



# *Government Gazette*

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**Monday, 18 November 2019**

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## Other Government Notices

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### ROAD TRANSPORT ACT 2013

Ministerial (Automated Vehicle Trial - Newcastle) Order 2019

I, Andrew Constance, Minister for Transport and Roads:

- (a) Pursuant to Section 148N(2) of the *Road Transport Act 2013*, approve the use of the trial vehicle by the approved person in the manner and circumstances specified in this Order; and
- (b) Pursuant to Section 148N(5) of the *Road Transport Act 2013* set out conditions of the trial approval; and
- (c) Pursuant to Section 19 of the *Road Transport Act 2013*, exempt from the road transport legislation the persons specified and in the circumstances specified in this Order.

Andrew Constance  
Minister for Transport and Roads

Dated this 13 day of November 2019

#### Part 1 - Administrative

##### 1 Citation

This Order is the *Ministerial (Automated Vehicle Trial – Newcastle) Order 2019*

##### 2 Commencement

This Order takes effect from the date of its publication in the NSW Government Gazette.

##### 3 Effect

This Order remains in effect until 31 December 2020 unless revoked earlier.

##### 4 Interpretation

Words and expressions used in this Order have the same meaning as in road transport legislation, unless otherwise stated.

##### 5 Definitions

In this Order:

***trial safety and traffic management plan*** means the suite of documents developed in consultation between the approved person, Transport for NSW and Roads and Maritime Services, which describe the safety and traffic management arrangements for the conduct of the trial, however identified, including a safety assurance plan, safety management plan and traffic management plan.

#### Part 2 - Approval details

##### 6 Trial vehicle

The trial vehicle is a Navya Arma Shuttle with Vehicle Identification Number: VG9A2CB2CJV019123.

##### 7 Approved person

Keolis Downer Pty Ltd - ABN: 51 165 343 680, Keolis Downer Hunter Pty Ltd - ABN: 89 6142 057 66, Newcastle City Council - ABN: 25 242 068 129, and Navya - SIREN number 802 698 746 (R.C.S LYON) are each an approved person to use the trial vehicle. It is a condition of approval that each approved person cooperate to meet their obligations under section 148N(8).

##### 8 Responsibility for vehicle

- 8.1 A vehicle supervisor must be in the vehicle at all times when the vehicle is in use and must hold as a minimum a current Australian driver licence Class C except for as provided by clause 8.2.
- 8.2 A vehicle supervisor is approved to hold a current foreign drivers licence for the purposes of being the vehicle supervisor training potential vehicle supervisors for mapping, testing and verifying of data for the purpose of evaluating trial stages and future trial stages or as per clause 11.5.
- 8.3 The ***driver*** of the vehicle is:
  - (a) the vehicle supervisor when the vehicle is not in automated mode; or
  - (b) if the vehicle is in automated mode, the approved person.

**8.4** The *person in charge* of the vehicle in all modes of operation is both:

- (a) the vehicle supervisor; and
- (b) the approved person.

*Note: An approved vehicle supervisor who holds a current foreign drivers licence is subject to the requirements of clause 96 of the Road Transport (Driver Licensing) Regulation 2017.*

## **9 Road Transport Legislation exemption**

**9.1** Passengers in the trial vehicle 16 years old or older are not required to comply with rule 265 of the *Road Rules 2014* provided each passenger otherwise complies with rule 267(6-1) even though the trial vehicle is not a public bus.

**9.2** A vehicle supervisor is exempt from rules 264, 265(3), 266 and 299 (1) of the *Road Rules 2014*.

**9.3** A vehicle supervisor is not required to comply with rules 183 (Bus Zone) and 195 (Bus Stops) of the *Road Rules 2014* in order to allow the vehicle to stop in bus zones and at bus stops.

*Note: Clause 9 of the Order has effect pursuant to Road Transport Act 2013 section 19 - Power of Minister to exclude vehicles, persons or animals. The clause exempts standing passengers in the trial vehicle from the Road Rules 2014 requirement to wear a seat belt; exempts young passengers from the requirement to use a booster seat; exempts the vehicle supervisor from wearing a seatbelt; exempts the vehicle supervisor by ensuring seatbelt rules are complied with by passengers; exempts the driver from the requirement of driving with a Visual Display Unit (VDU) operating; allows the vehicle to stop in bus zones and at bus stops within the trial area.*

## **Part 3 - Operating conditions**

Note: The Minister may under Part 5.6 of the *Road Transport Act 2013* impose conditions on a trial approval and the manner and circumstances in which the trial is to be conducted (in addition to the statutory conditions imposed by that Act).

