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File:

Deputy State Coroner English - Team 4
Coroners Court of Victoria
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Dear Deputy State Coroner English

RESPONSE TO RECOMMENDATIONS – FINDING INTO DEATH WITH INQUEST AZRU KARAKOC CORONER'S REF: COR 2017 1148

I note your correspondence of 3 November 2021 and the findings and recommendations in the above report made on 1 November, arising from the investigation into the death of Mrs Azru Karakoc.

The Department of Transport would like to offer our sincere condolences to the family and friends of Mrs Azru Karakoc for the loss they have suffered.

We have addressed the recommendations made and provide our responses below:

Recommendation	Outcome	Response
1. I recommend to the Secretary, Department of Transport (Victoria) that consideration be given to the Federation trail being re-directed away from Whitehall Road as a temporary measure until the completion of the crossover bridge.	The recommendation is not accepted.	<p>Re-directing the trail away from Whitehall Street as a temporary measure until the completion of the permanent crossover bridge provided by the West Gate Tunnel Project is not supported.</p> <p>Re-direction of the trail will require significant investment and civil works to ensure that cyclists are provided with a safe and direct trail. Such investment is not supported at this stage for the reasons outlined in the responses.</p> <p>The existing trail configuration provides better and safer connection for pedestrians and cyclists given that it is off-road with signalised crossing facilities. In conjunction with the treatments outlined in response to Recommendation 2 and information below, the DoT considers that cyclist access and safety is improved.</p> <p>As part of the \$13M investment for pop-up bicycle lanes across inner Melbourne, there is a proposal to trial protected (typically protected by separating the bike lane from traffic with klemfix style barriers) pop-up bike lanes in nearby Hyde St, which runs parallel to</p>

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		<p>Whitehall St, one block away). These will be developed in stages (i.e. Hyde Street by August 2022 at the earliest) however, these treatments are temporary in nature, with no certainty that they will become permanent.</p> <p>Re-directing cyclists to this proposed pop-up route poses connection challenges and possible safety risks to cyclists prior to accessing the pop-up route, due to the lack of cycling facilities on Napier Street, cyclists sharing lanes with motorists at some locations and unsignalised crossing points. The attached map has been provided to denote the current bike facilities and challenges.</p>
<p>2.1 recommend that Secretary, Department of Transport (Victoria) review the risk and therefore appropriateness of the two sets of electronic messaging systems at the intersection of Whitehall Street and Somerville Road, which apply to pedestrians/people riding bikes and other traffic, given that if both are simultaneously green, the risk for accidents is increased.</p>	<p>The recommendation is accepted in full.</p>	<p>DoT has reviewed the risk and appropriateness of the two sets of electronic messaging systems at the intersection and determined that:</p> <ul style="list-style-type: none"> • Although it is acknowledged that not having the traffic lights simultaneously green for pedestrians/cyclists and other traffic can reduce the risk of crashes, the current signal operation is not unique and is implemented in a significant number of intersections throughout the state. • Since the fatal crash in March 2017, DoT, in consultation with Victoria Police and Maribyrnong City Council, has undertaken a detailed assessment of the site and implemented several treatments to improve safety at this location. • In June 2020, DoT removed the auto green pedestrian and cycling function for the pedestrians and cyclists crossing Somerville Road, east of the intersection. This function was previously in place, so pedestrians and cyclists didn't have to press the button to demand the green pedestrian/bicycle signal, improving efficiency and reducing delays. Pedestrians and cyclists now must stop and push the button to demand the green pedestrian/bicycle light. This should make them more aware of their surroundings, especially the turning trucks, therefore improving safety at this location. A review of the crash history from June 2020 to December 2021 shows that there are no crashes involving pedestrians/cyclists and left turning vehicles at this location. • DoT has also implemented the following treatments which were delivered in September 2021, to reduce the risk of crashes involving pedestrians/cyclists and left turning vehicles: <ul style="list-style-type: none"> ○ Vegetation maintenance approaching crossing ○ Type 3 Pedestal with push button ○ Bike Handrail ○ "Watch for truck trailers" custom sign ○ Tactile Ground Surface Indicators ○ Separation kerbing barriers including guide posts ○ Pedestrian Crossing – Yellow pavement marking

