



REPORT OF THE ROAD SAFETY CAMERA COMMISSIONER TO THE MINISTER FOR POLICE

Nepean Highway Investigation

Investigation of the fixed digital road safety cameras located at the intersection of Nepean Highway and Davey Street, Frankston, following a speed limit reduction

6 October 2022

ACKNOWLEDGEMENTS

Shortly after I was appointed as Victoria's Road Safety Camera Commissioner for the next three years, I was alerted to enquiries and complaints my Office was receiving in relation to speeding infringements issued by the fixed digital road safety cameras at the intersection of the Nepean Highway and Davey Street in Frankston.

This Nepean Highway Investigation is the first investigation conducted during my tenure and it has been a complicated task to undertake due to the number of stakeholders involved in implementing important road safety measures to protect vulnerable road users. To that end, I am grateful for the willingness of the four key stakeholders to engage with me, to learn from the process, and to identify areas for changes and improvements. I am grateful for their cooperation and candidness displayed.

I wish to thank the following in particular:

- All the executives, managers, and staff of the four key stakeholders involved:
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 - particularly Ms Corri McKenzie, Ms Vivienne Clare, Mr Craig Howard, Ms Elinor Harper, Mr Anthony Lawrie, Mr Trent Rhodes, and Ms Sitthana Theerathitiwong
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- The Road Safety Camera Commissioner Reference Group
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- All the members of the public who took the time to write to me about their concerns
- My staff at the Office of the Road Safety Camera Commissioner who helped me undertake this enormous task with due diligence and thoroughness.

The following pages report fully on my Nepean Highway Investigation, conclusions that I came to, and recommendations that I have made for a number of those departments and agencies, that have assisted in the inquiry, to consider.

Neville Taylor APM

Road Safety Camera Commissioner

The Road Safety Camera Commissioner respectfully acknowledges the Traditional Owners of the land of Victoria and pays respect to their culture and their Elders past, present, and future

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EXECUTIVE SUMMARY

After significant public disquiet over the issuing of speeding infringements following detection by the fixed digital road safety cameras for motorists travelling southbound on the Nepean Highway through the intersection of Davey Street, Frankston, the Road Safety Camera Commissioner ('the Commissioner') initiated an investigation vide the powers provided under section 10(e) of the *Road Safety Camera Commissioner Act 2011*. In particular, people who contacted the Commissioner claimed that they had not been afforded sufficient opportunity to adjust their driving behaviour when the speed limit reduced from 60 km/h to the lower and safer limit of 40 km/h.

During 2021, two overlapping projects were underway to reduce the speed limit along the Nepean Highway in Frankston from 60 km/h to 40 km/h. Frankston City Council managed one of the projects, which was a temporary speed limit reduction event to support the introduction of outdoor roadside dining. The other project was for a permanent speed limit reduction as a part of a broader safer speed limit strategy to reduce road trauma, particularly with pedestrians, on the Nepean Highway. This project was managed by the Department of Transport. Both projects incorporated a speed limit reduction for southbound traffic through the Davey Street intersection that is the site of the fixed digital road safety camera system enforcing speed, red-light, and unregistered vehicles offences.

The investigation was conducted for the purpose of identifying if those road users, who received speeding infringements in the period following the speed limit change, should have their infringements excused. Furthermore, the Commissioner sought to identify any gaps in the system and processes utilised to implement the speed limit reductions in the proximity of road safety cameras. Finally, what, if any, learnings could come out of this Nepean Highway Investigation to improve these systems and processes.

The investigation found that there were significant complexities brought about due to the unique nature of the two overlapping and concurrent speed limit reduction projects, along with less than effective collaboration, information sharing, and communication within and amongst the agencies involved, to be fully aware of the impact of these circumstances on the enforcement by the road safety cameras. It was also found there was less than effective communication to the community to sufficiently inform road users of the two projects and the timing for implementation of the new lower 40 km/h speed limit.

Notwithstanding these complexities, the Commissioner has concluded that at the time of these infringements in question, the speed limit was lawfully and appropriately set at 40 km/h and road users detected travelling through the intersection in excess of 40 km/h were exceeding the speed limit. The Commissioner has concluded that based on the exceptional circumstances that these complexities presented, those motorists detected in excess of 40 km/h but below the former speed limit of 60 km/h should have their offending conduct excused.

Based on the conclusions, the Commissioner has made a number of recommendations and referred to them to the appropriate department and/or agency to consider and advise in due course on the action that has been taken to address them.

INTRODUCTION

Introduction of a new safer speed limit of 40 km/h

- 1 On 15 April 2022, the road safety cameras at the intersection of Nepean Highway and Davey Street, Frankston, were activated for enforcement following additional testing for accuracy and reliability at the new and safer 40 km/h speed limit. The road safety cameras are designed to detect red-light, speeding, and registration incidents from vehicles travelling southbound along the Nepean Highway through the Davey Street intersection.



Source: Melway (2022 online) and reproduced with permission from the 'Investigation into Road Safety Cameras (Nepean Highway/Davey Street, Frankston)' report by the Australian Road Research Board

- 2 Six months prior, to support the new outdoor roadside dining precinct enhancements along the Nepean Highway, the speed limit was reduced for southbound traffic only from 60 km/h to 40 km/h between Ross Smith Avenue through to and just beyond the intersection of Davey Street. Multiple static 40 km/h signs were installed on 22 October 2021 alerting approaching motorists of the new reduced speed limit zone.
- 3 By early-June 2022, six weeks after the road safety cameras began enforcing the reduced speed limit of 40 km/h southbound through the Davey Street intersection, the Office of the Road Safety Camera Commissioner ('the Office') began receiving escalated enquiries and complaints from motorists querying their speeding infringements, in some cases multiple speeding infringements, received for travelling southbound through the Davey Street intersection at speeds higher than the signposted maximum speed limit of 40 km/h. The Office understands that similar complaints were also received by the Member for the Frankston electorate, the Minister for Police, the Department of Transport ('DOT'), Fines Victoria, the Frankston City Council, and Victoria Police. Complaints from the public, initially generated through social media channels, received media attention through various outlets including print media, television, and radio.

