

## **ALGA submission to the National Transport Commission (NTC) Consultation Regulatory Impact Statement (C-RIS) – Reforms to Heavy Vehicle National Law (HVNL)**

ALGA welcomes the opportunity to make a submission to the *NTC C-RIS – Reforms to HVNL*.

The Australian Local Government Association (ALGA) is the national voice of local government in Australia, representing 537 councils across the country. In structure, ALGA is a federation of State and Territory Local Government Associations. This submission should be read in conjunction with any separate submissions received from State and Territory Associations as well as individual councils.

### **Background:**

Councils manage a road network that amounts to approximately 77% of total road length in Australia, or 678,000 kilometres. The National Transport Commission estimates 36% of all kilometres travelled in Australia are on local roads. As a result, councils are heavily invested in building and maintaining more resilient road networks for the communities they serve and for the wider economic benefits to the nation. However, there continues to exist a mismatch between the mass and dimensions of heavy vehicles seeking to access the “first and last mile” road networks managed by councils and the capacity for those road networks to freely support their movement.

Councils take their responsibilities as road managers very seriously, and this means adhering to the heavy vehicle access laws when making decisions regarding consent or refusals. NTC data shows that on average, councils approve and process 96% permits within 7 days, while only 4% are refused. As the Strategic Local Government Asset Assessment Project (SLGAAP) has found, councils aim to facilitate freight movement wherever possible. However, it is also clear that greater investment in key freights on local roads is required to help ensure that vehicles with larger dimensions and increased mass can enjoy “as of right” access.

ALGA’s response to the C-RIS focuses on the proposals regarding access (Q15 to Q24), which is the area of most concern to council road managers.

### **Changes to General Access Legislations**

ALGA notes that the NTC in this C-RIS includes changes to the following prescribed mass and dimension vehicle limits:

- Options for an up to five per cent increase in general mass limits allowed for all heavy vehicles to establish a new general mass limit (GML). The new GML will effectively replace the current concession mass limits (CML). This change will result in only two mass limits under the HVNL: new GML and Higher Mass Limits (HML). The options consider the implications of potential mass increases for vehicles meeting Euro VI emissions control standards.
- Options for increasing the prescribed height limit of vehicles from 4.3m to 4.6m.
- Options for increasing the prescribed length limit of vehicles currently limited to 19m to 20m.

## Access Options Under Consideration:

<b>Option 4a:</b> New GML effectively replaces CML. No additional mass allowance is provided for Euro VI vehicles.
<b>Option 4b:</b> New GML effectively replaces CML. The new GML allows for Euro VI increased tare mass.
<b>Option 5a:</b> Increase prescribed height limit to 4.6m
<b>Option 6a:</b> Increase prescribed length limit to 20m for vehicles currently limited to 19m length

## ALGA Responses to the C-RIS Questions Related to Access

### Increases to general access: vehicle mass limits – impacts, costs and benefits

**Q15. Which option (either 4a or 4b) would deliver the greatest benefit? Which would have the simpler implementation pathway? Please give reasons in your response.**

From a local government perspective, neither Option 4a nor Option 4b confers a benefit to council road managers. As the C-RIS acknowledges, “There would be increased cost to road managers due to increased pavement wear from heavier vehicles,” which may be “partly offset by reduced number of trips” (p.11).

ALGA supports heavy vehicle reform that will improve productivity; however, it is important that funding mechanisms are put in place upstream to help councils fully offset the additional road damage, wear and tear that will result from the widespread adoption of the current Concessional Mass Limit (CML) becoming the new General Mass Limit (Option 4a), set at 5% greater mass than is currently the case. While jurisdictional road managers have options to help recover the costs for road damage, wear and tear on their networks resulting from this change, council road managers do not.

Euro VI changes, adding an additional 500kg of mass to the prime mover of Euro VI compliant vehicles from late 2024 onwards, will inevitably lead to substantial additional road damage, wear and tear. ALGA understands that this change alone will result in an additional \$174M in additional costs to road managers across 2050, with no mechanisms currently in place to offset the cost impacts on council road managers. If the new GML allows for Euro VI increased tare mass, as per option 4b, it will accelerate deterioration of the key freight routes on the local road network. While industry may argue that if it does not also get the additional mass concession, it will act as a disincentive to their uptake, the fuel saving gains achieved through the adoption of Euro VI alone will save industry considerable money. Coupled with enhanced safety systems, Euro VI vehicles still offer operators significant benefits.

If council road managers could be guaranteed that the additional cost impacts of adopting either Option 4a or Option 4b would be offset through a commensurate redistribution of road user chargers, then ALGA would be in a better position to support the proposal.