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		<p>Given the above and after review of the crash history of the site, it was determined that crossing at the eastern side of the Somerville Rd/Whitehall St intersection is safer and the risk of crashes involving pedestrians/cyclists and left turning vehicles has been significantly reduced.</p> <p>DoT will also investigate the possibility of providing a head start for pedestrians and cyclists crossing Somerville Road, east of the intersection. This proposed treatment will hold left turning traffic from Somerville Road for a number of seconds, while pedestrians and cyclists start to cross Somerville Road. As this will likely result in the queuing of traffic heading southbound on Whitehall Street, it will require further investigation to determine its impact on the network. The investigation will be completed by the end of June 2022 and if the provision of a head start is possible, its implementation will be subject to funding consideration.</p>
<p>3.1 recommend that the Secretary, Department of Infrastructure, Transport, Regional Development and Communications (Commonwealth) adopt appropriate vehicle standards to mandate side underrun protection among commercial heavy vehicles in Australia to reduce the incidence of road trauma resulting from side underrun events.</p>	<p>The recommendation is not directed to the Department of Transport Victoria.</p> <p><i>Note that for retrofitting of equipment for in-service heavy vehicles, these responsibilities fall under the authority of the National Heavy Vehicle Regulator (NHVR).</i></p>	<p>Victoria will advocate and lobby the Commonwealth to mandate side underrun protection for new heavy vehicles.</p> <p>A discussion paper was recently released by the Commonwealth's Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) outlining possible changes to existing Australian Design Rules (ADR) in order to facilitate the increased uptake of safer and more efficient freight vehicles in Australia.</p> <p>The proposed ADR changes including the mandate of side underrun protection (proposed as a draft Australian Design Rule 106/00) will assist the DITRDC in achieving the objectives set out in the National Road Safety Strategy 2021-2030.</p> <p>In order to further protect vulnerable road users on roads, DoT will continue to advocate and lobby for the mandatory fitting of side underrun devices for new heavy vehicles and trailers over 4.5 tonnes gross vehicle mass (GVM).</p>
<p>4.1 recommend that the Secretary, Department of Infrastructure, Transport, Regional Development and Communications (Commonwealth) recommend heavy vehicle standards for blind spot technology and for the retrofitting of indirect vision devices and blind spot information systems, such as class 5 mirrors and reversing blind spot cameras.</p>	<p>The recommendation is not directed to the Department of Transport Victoria.</p> <p><i>Note that for retrofitting of equipment for in-service heavy vehicles, these responsibilities fall under the authority of the National Heavy Vehicle Regulator (NHVR).</i></p>	<p>Similar to Recommendation 3.1, the discussion paper released by DITRDC outlining possible changes to existing ADRs in order to facilitate the increased uptake of safer and more efficient freight vehicles in Australia also proposed to explore the mandating of</p> <ul style="list-style-type: none"> (a) Blind spot information system (proposed as a draft Australian Design Rule 105/00), and (b) devices for indirect vision i.e. mirrors (proposed as a draft Australian Design Rule 14/03). <p>These changes would be supported by DoT, and Victoria will continue to advocate and lobby for it to be mandated.</p> <p>In relation to the retro-fitting of indirect vision devices i.e. mirrors onto the existing heavy vehicle fleet, it should be noted that the National Heavy Vehicle Regulator (NHVR), is the responsible</p>

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		authority governing in-service vehicles. DoT will therefore advocate and lobby the NHVR to investigate this recommendation.
<p>5.1 recommend to the Secretary, Department of Infrastructure, Transport, Regional Development and Communications (Commonwealth), the Secretary, Department of Transport (Victoria), and the Minister for Local Government (Victoria) that they recommend and pursue changes in government tender processes so that all levels of government prescribe preference in tender specifications for contracts for those transport and logistics companies whose heavy vehicle fleet comply with safety improvements in blind spot technology such as class 5 mirrors and reversing blind spot cameras either directly or through schemes such as CLOCS-A.</p>	<p>The recommendation is accepted in full.</p>	<p>The Major Transport Infrastructure Authority (MTIA), an Administrative Office in relation to the Department of Transport, will in future tender processes, include preference in tender specifications for transport infrastructure works for parties delivering transport infrastructure works to utilise transport and logistics companies whose heavy vehicle fleet adopt safety improvements in blind spot technology such as:</p> <ul style="list-style-type: none"> (a) front, rear and side blind spot elimination or minimisation, through the use of direct and indirect vision aids, sensors and audible or visual driver alerts; and (b) signage on the vehicles to warn other road users of the dangers related to blind spots of passing or getting too close to the vehicle. <p>The response does not include a commitment to include a preference in tender specifications for compliance with the Construction Logistics and Community Safety in Australia (CLOCS-A) scheme as referred to in the Coroner’s recommendation because this scheme is currently in draft. If and when CLOCS-A is approved, MTIA will consider the application of the scheme.</p> <p>In addition, the Department will seek to consult with industry partners to develop an implementation approach and timeline seeking to include in tender specifications the requirement that heavy vehicles comply with safety improvements including, as far as is reasonably practicable:</p> <ul style="list-style-type: none"> • blind spot technology such as class 5 mirrors, reversing cameras, front, rear and side blind spots completely eliminated or minimised as far as reasonably practicable, through the use of fully operational direct and indirect vision aids, sensors and audible or visual driver alerts; • prominent signage on the vehicle to warn other road users of the dangers of passing the vehicle on the inside or of getting too close to the vehicle. <p>Discussions are under way as part of the cross-sector Construction Truck and Community Safety project led by Road Safety Victoria to extend the reach of this project beyond major transport projects to Department of Transport Regional Offices, local government and agencies who develop tenders involving construction related road haulage.</p>
<p>6. With a view to further increase the safety of commercial heavy vehicles, I recommend that the Secretary, Department of</p>	<p>The recommendation is not directed to the Department of Transport Victoria</p>	<p>Victoria will advocate and lobby the Commonwealth to consider adopting direct vision standard for trucks similar to other advanced markets.</p> <p>Response as per point 4.1 above.</p>

