



31 January 2018

Our Reference: DOC18/3658/3595

Dr Richard Bean
Co-convenor
Brisbane CBD Bicycle User Group
GPO Box 2104
BRISBANE QLD 4001

Dear Dr Bean

Thank you for your letter dated 28 January 2018 in regard to side underrun protection (SUP). Please accept my apologies for the delay in responding - due to an administrative error, a response to your original letter had been drafted but was not sent.

The National Heavy Vehicle Regulator (NHVR) is responsible for setting in-service heavy vehicle safety standards that enable access to the road network. These safety standards, which cover many aspects of heavy vehicle design and construction, are evidence and risk based, and balance safety outcomes against the imposition of unnecessary regulatory burden.

The NHVR is very supportive of initiatives that improve safety outcomes for all road users where there is a proven cost benefit. In relation to underrun protection (UP), the intent of these systems is to reduce the risk of a smaller vehicle, motorcycle, cyclist or pedestrian travelling under a heavy vehicle in the event of a collision. Globally, UP has been broken into three distinct categories: front underrun protection (FUP), rear underrun protection (RUP) and side underrun protection (SUP). From the example cited in your correspondence, the San Francisco experience involved the fitting of SUP.

Previously, the Federal Department of Infrastructure, Transport, Regional Development and Local Government (now the Department of Infrastructure, Regional Development and Cities) identified a need for some type of UP and an assessment of the need for government intervention was conducted through completion of a cost-benefit analysis and regulation impact statement (RIS).

The RIS, completed in July 2009, identified that there was not a sufficient benefit-cost ratio (BCR) to justify the mandatory fitting of SUP or RUP. The RIS did however establish a positive BCR for FUP. The RIS for underrun protection is available online from <https://www.legislation.gov.au/Details/F2009L03609/Supporting%20Material/Text>.

As a result, mandatory fitting of FUP for all heavy vehicles with a gross vehicle mass exceeding 12 tonnes was introduced from 1 January 2012.

As a detailed regulatory assessment of SUP has previously been performed that could not justify the safety benefits new regulation would provide, the NHVR is not presently considering the matter.

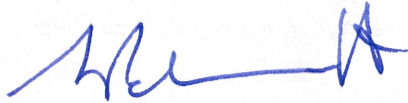
Improving vehicle safety is not only achieved through mandatory standards, but can also be achieved by non-regulatory and voluntary adoption of safety features by vehicle operators, cyclists and pedestrians. Many heavy vehicle operators and manufacturers have already demonstrated their commitment to road safety through the voluntary fitting of safety systems such as SUP, advanced braking systems, blind spot detection systems and mirrors.

To ensure proactive operators are able to adopt these safety improvements into their fleets, the NHVR works with the heavy vehicle industry and operators to identify and remove regulatory hurdles. For example, in an effort to improve the use of blind spot detection systems and mirrors, the NHVR is currently working with the Department of Infrastructure, Regional Development and Cities to provide dimension concessions for these systems to provide regulatory certainty to the industry.

Furthermore, in response to the unique demands of working in congested urban environments, vehicle manufacturers have responded by designing vehicles with these environments in mind. Known as 'low floor' or 'low entry' trucks, vehicles such as the Dennis Eagle Elite 2, Volvo FE LEC and Mercedes-Benz Econic, have a lower cab height than conventional truck designs, which improves visibility around the vehicle. While only new in Australia, this type of vehicle has operated in European countries for some time, namely by the waste collection and local delivery sectors who operate regularly in congested urban environments.

I trust this information is of assistance. Should you require any further information, please contact Mr Peter Austin, Manager (Vehicle Safety and Performance) on 07 3309 8561 or by email to peter.austin@nhvr.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sal Petrocitto', with a stylized flourish at the end.

Sal Petrocitto
Chief Executive Officer