killed or seriously injured. This risk increases with speed.

In slowing safely, consider dropping speed further if: there is clear line of sight to the vehicle with flashing lights, the stationary vehicle is positioned close to moving traffic with limited available space, there are pedestrians moving on the road near the incident or breakdown, or speed can be reduced in a controlled way in the context of other traffic.

On roads 90km/h or more, how can drivers provide sufficient space between their vehicle and the tow truck, breakdown assistance or emergency vehicle?

On a multi-lane road, drivers will need to vacate the lane directly adjacent to the stationary tow truck, breakdown assistance or emergency vehicle displaying flashing lights unless it is unsafe to do so.

On a road with one lane in each direction, drivers will need to move over safely as far as reasonably possible away from the vehicle within their lane.

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Why is the rule now changing to include tow trucks and breakdown assistance vehicles?

Tow truck and breakdown assistance workers face similar risks on the road to emergency workers.

Tow truck and breakdown assistance workers are often the first - and sometimes only responders - to breakdowns or crashes. Given the unplanned nature of these incidents they aren't able to choose a safer location or operate in a speed reduced work zone.

There was always a commitment to consider the application of the rule to cover other at-risk workers over the 12 trial month period.

Now that the rule is being made safer in higher speed environments, it's appropriate to extend the rule and enhanced safety it provides to these high-risk workers.

Won't it be difficult for drivers to differentiate between tow trucks, breakdown assistance vehicles and other vehicles which display yellow lights?

The use of yellow flashing lights on a vehicle alerts other road users that the vehicle is in a hazardous position or is moving in hazardous circumstances.

Drivers should always slow down when approaching a vehicle displaying flashing yellow lights.

Once a driver is able to identify the vehicle, they will then be able to take the appropriate measure to comply with the rule depending on the speed limit.

Why is this rule now being referred to as called 'Sarah's Rule'?

The rule is also being called Sarah's Rule in memory of Sarah Frazer and the ongoing work of the Safer Australian Roads and Highways (SARAH) Group to improve safety conditions for roadside workers, as well as all road users.

Sarah Frazer was tragically killed when struck after her car broke down on the Hume Highway in 2012. The tow truck driver and father who had come to her assistance also lost his life.

What types of vehicles are covered by the rule?

Drivers must obey the rule when passing the following vehicles when stationary and displaying flashing blue or red lights:

- NSW Police Force vehicles
- Ambulance Service of NSW vehicles
- Fire & Rescue NSW vehicles
- State Emergency Service vehicles
- Rural Fire Service vehicles
- Volunteer Rescue Association vehicles
- Transport Emergency Patrol vehicles
- RMS and Traffic Management Centre (TMC) Commander vehicles

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Drivers must also obey the rule when passing the following vehicles when stationary and displaying flashing yellow lights:

- Tow Trucks
- Breakdown assistance vehicles (such as the NRMA)

What about other vehicles with flashing yellow lights?

Other vehicles which have flashing yellow lights which are not breakdown assistance vehicles or tow trucks are not part of the rule. However, when workers are conducting maintenance on roads they will generally have signage and a work zone speed limit in place. Regardless, motorists should always proceed with caution when they see people working on or by the side of the road.

What is considered a sufficient distance past the vehicle?

The rule requires that drivers do not increase their speed until a sufficient distance past the stationary tow truck, breakdown assistance or emergency vehicle so they do not cause a danger to any person in the vicinity of the vehicle.

For example, a fire truck may be stationed by the roadside with flashing lights but the fire fighters may be managing a fire further up the road. In this instance, drivers should not increase their speed until they are fully past the vehicle and the fire fighters in the vicinity. In contrast, drivers will be required to slow down to 40km/h for a shorter distance when passing a police vehicle that has pulled over another vehicle on the side of the road.

Does the new rule apply on all road types?

Yes, it applies to all roads, including motorways, highways and freeways. However, the rule will not apply when a stationary tow truck, breakdown assistance or emergency vehicle displaying flashing lights is on the opposite side of a divided road separated by a median strip.

If the emergency vehicle is on the median strip then the rule will apply to vehicles on both sides of the road.

A median strip is an area or structure that separates vehicles travelling in opposite directions. A median strip can be covered in grass, it can include or be a wire rope or concrete barrier or be a continuous painted island filled with diagonal bars.

A median strip does not include double white lines, a single white line or a broken white line on its own or in combination with a continuous white line. It also does not include wide centre lines or short painted islands typically found as part of intersections turning lanes.

What is the penalty for not obeying this new road rule?

A \$457 fine and 3 demerit points will apply for motorists who do not comply with the new road rule. A maximum court penalty of \$2,200 will also apply.

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This is comparable with the current offence for when it is determined that a driver has driven negligently in the presence of obstructions or hazards, including stopped emergency vehicles and personnel.

What is the government doing to educate motorists about the new rule?

Transport for NSW, with the support of the emergency service agencies and tow truck and breakdown assistance providers, will be rolling out a comprehensive community education and communication campaign across NSW. To maximise driver reach and awareness, the campaign will include television, online, radio and social media advertising. TfNSW is also releasing online animations to help explain the road rule to NSW motorists which can be accessed via the Centre for Road Safety website.

How are you going to communicate such a complicated rule to the public?

The new campaign will focus on communicating the two key changes to the rule – the different requirements in different speed limits and that it will also apply to tow trucks and breakdown assistance vehicles. Like all TfNSW campaigns, it will be monitored to ensure that the creative and media channels selected are performing strongly.

Don't motorists already slow down if they see a vehicle with flashing lights ahead?

Yes, most drivers already slow down when they see vehicles displaying flashing lights and this is an appropriate action.

The rule establishes a required standard for safe behaviour and further ensures those on the road side can do their work without worrying about being struck by a passing vehicle.

What else is being done to improve safety around roadside workers?

NSW Police have also enhanced their practices so that drivers are stopped in safer locations that are more visible to approaching motorists. Consideration is also being given to new warning signs that could be placed in advance of hazard reduction burns and other planned operations.

How was the rule monitored over the trial period?

The government monitored the implementation of the new rule and how it impacted on the safety of emergency workers and the safety and behaviour of drivers.

The views of the community and key stakeholders were considered, including representatives from emergency service agencies, road transport industry and road user advocacy groups.