The following conditions apply to the trial approval:

### **10 Vehicle standards and performance**

**10.1** The vehicle must be suitable for safe use and in a thoroughly serviceable condition.

**10.2** The trial vehicle is to be registered subject to the following conditions:

- (a) L03 - The trial vehicle may be operated only within the trial area as stated in clause 11.1 of this Order;
- (b) SL5 - Slow vehicle sign;

and the Authority is directed to register the trial vehicle accordingly.

### **11 Trial area**

**11.1** The trial vehicle must only be operated or used on road or road related areas within the Newcastle Local Government Area as shown on the map at Schedule 1 to this Order (the **trial area**).

**11.2** The trial is to be conducted in stages within the areas specified in clause 11.3 and will progress from one stage to the next only when Transport for NSW is satisfied the trial vehicle has been assessed as capable of operating in accordance with the trial safety and traffic management plan as applicable for each stage.

**11.3** The trial vehicle is approved to operate in the following areas:

- (a) Within Newcastle bounded by the suburb boundaries of Newcastle and Newcastle East as shown on the map at Schedule 2 of this Order.

**11.4** The approved person must not operate the trial vehicle until it has received written notice from Transport for NSW that operations can begin in any specific stage.

**11.5** The trial vehicle may also operate on roads within the trial area for the purpose of mapping, testing and verifying of data for the purpose of further trial stages but only in accordance with a trial safety and traffic management plan approved by Transport for NSW for this purpose.

### **12 Passengers**

When carrying passengers, the trial vehicle must only be operated in circumstances where:

**12.1** Passengers less than one year of age are not permitted to ride in the trial vehicle.

**12.2** Passengers one year old or older but less than seven years old may ride in the vehicle only when:

- (a) the maximum speed of the trial vehicle travels no more than 20 km/h;
- (b) the passenger occupies a rearward facing seating position fitted with a seat belt and is wearing the seat belt;
- (c) the vehicle supervisor is in the trial vehicle; and
- (d) the passenger is accompanied by a supervising passenger who is over the age of 16, and is not the vehicle supervisor.

**12.3** Passengers seven years old or older but less than 16 years old:

- (a) must occupy a seating position and wear a seatbelt; and
- (b) are not permitted to ride in the trial vehicle as a standing passenger.

**12.4** No more than 12 persons, including the vehicle supervisor, are allowed to ride in the trial vehicle.

**13 Promotional and display activities**

For the purpose of any promotion or display, the trial vehicle may:

- (a) stand on any road or road related area in accordance with any applicable prescribed traffic control devices; and
- (b) be operated outside the trial area to load or unload the trial vehicle from another vehicle.

*Note: clause 13 of the Order has effect pursuant to Road Transport Act 2013 section 19 - Power of Minister to exclude vehicles, persons or animals.*

**14 Trial Safety and traffic management plans**

**14.1** The trial vehicle must be used and operated in accordance with the trial safety and traffic management plan.

**14.2** The trial safety and traffic management plan must include a general risk analysis (identifying, assessing hazards and controlling risks) including the matters listed in paragraph 5.2 of the *Guidelines for trials of automated vehicles in Australia* published by Austroads and the National Transport Commission in 2017.

**15 Operating reports**

**15.1 Notification obligations** - the approved person must notify and submit a report to Transport for NSW for each incident of the following types of incidents within the stated time period from the relevant incident:

Incident type	Verbal notification	Written notification
<b>Injury</b> - a fatality or injury to any person including any incident which must be reported to SafeWork New South Wales and NSW Police Force.	10 minutes	6 hours
<b>Collision</b> - any uncontrolled or unplanned contact between the trial vehicle and another road user or object.	10 minutes	6 hours
Any other <b>notifiable incident</b> under the <i>Work Health and Safety Act 2011</i> .	10 minutes	24 hours
Vehicle supervisor <b>intervention</b> to exert any control over the trial vehicle when it is operating in automated mode.	24 hours	24 hours
<b>Road Rules contraventions</b> - contraventions of NSW <i>Road Rules 2014</i> by the vehicle supervisor and/or approved person when operating the trial vehicle, whether or not an offence is committed.	6 hours	24 hours
Near-misses involving the trial vehicle with any other vehicle or road user or animal.	6 hours	24 hrs
<b>Security breach</b> - any event involving unplanned or unauthorised access to or control of the trial vehicle by any person other than the vehicle supervisor or approved person.	6 hours	24 hours
Any verbal or written complaints about the performance or operation of the vehicle to the vehicle supervisor or approved person.	24 hours	24 hrs

**15.2 Notification details** - the approved person must include the following information in each incident notification:

- (a) time;
- (b) date;
- (c) location;
- (d) automation status (for example, automated system, vehicle supervisor, transitioning, etc);
- (e) driver and person in charge of the vehicle at the time of the incident;
- (f) number of passengers, seating position and use of restraints by each passenger and age of each passenger;
- (g) traffic conditions (for example, empty road, in heavy traffic, etc);
- (h) road and weather conditions;
- (i) vehicle information (for example vehicle speed, brake/throttle applications, vehicle fault condition description, etc);
- (j) sensor information in relation to other road users and the surrounding road environment;
- (k) description of reported incident and
- (l) classification of the incident type as determined in consultation with TfNSW.

