

Addressing issues of driver distraction in traffic offender management

Ian Faulks
Safety and Policy Analysis International

Email: ian.faulks@mq.edu.au
IJF is also an Honorary Associate with the Department of
Psychology, Macquarie University

Kinds of sanctions for driving offenders

- Fines
- Demerit points (including removal of points for completion of course, offence-free driving, etc.)
- Loss of licence (immediate, and after conviction – suspension, disqualification, cancellation, restricted /probationary licensing - in the case of novice drivers, extension of mandatory minimum periods of restricted licence tenure)
- Arrest (taken into custody, criminal record as opposed to traffic record)
- Work licences (restricted driving)
- Section 10 (guilty but not convicted)
- Good behaviour bonds (including good behaviour licences)
- Cautions (and recorded cautions)
- Traffic offender programs (voluntary and court ordered)
- Habitual traffic offender declaration
- Interlocks – alcohol, speed limiting
- Specific registration plates on vehicles
- Publication and public registers, including court monitoring by advocacy groups
- Shaming and humiliation
- Community service
- Victim impact panels (a form of restorative justice)
- Psychological and psychiatric treatment
- Correctional supervision (work and development orders)
- Event data recorders

Traffic Offender Programs

- Traffic Offender Programs have been a feature in New South Wales for several decades
 - the Blacktown Traffic Offender Program was developed in 1991
 - based on a program sponsored by Local Court magistrates on the Central Coast which targeted young drivers
- Concerns about equity and availability of voluntary and unregulated programs for offenders led then NSW Chief Magistrate Patricia Staunton to suspend court referrals
- In response, in 2002 the NSW government introduced legislation to regulate offender programs and provide for program availability across the State
- Amendments to the Criminal Procedure Act 1986 (NSW) now provide for intervention programs for offenders (s.346 & s.347)

Traffic Offender Intervention Program

- Criminal Procedure Regulation 2010 (NSW) – Part 8: Traffic Offender Intervention Program
 - the traffic offender intervention program will enable certain offenders who have pleaded guilty to, or been found guilty of, certain traffic offences before a Local Court to be referred to community based road safety educational and training courses aimed at providing such offenders with the information and skills necessary to develop positive attitudes to driving and change driving behaviour and at developing safer driving behaviours. (Clause 92)
- This is a very general requirement, but the Operating Guidelines suggest topic areas to be covered could include
 - Road safety
 - Drinking/drug taking and driving
 - Perspective from Ambulance workers, workers, Police, Insurance industry representative
 - Alcohol and other drug education
 - Legal consequences of traffic offences
 - Impact of traffic offences
 - Maintenance of safe vehicles

Conference

- The Conference on Traffic Offender Programs was held in Parliament House, Sydney, on Wednesday 7 December 2011
 - reviewed the progress in traffic offender programs in New South Wales and across the country
 - heard from the practitioners, from the researchers, and from the participants in the programs
 - also looked at where we go in the future with our programs: what should we be doing, and what shouldn't we be doing.

Book

- “Traffic offender programs – offender management, driver improvement and rehabilitation, and safety”, to be published soon
- Papers include:
 - Documentation of NSW traffic offender programs
 - Review of traffic offender programs in other Australian jurisdictions
 - Northern Territory, Australian Capital Territory, Victoria, South Australia, Queensland
 - Review of North American and European programs
 - Discussion of traffic law and penalties
 - Discussion of individual modules within traffic offender programs

Modules within traffic offender programs

- Typically, modules within traffic offender programs are organised around 1-2 hour lectures
- They are “one-size-fits-all”, that is, offenders do not receive personalised interventions relating to their individual circumstances, driving record and experience, and offence history
- Common modules include:
 - Alcohol and drugs
 - Ambulance and emergency services
 - Police
 - Legal and justice systems
 - Insurance
 - Motor vehicle maintenance
 - Road trauma consequences - disability
 - Road safety

Road safety module in traffic offender programs

- Typically, within the road safety module of traffic offender programs there will be discussion of a variety of topics that may include
 - hazard perception
 - gap selection
 - blind spots & 3-second rule
 - driver fatigue
 - speeding
 - driver licensing
 - vehicle crashworthiness, etc.
- Interestingly, no program reported an explicit component addressing driver distraction – at best, most simply addressed mobile phone use

The incident



Ben Fordham, Channel 9 News

- In February 2012, Channel 9 (both News and A Current Affair) ran a story about a bus driver who was filmed by a passenger driving while holding a smartphone; Radio 2GB also ran the story
- Following this media exposure, Transport for NSW announced that the bus driver's authority to drive a public passenger vehicle had been suspended.

