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# SARAH MEDIA RELEASE



**Embargo: Tuesday 18 September 2012**

## **SARAH Achieves Historic Changes to Road Safety in NSW but still a way to go for a “Slow Down Move Over” law**

### **SARAH Challenges Premiers/Chief Ministers “Make your Breakdown Strategies Public”**

Thursday 13 September 2012 was a watershed moment in road safety history with NSW Roads Minister Hon Duncan Gay MLC and Safer Australian Roads and Highways (SARAH) spokesperson Peter Frazer jointly announcing the release of the NSW Government’s Breakdown Safety Strategy.

Mr Frazer commended the package as a great response to the SARAH road safety campaign and welcomed the announcements on the same day that State Parliament debated the 23,000 signature SARAH Group Petition.

*“The Breakdown Strategy package is a solid first step in addressing the problems that exist along our major roads, highways and freeways throughout the State. This is a breakthrough moment as the Government has acknowledged that there is a clear duty of care to protect road users. That narrow breakdown lane where Sarah died was beside a safety guardrail which prevented her from getting her vehicle out of the 110 kilometres per hour lane... She was left in harm’s way because the movement of trucks and cars was deemed more important than road users.”*

*“Well that has all changed... The Government has demonstrated its leadership to our on-going calls for the **adoption of the “Vision Zero” road safety principle**. Indeed you can’t underestimate the significance of the closure of the third lane on the Hume Freeway. This is a watershed moment for road safety and its effects will reach across the nation. Priority has been given to the lives and health of road users over traffic movement!”*

The closure of the third lane in order to create a proper emergency lane was first suggested by Mr Frazer in his article in the NRMA’s June 2012 “Open Road” Magazine.

*“I also thank the Government for its commitment to the provision of 3 metres emergency lanes (wide enough for a broken down truck to stop out of the traffic flow), its audit of all high speed roadways to identify those breakdown lanes that do not meet standard (as well as the public reporting of those deficient sections, and the associated TV, Radio and Newspaper education campaign to raise community awareness about what to do to keep safe if you are, for whatever reason, at the side of a high speed road.”*

*“By contrast, the Government’s response to the SARAH Petition’s “Slow Down Move Over” proposal needs more work. The Government’s intends to make changes to Rule 42 of the Road Transport (Safety and Traffic Management) Act 1999 by inserting a clause about not driving “Negligently, furiously or recklessly” when approaching a breakdown, incident or crash.*

SARAH argues that drivers need clear guidance as to what they should do when approaching a road hazard or incident. The amended rule would say something along the lines of, that you must not drive recklessly furiously or at a speed or in a dangerous manner on a road or road related are when approaching a breakdown. The problem for drivers is that there is no simple way of knowing what is reasonable.



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*“Is passing at 110 kilometres per hour in a 110 kph zone dangerous ... what about at 90 kph... knowing what is reasonable would become very technical and indeed it would be so technical that an alleged offence would involve court proceedings, with a Magistrate having to determine whether your driving was dangerous to the public.”*

*“Now by contrast, if you are approaching a council worker mowing a median strip, clear standards have been set. Drivers are required to slow down to a posted speed of 40 kilometres per hour and that 40 kph speed limit is enforceable.”*

*“Let’s be clear... When a worker is at the side of the road, whether assisting at a breakdown, saving lives at a crash, or indeed just mowing the median strip, that area becomes a work site under NSW “Workcover” legislation. **There is a clear duty of care to make that work area safe for Roadside Assistance, Towies, Police, Furies, Ambulance, RFS personnel... and indeed anyone assisting a road user at an incident, a breakdown or a crash. They should be able to do their job without the fear that they may die helping others. Let’s actively protect those who protect us!**”*

Safer Australian Roads and Highways is heartened by the fact that the Government has agreed that the proposed changes to Rule 42 are simply the first response. SARAH will work with the NRMA and other peak bodies, in providing additional responses on how the required “slow down move over” legislative changes may be more efficiently managed.