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<p>Infrastructure, Transport, Regional Development and Communications (Commonwealth) consider adopting a direct vision standard for trucks such as the London Direct Vision Standard.</p>		
<p>7. I recommend that Secretary, Department of Transport (Victoria) mandate vulnerable road user awareness training in driver licensing programs for heavy vehicles. I note two such relevant programs already exist, <i>Sharing Roads Safely</i> program run by the Amy Gillett Foundation and the <i>Driver Delivery</i> program, an initiative of the Victorian Transport Association.</p>	<p>The recommendation is supported in principle.</p>	<p>This recommendation will be achieved through the implementation of the reform of heavy vehicle licensing, which follows the delivery of Austroads Review of the National Heavy Vehicle Driver Competence Framework. Victorian implementation will be funding dependent.</p> <p>This Austroads review is due to conclude mid 2022. The program of work focuses on strengthening national heavy vehicle licence training and assessment standards to ensure drivers are equipped with the knowledge, skills, competencies and experience to safely drive all classes of heavy vehicles in a range of conditions. This will include a focus on operating heavy vehicles near vulnerable road users. The review is also examining related areas such as licence class progression arrangements.</p> <p>DoT have also re-developed the Bike Ed program, which is an education program able to be deployed in schools and community settings. The redeveloped program also includes education for adult riders. Sharing the road with others is included in the training and demonstrates that large blind spots are prevalent in many heavy vehicles.</p>
<p>8. I recommend that Secretary, Department of Transport (Victoria) encourage and support driver behaviour change programs by way of a public campaign to increase heavy vehicle driver awareness to look for bike riders.</p>	<p>The recommendation is supported in principle.</p>	<p>The Construction Truck and Community Safety project was developed by a cross-sectoral collaboration led by Department of Transport and the Major Transport Infrastructure Authority that started in 2016 and developed a number of resources and guidance documents to 2019. Implementation of the resources has been ongoing.</p> <p>Its initial focus was on improving the safety of vulnerable road users in the vicinity of major transport projects, but it is now diversifying to a broad range of projects that impact road use and increase haulage and truck use – DOT regions, councils, etc.</p> <p>It has recently obtained funding to develop a public awareness campaign regarding riding and walking safely near construction trucks, and to communicate with the construction industry including truck drivers about driving safely near vulnerable road users.</p> <p>Part of this project is also to renew truck driver education materials about how to drive safely near vulnerable road users, such as bicycle riders, pedestrians, and motorcyclists. These efforts will be</p>

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		<p>developed and implemented in the 2022-23 financial year and into the financial year 2023-24.</p> <p>Behaviour change will be an objective of the communications, marketing and truck driver training and education developed as part of this project however it is heavily focussed on construction vehicles rather than all heavy vehicle drivers.</p> <p>The Share the Road materials housed on the VicRoads website will be revisited and updated. An array of road safety messages for drivers, including heavy vehicle drivers, will be further developed, and circulated via key stakeholders, councils, and community groups.</p> <p>The recent implementation of the Minimum Passing Distance around bicycle riders, has specifically focused on different road users, and their awareness of cyclists and how they can help cyclists remain safe on the roads. These messages will continue to be distributed via a range of stakeholders, community groups and councils.</p>
<p>9. I recommend the Secretary, Department of Transport (Victoria) enacts a rule or regulation prohibiting the placement of any stickers or advertising material on door or window glass panels on heavy vehicles</p>	<p>The recommendation has been accepted but will be supported in a different manner.</p>	<ul style="list-style-type: none"> • The Department of Transport supports the policy that stickers or advertising material should not be placed on door or window glass panels on heavy vehicles and will investigate current regulatory frameworks to determine the best mechanism to allow this policy to be implemented. • The Secretary of the Department of Transport (Victoria) does not have the power to enact rules or regulations. The Secretary can recommend an amendment to a regulation or rule to the relevant Minister which, if approved, would be progressed either in accordance with Victoria’s Subordinate Legislation Act 1994, or through national processes which include obtaining consensus agreement from other jurisdictions.

I trust the above reflects the seriousness with which we take the recommendations made in the above inquest report and provides adequate information about the action we have taken or are planning to take.

Yours sincerely,



Carl Muller
Executive Director
Road Safety Victoria

**Attachment 1:
Existing and proposed bike path in the vicinity of Somerville Road and Whitehall Street**