An approach on behalf of the suspended driver

- The bus company asked Blacktown Traffic Offenders Program if the suspended driver could attend the course
- Under Clause 93 (a) of the Criminal Procedure Regulation 2010 (NSW), participation in the Traffic Offender Intervention Program requires that a Local Court refer an offender for participation in the program by making a program participation order that specifies the approved traffic course that the offender is to undertake
- There is no prohibition against a person seeking to participate in a traffic offenders program . . . a program provider may accept an applicant without a program participation order
- Indeed, some traffic offender programs are not an approved traffic course under the Regulation

An opportunity

- Normally, the Blacktown Traffic Offenders Program will only accept offenders who are subject to program participation order from a Local Court
- In this case . . . the Blacktown Traffic Offenders Program saw an opportunity to develop a specific module on distracted driving for traffic offenders, and to develop a personalised program of instruction that reflected the needs of the bus company and the bus driver.

A curriculum based on an expanded log book

- Currently, there are projects that expand the NSW learner driver log book for driver training and education

TRAVELLING SAFELY WITHIN THE ROAD TRANSPORT SYSTEM	BUILDING A FOUNDATION FOR DRIVING	TRAFFIC SKILLS INVOLVED IN DRIVING	LOW RISK DRIVING	BUILDING EXPERIENCE AS A DRIVER	YOUR ROLE AND RESPONSIBILITIES AS A DRIVER
1. The safe system approach 2. Commentary driving and being aware of changing situations	3. Preparing to drive 4. Vehicle controls 5. Moving off and stopping 6. Steering 7. Changing gears 8. Scanning 9. Reversing	10. Simple traffic situations 11. Parking 12. Complex traffic situations 13. Changing lanes	14. Speed management 15. Road positioning 16. Decision making 17. Responding to hazards	18. Driving at night 19. Driving in adverse conditions 20. Country driving 21. City and motorway driving	22. Preparing for solo driving 23. Being a passenger 24. Trip planning and congestion 25. Alcohol – Impaired driving 26. Drugs other than alcohol – Impaired driving 27. Driver fatigue – Impaired driving 28. Driver distraction 29. Occupant protection 30. Children as passengers 31. Other drivers and other road users 32. Vehicle modifications 33. Financial issues and considerations 34. Police and other traffic enforcement 35. Motor vehicle and driving offences 36. Involvement in a crash 37. Work-related driving 38. Driving with a disability 39. Eco-driving 40. Alternatives to driving – public transport and non-motorised travel 41. The future of driving

A curriculum based on an expanded log book

- The NSW learner driver log book for driver training and education has four Learning Categories
 - Building a foundation for driving
 - Traffic skills involved in driving
 - Low risk driving
 - Building experience as a driver
- The expanded curriculum introduces two new Learning Categories
 - Travelling safely within the road transport system
 - Your role and responsibilities as a driver
- The number of Learning Goals increases from 19 in the NSW learner driver log book to 41

A curriculum based on an expanded log book

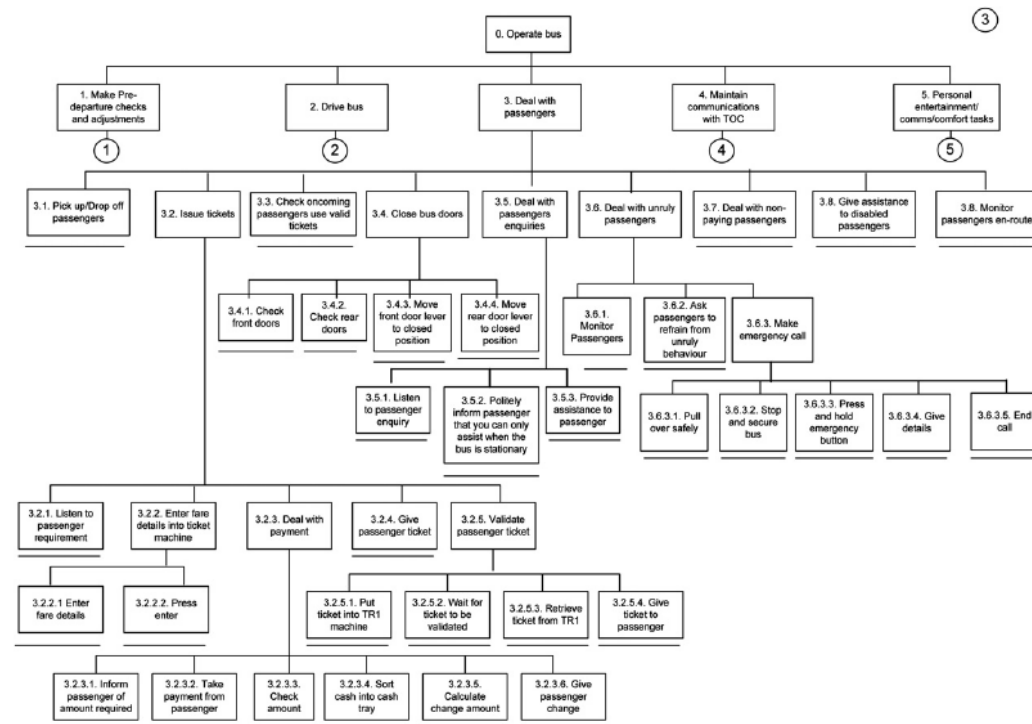
- The overall learning content features over 200 topic areas
- For each topic area, the learning content and supporting content is organised under the following headings:
 - Review / Revise
 - Introduce
 - Demonstrate / Discuss
 - Practice / Rehearse
 - Practice environment
 - Recap / Debrief
 - Background
 - Other relevant topics / subtopic (prerequisite, concurrent, advanced)
 - NSW Log Book
 - References