**16 Security breach reporting to NSW Police Force**

16.1 Any event involving unplanned or unauthorised access to or control of the trial vehicle by any person (including by electronic means), other than the vehicle supervisor or approved person must be reported to NSW Police Force upon detection of the breach.

**17 Research and assurance reporting**

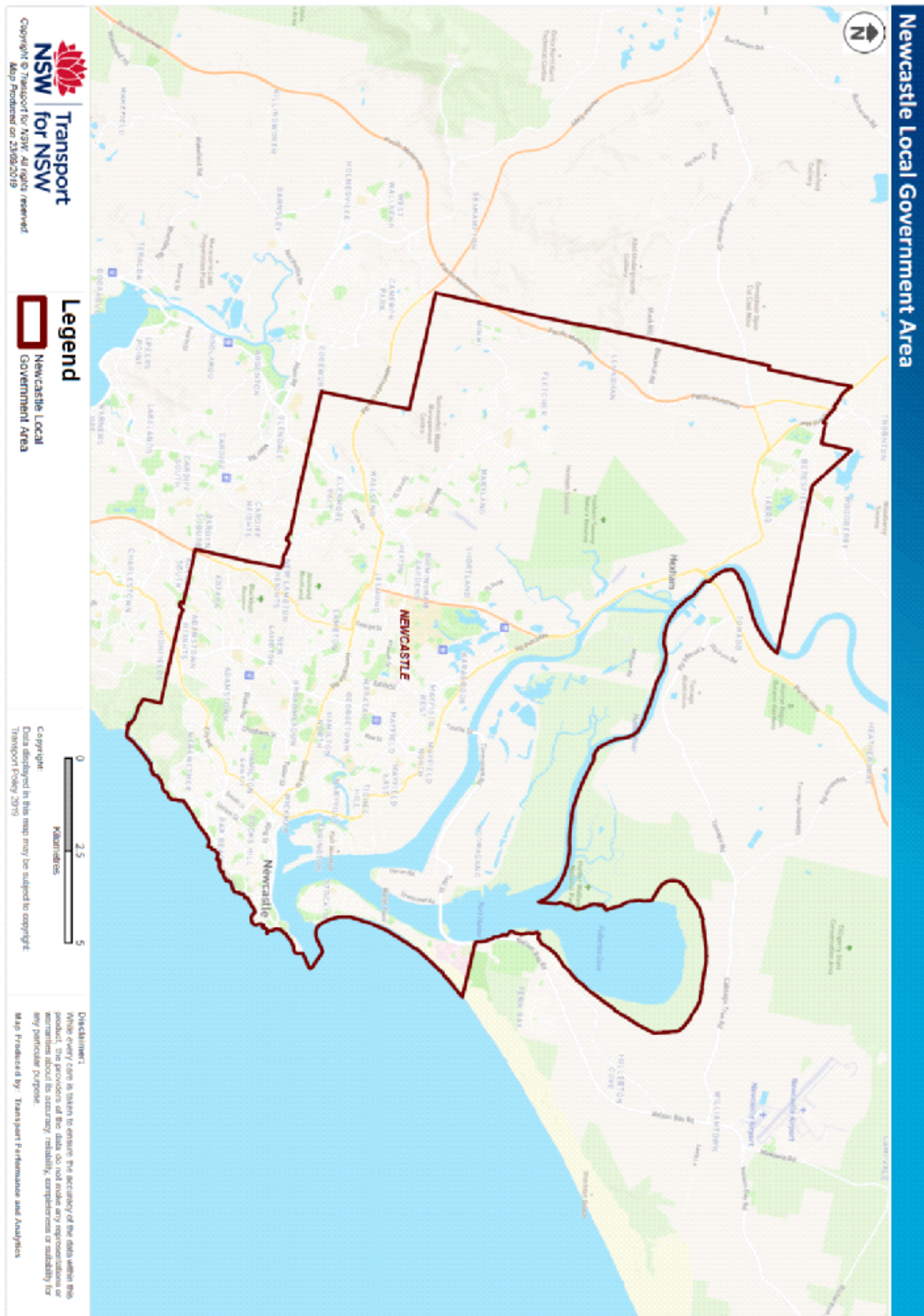
The approved person must provide reports to TfNSW and RMS as agreed with TfNSW and RMS.