<b>Recommendation 1:</b> If either Option 4a or 4b is to be adopted it is important that provision of additional road funding to local government to offset the impact of the changes on the local roads is allocated to local government accordingly.
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**Q16. What are the main benefits for industry in simplifying mass limits to GML and HML?** N/A

**Q17. Alternatively, would there be value in creating a “new CML,” as an incentive for mass accreditation, between the proposed “new GML” and current HML?**

This proposal is outside the scope of the package of reforms put forward by the independent consultant, Ken Kanofski, and ratified by ITMM. Scope creep of this nature reflects an ongoing cycle of concession to mass and dimensions of heavy vehicles that have put considerable pressure on the local road network over the past several decades. While this is reflective of the demand for road freight and increased productivity, commensurate investment in the local road network – or attempts to directly offset the impacts of these changes – has not been as forthcoming. Consequently, ALGA does not support this proposal.

**Recommendation 2:** That this proposal was not an option endorsed for consideration by ITMM and is not supported.

**Q18. Could reforms that make it easier for operators to operate at CML without the need for accreditation lead to any adverse outcomes to road safety or road infrastructure?**

ALGA understands that the current process for an operator to be permitted to run heavy vehicles at CML requires that they become a member of the National Heavy Vehicle Accreditation Scheme (NHVAS) and meet eight special standards of compliance in the Mass Accreditation Guide. This process was put in place to mitigate against risks with vehicles running on the network at these additional masses and is suitably rigorous.

While it is true that vehicle technologies have improved, as the industry has argued, changes to mass (and dimensions) are regulated under the HVNL to ensure, among other things, that road safety is maintained. If this change were to proceed, to ALGA recommends that heavy vehicle road safety data is closely monitored to ensure that the potential elimination of safety training, accreditation requirements does not lead to increases in fatal crashes and serious injuries involving heavy vehicles. Consideration should be given to including provisions in the legislation to roll back the amendments in the event of adverse road safety outcomes.

**Recommendation 3:** That if CML becomes the new GML, dropping the requirement for participation in the NHVAS, heavy vehicle road safety is closely monitored for any adverse outcomes.

**Recommendation 4:** Consideration should be given to including provisions in the legislation to roll back the amendments in the event of adverse road safety outcomes.

**Increase general access: vehicle height limits – impacts, costs and benefits**

**Q19 Given increased vehicle height limits already available to operators through existing laws and notices targeted at specific supply chains, would a general increase in vehicle height allowances provide material productivity benefits (i.e. reductions in heavy vehicle trips)?** N/A

**Q20 Could reforms that make it easier for operators to operate at increased vehicle height limits lead to any adverse outcomes to road safety or road infrastructure? Are there options (e.g. vehicle or load type limitations) to mitigate any increased risk of adverse outcomes?**

Increasing vehicle height limits for general access vehicles from 4.3m to 4.6m poses significant risks to infrastructure managed by council road managers. There are at least 53,000 bridges across Australia, and many of them cannot support vehicle movements above 4.3m. This is why the existing restrictions for general access vehicles are limited to 4.3m and special consents are required for the movement of vehicles running at 4.6m. Even under existing regulations bridge strikes by trucks are still a major problem across the country causing significant damage to infrastructure.<sup>1</sup>

<sup>1</sup> <https://www.9news.com.au/national/queensland-roads-trucks-plowing-into-bridges-still-a-huge-problem-for-queensland-motorists/a9e1800d-3d31-4619-b608-8e55cb0af5f9>

Data shows<sup>2</sup> that rollover crashes involving trucks has run as high as 10% of all crashes involving trucks. Increasing the height of trucks also increases the risks of more frequent rollover crashes involving trucks. As general access vehicles are not subject to membership of the NHVAS, there is no assurance that appropriate safety measures will be in place to mitigate the added risks of increasing vehicle height.

**Recommendation 5:** The risks to infrastructure and road safety would appear to outweigh any productivity benefit that may be derived from an increase in vehicle heights. Consequently, ALGA does not support this proposal.

**Q21 Given increased vehicle length limits already available to operators through existing PBS schemes and notices, would a general increase in vehicle length limits provide material productivity benefits (i.e. reductions in heavy vehicles trips)?**

The benefits of keeping increased vehicle lengths within the purview of the PBS scheme ensures that appropriate route assessments are undertaken to ensure the safe movement of these vehicles on local road networks managed by councils. While it seems likely that industry will benefit materially from increasing general access vehicle lengths from 19m to 20m, it is unclear if road networks, particularly local road networks managed by councils (which can be significantly more constrained), can support trucks running at 20m in length without the requirement for route assessments. Evidence would need to be presented to support the case that increasing vehicle lengths will not result in damage to council infrastructure and/or adverse road safety outcomes on local roads.