*“NSW needs to adopt a more robust approach regarding the obvious need for “slow down move over” legislation and hopefully we will achieve laws similar to those that currently exists in 47 of the 50 states in the USA. I am confident however that Minister Gay will continue his genuine advocacy on this matter and I thank him for his commitment to providing improved safety outcomes for all road users” Mr Frazer said.*

*“Safer Australian Roads and Highways started because it no family should suffer the loss of a loved one in what are clearly foreseeable and preventable crashes. The NSW Government has produced an excellent document which should become a standard approach across Australia.”*

*“With this in mind **I have today written to the Premiers and Chief Ministers of all States and Territories acknowledging the NSW Government’s progressive Breakdown Safety Strategy and throwing down the gauntlet by asking them to make their own breakdown strategy documents public.** And if their emergency lane strategies are not up to this NSW standard, perhaps they could explain to their constituents what they are doing to make their own jurisdictions safer for all road users.” (As an example of the correspondence, see SARAH’s letter to the Victorian Premier Hon Ted Baillieu MLA <http://tinyurl.com/927vrts> )*

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### On-line Attachments:

1. Joint Media Release Hon Duncan Gay MLC Minister for Roads and Ports and Peter Frazer SARAH <http://tinyurl.com/94y4dqc>
2. NSW Breakdown Safety Strategy: <http://tinyurl.com/8ghhbwx>



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## Background Information:

On 15 May 2012 SARAH presented a 23,000 strong petition to NSW State Parliament requiring that breakdown lanes meet the minimum national standard of 2.5 metres and secondly, for a "slow down move over" law to be enacted requiring passing drivers who see hazard lights on a road side vehicle to "slow down to half the posted speed limit and move into an adjacent lane away from the vehicle/s displaying the flashing hazard lights". (Mr Frazer's daughter Sarah was killed on the Hume Highway just south of Mittagong. On 15 February 2012 a passing truck sideswiped Sarah's overheated vehicle which was stranded in a 110 kph lane because the narrow emergency lane, which was also adjacent to a safety guard rail, did not meet the minimum national standard.)

## Concerns reported in Breakdown Strategy Document

- **900 kilometres of high speed roads** do not meet AustRoad minimum spec of 2.5 metres width for breakdown lanes
- *"An analysis conducted by Transport for NSW's Centre for Road Safety shows that during the five year period 2007-2011 (provisional data) there was a total of 145 breakdown lane crashes in NSW. Of these, there were 111 casualties, with 8 fatalities and 103 injuries. In 2011 there were 41 recorded crashes in breakdown lanes or road shoulders, which was the highest number of crashes in breakdown lanes since 1996. An analysis of this subject showed that in the past the risks associated with breakdown safety have not had the attention they deserve, particularly in terms of road assessment and educating road users how to respond in a breakdown situation."* p.3

## New Breakdown Safety Strategy:

### *Major Achievements of SARAH and resultant NSW Government commitments:*

- ✓ *Closure of the 1.5km climbing lane in the short term on the stretch of the Hume Highway between Mittagong and Berrima where Sarah and Geoff were killed to provide a 3.0 metres emergency lane. This lane closure of this lane demonstrates that "people's lives and health ARE more important than truck and vehicle movements".*
- ✓ *Upgrading the two existing bays at the start and end of this 1.5km section and monitoring of these measures to develop a longer term approach to breakdown shoulder width on this 1.5km section*
- ✓ *Mapping of all roads in NSW with a speed limit of 80 km and over to determine shoulder widths under 2.5 metres*
- ✓ *Development of an online application to enable all first call and emergency services vehicle operators to click on any given point and see the width of the shoulder*
- ✓ *A new public education campaign on safety during breakdowns including encouraging the use of vests and cones at crash sites*
- ✓ *Tow truck industry training including duty of care issues and safest use of warning devices and hazard lights*
- ✓ *Encouraging manufacturers to retain safety triangles in vehicles when importing them into the Australian market*
- ✓ *Advocating new tow truck standards for winching mechanisms to enable left hand side control*
- ✓ *Changes to Rule 42 to include breakdown lanes as a first response to ensuring passing drivers slow down when approaching a breakdown, incident or crash.*
  - *For information on Rule 42 of the Road Transport (Safety and Traffic Management) Act 1999 See [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/rtatma1999412/s42.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/rtatma1999412/s42.html)*