**Explanatory Note**

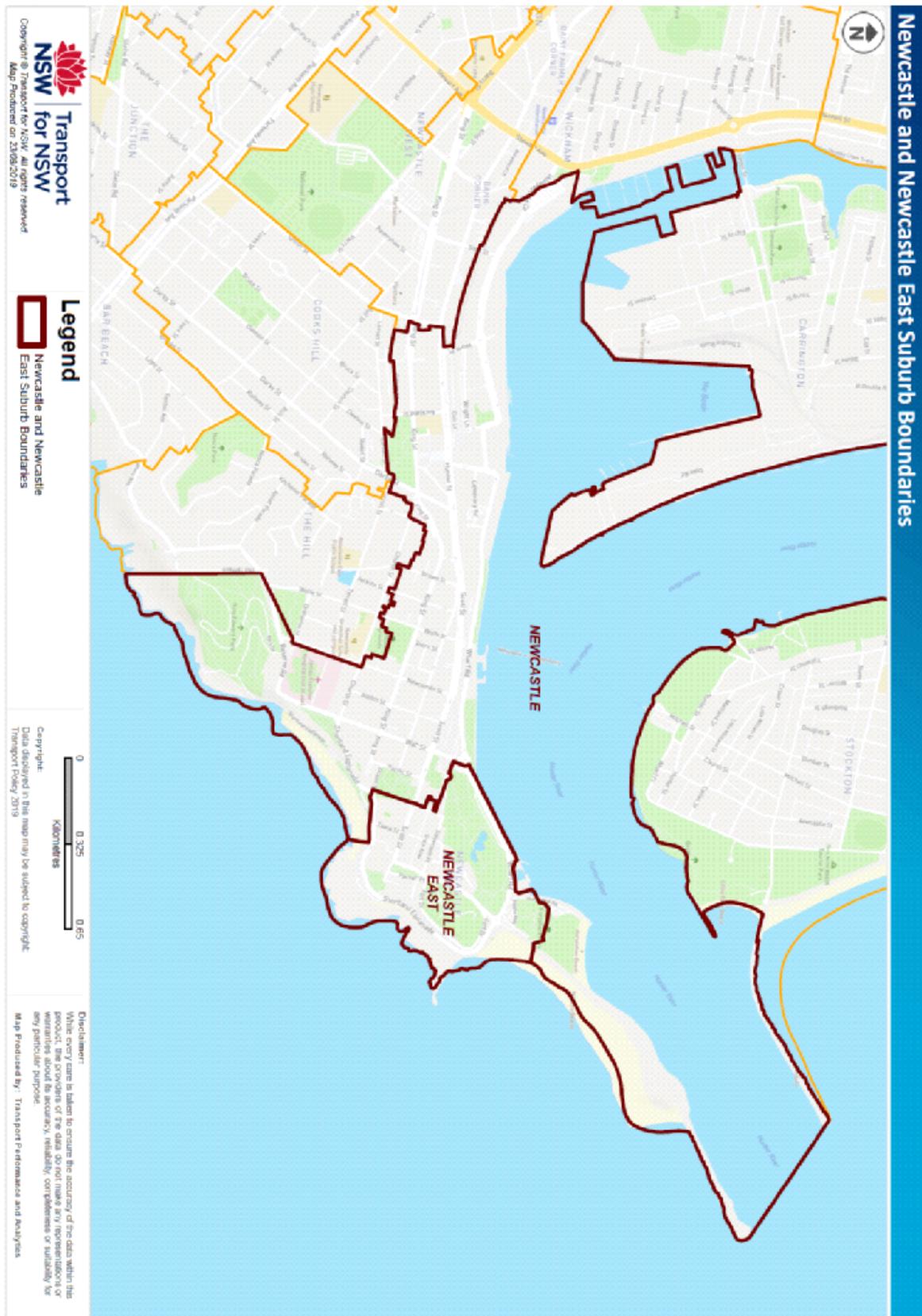
This Order authorises the approved person to conduct a trial of the specified automated vehicle. This Order approves Keolis Downer Pty Ltd, Keolis Downer Hunter Pty Ltd, Newcastle City Council and Navya to conduct an automated vehicle trial of an Navya Arma highly automated shuttle for mapping and testing purposes in Newcastle in the State of NSW as well as to operate within the Newcastle and Newcastle East area at Newcastle.

The road transport legislation and all other laws apply during the course of the trial except as provided in this Order.

Schedule 1 - Newcastle Local Government Area



Schedule 2 - Suburb boundaries of Newcastle and Newcastle East



(n2019-3536)