**Recommendation 6:** Keeping vehicle lengths at 19m is ALGA's preferred approach as increasing vehicle lengths to 20m for general access vehicles would remove council road manager visibility of these movements across their road networks and their ability to assess for route suitability.

**Q22 Could an increase in vehicle length limits enable newer, more innovative vehicle/trailer designs? What types of supply chains could benefit?** N/A

**Q23 Could reforms that make it easier for operators to operate at increased vehicle length from 19 to 20m lead to any adverse outcomes for road safety or road infrastructure? Which risks would any regulatory conditions mitigate and controls could be put in place?**

From a council road manager perspective, risks to infrastructure are the biggest concern with this proposed amendment to the legislation pertaining to general access heavy vehicles. Currently, there are routes on council managed roads where there are vehicles operating at these lengths, or more, permitted by council road managers. However, this is the result of appropriate risk and network assessments being undertaken before permitting this access. Introducing general access vehicles that are running at 20m on what will by an extensive variety of routes that they have never run on without route suitability assessments could result in damage to infrastructure, result in routes being blocked and potentially raise road safety risks with trucks and or their trailers mounting footpaths, for example, to navigate parts of the network. Short stacking issues at level crossings could also be exacerbated.

**Recommendation 7:** If heavy vehicles of 20m in length is to be progressed for general access, a thorough assessment of the suitability of vehicles moving across the road network, including the local road network needs to be undertaken.

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<sup>2</sup> <https://www.nrspp.org.au/resources/get-around-vehicle-rollovers/>

## Cumulative impacts of proposed changes to mass and dimension limits

### **Q24. Do you have any comments on the cumulative impact of increasing general access limits for vehicles mass, length and height? Please give reasons and evidence where possible.**

In isolation, each of the changes have been cast as being relatively modest, but there is always a risk that heavier, taller and longer trucks could result in adverse road safety outcomes, particularly if measures to help mitigate against road safety risks are not considered in parallel to the changes. This is a risk if operators moving to the current CML without the requirement for NHVAS accreditation is removed. If the changes proceed, it is important that heavy vehicle road safety outcomes for the new general access vehicle regime are closely monitored for adverse road safety outcomes. If negative outcomes are observed, provisions for rolling back the legislation should be included in the amendments package so that they can be unwound without delay.

**Recommendation 8:** If the changes to access legislation as proposed in this C-RIS were to proceed, road safety outcomes related to the new general access regime would need to be closely monitored for any adverse impacts.

**Recommendation 9:** The associated legislation for the proposed changes should include provisions for rolling back the legislation without delay should adverse safety outcomes for the new general access regime be identified.

**Recommendation 10:** Overall, ALGA is of the view that the proposed changes pose significant road safety risks and risks to council owned and managed infrastructure and are, as such, not supported.

### **Concluding Remarks:**

The proposed changes to legislation governing general access vehicles may offer industry some relatively modest short-term productivity gains, should they be adopted. However, they do raise genuine concerns related to matters of road safety, the potential to damage infrastructure and create additional wear and tear (with no provision on how to offset the cost impacts on road managers – especially council road managers). Furthermore, there is not much presented in the C-RIS that provides an evidence base for the changes that supports their safe introduction or that they may not cause undue damage to infrastructure. These are conditions central to the access laws that have placed limits on mass, length and height to date.

Consequently, it is unclear whether the productivity gains they will deliver offset the risks of their introduction. If they are to be introduced, close monitoring of road safety impacts is required, as is legislative flexibility to roll back the changes if safety concerns become apparent. Additionally, upfront consideration of cost impacts on council roads and putting in place mechanisms to offset them is essential. Industry already has alternate pathways to accessing trucks that support greater mass, offer greater loading lengths and heights through other schemes including PBS, that have better assurance regimes around them.

ALGA notes the potential for significant access gains for the industry through the introduction of the National Automated Access System (NAAS) (based on the Tasmanian Heavy Vehicle Access Management System (HVAMS) v3.0). 90% of manually processed permits will be removed from the system providing industry instant access to suitable routes. While this will take time to roll out nationally, when implemented it will address industry's access concerns by eliminating the time it takes to manually process permits. In ALGA's view, the focus on achieving access gains should be directed to expediting the implementation of HVAMS and ensuring that the NAAS/HVAMS 3.0 development and implementation is properly funded.

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