A personalised curriculum

- The personalised program of instruction was developed for the case of a bus driver who had driven while distracted
- The learning content for this personalised program of instruction utilised 64 topic areas.
- The curriculum choices for the intervention were based on the direct observations of the bus driver's behaviour in using the smartphone and driving on a congested motorway, as filmed by a bus passenger, together with a review of relevant literature regarding distracted driving

Hierarchical Task Analysis for bus driving








- An important reference source is the Hierarchical Task Analysis for bus driving (Salmon, Young & Regan, 2010)
- Tasks that bus drivers currently perform while operating buses can be identified and categorised as:
 - preparation tasks
 - physical vehicle control tasks
 - cognitive vehicle control tasks
 - route/timetabling tasks
 - passenger-related tasks
 - communication tasks
 - personal comfort tasks



Salmon, Young & Regan (2010) Distraction 'on the buses': a novel framework of ergonomics methods for identifying sources and effects of bus driver distraction. Applied Ergonomics

Sources of bus driver distraction

- Sources of bus driver distraction identified by Salmon et al (2011); those representative of violational activity (activities prohibited by company policy while the vehicle is in motion) are marked with a 'V'

Category	Source of distraction	Category	Source of distraction
 Technology	<ul style="list-style-type: none"> - Radio (V); - Radio handset (V); - Ticket machine (V); - Mobile phone (V); - Personal entertainment e.g. Ipod (V); - Passenger technology 	 Bus cabin	<ul style="list-style-type: none"> - Rattles (e.g. ticket machine); - Faulty sun visor; - Adjusting seat; - Adjusting seat belt; - Adjusting steering column; - Operating climate controls
 Operational	<ul style="list-style-type: none"> - Issuing tickets (V); - General broadcasts; - Personal broadcasts; - Recording broadcast details (V); - Communicating with Transport Operation Centre; - Timetable; - Reading route journal (V); - Amending route journal (V); - Changing route section points; - Bus stopping alert; - Hand brake warning alert; - Raising/lowering the bus (V); - Opening and closing the bus doors. 	 Infrastructure	<ul style="list-style-type: none"> - Roadside advertising; - Lane width; - Road layout; - Road signage
 Passenger	<ul style="list-style-type: none"> - Passenger conversations; - Passenger enquiries; - Talking to passengers (V); - Unruly passengers; - Non-paying passengers; - School children; - Elderly & disabled passengers; - Passengers with infants; - Monitoring bus stops; - Assisting passengers (V); 	 Environmental	<ul style="list-style-type: none"> - Weather conditions e.g. glare
		 Personal	<ul style="list-style-type: none"> - Fatigue; - Incapacitation; - Sickness; - Medication; - Inexperience; - Eating; - Drinking

A personalised curriculum

- The 64 topic areas for a personalised program of instruction for a bus driver who had driven while distracted incorporated much of what is already offered in a typical training course under the Traffic Offender Intervention Program
- However, the program identified and included elements commonly missing from a general lecture-based Traffic Offenders Program
- The design of the program included a small group discussion component to be delivered in the workplace
- In the end, however, the bus driver did not attend the Blacktown Traffic Offenders Program and the bus company did not proceed with the personalised course.

The future

- But the importance of this work was not the failure to deliver the individual course. Instead, what was learned:
 - The learning content for this personalised program of instruction, based on the expanded curriculum, was suitable and easily adaptable for a web-based course of instruction, and can be combined with small group discussion or a lecture format.
 - This allows for course design that is not constrained by the physical classroom, and by scheduled attendance times
 - The “one-size-fits-all” model can be adapted to suit the individual needs for an offender (or class of offenders)
 - Modules of instruction within traffic offender programs don’t have to be organised around 1-2 hour lectures, they can become short, sharp units that each address a coherent concept
 - Around each conceptual unit, you can build in preparatory material or enrichment topics (prerequisite, concurrent, advanced)
 - Assessment can become real-time and interactive, allowing offenders to practice with the material by retrieval tests, etc.

For an insight into what may be possible in developing a web-based intervention for traffic offenders, see:

http://www.ted.com/talks/daphne_koller_what_we_re_learning_from_online_education.html

Thank you