- 4 The Road Safety Camera Commissioner ('the Commissioner') analysed the complaints received by the Office, noting with concern the volume of enquiries received within a short period of time. The number of complaints about speeding infringements received by local residents prompted the Frankston City Council to write to this Office seeking that the situation be reviewed as a matter of urgency.
- 5 After making preliminary enquiries and receiving information from four key stakeholders – DOT, the Department of Justice and Community Safety ('DJCS'), the Frankston City Council, and Victoria Police – the Commissioner wrote to the Minister for Police on 1 July 2022 to advise that he was of the view that there were enough questions and concerns raised that were impacting the community confidence with the road safety camera system at the Nepean Highway and Davey Street, Frankston, intersection. Under section 10(e) of the *Road Safety Camera Commissioner Act 2011* ('the Act'), the Commissioner can initiate an investigation based on complaints received "*that appear to indicate a problem with the road safety camera system and to make recommendations to the Minister to address any systemic issues identified.*"

Complaints received by the Office

- 6 The complaints received by members of the public about their speeding infringements received for travelling southbound through the Nepean Highway and Davey Street intersection above the 40 km/h speed limit broadly consisted of:
 - Being unaware of the reduced speed limit zone of 40 km/h in operation southbound along the Nepean Highway, Frankston, through the Davey Street intersection;
 - Asking questions about the adequacy of the speed limit signage implemented; and
 - The lack of communication with the implementation of the reduced speed limit change.

The Commissioner noted that the majority of enquiries and complaints received did not question the accuracy of the road safety camera system operating at the Nepean Highway and Davey Street intersection, nor did they question the decision to reduce the speed limit to 40 km/h along a busy major arterial road.

- 7 Analysis of the enquiries, complaints, and preliminary information received by the Office confirmed that the infringements issued were accurate as motorists were speeding southbound through the Davey Street intersection above the maximum 40 km/h speed limit. The road safety cameras at this intersection are not new – they have been in operation since 1 June 2010. The Cameras Save Lives website publicly identifies their location. Research has shown that increased speeding infringements issued due to a change in the speed limit can occur when motorists do not pay attention to the new posted speed limit when driving. Over time, as motorists learn to comply with the changed speed limit by modifying their driving behaviour to the safer speed limit signposted, the number of infringements issued will decrease.

The role of the Road Safety Camera Commissioner

- 8 Victoria's road safety camera system is managed by the DJCS, the camera incident verification system is managed by Serco, and the enforcement of offences detected by the road safety cameras is managed by Victoria Police. The role of the Commissioner is to provide independent oversight of Victoria's road safety camera system to ensure there is community confidence that they are operating with integrity and transparency. Complaints about signage, the lack of public communication, and the installation of outdoor roadside dining do not fall within the remit of the Commissioner. The sudden increase in speeding infringements issued by the road safety cameras at the Nepean Highway and Davey Street, Frankston, intersection does not automatically warrant the attention of the Commissioner.

In this particular case, the Commissioner had to determine whether the enquiries and complaints raised by the public fell within the scope of the Commissioner's functions and powers as stated in the Act.

- 9 The public raised perceived deficiencies with the signage and communication of the reduced speed limit along the southbound corridor of the Nepean Highway, Frankston. There appeared to be confusion that the new enforceable speed limit by the road safety cameras southbound through the Davey Street intersection was 40 km/h. Based on the analysis of the enquiries, complaints, and preliminary information received, the Commissioner had to determine whether there were sufficient concerns raised about the operation of the road safety cameras that impacted on their integrity, transparency, and community confidence.
- 10 On the first two metrics, the answer is no. The road safety cameras enforcing southbound traffic at the intersection of Nepean Highway and Davey Street, Frankston, were accurately capturing speeding motorists, including those who were simply inattentive to the changed speed limit of 40 km/h that was in effect since 22 October 2021.
- 11 However, it is on the third metric that the Commissioner believed there was sufficient preliminary information that suggested that the systems and processes utilised to implement the speed limit reduction along the Nepean Highway in Frankston, from a long-standing speed limit of 60 km/h to 40 km/h, have negatively impacted the community confidence with the nearby road safety cameras as they were enforcing a reduced speed limit that some motorists appeared to not have been aware of.

Safer roads for all road users along the Nepean Highway in Frankston

- 12 Speed limit reductions and road safety cameras are important road safety tools that are utilised in circumstances where research and data support their implementation. They deliver road safety benefits that positively reduces the impact of road trauma, particularly amongst vulnerable road users such as children, the elderly, pedestrians, and cyclists. The analysis of the complaints received by the Office demonstrated community understanding of this as few complaints queried the decision to reduce the speed limit to 40 km/h or questioned the existence of the road safety cameras located at the Nepean Highway and Davey Street, Frankston, intersection.
- 13 Road safety cameras are accurate, reliable, and an important enforcement tool in delivering road safety benefits at locations with known road safety concerns. Their acceptance is based off assurances that the operation of road safety cameras is transparent, with accountable mechanisms in place to ensure their operation continue to deliver road safety benefits to the community.
- 14 With the complaints received about the road safety cameras enforcing southbound along the Nepean Highway, at the intersection of Davey Street, Frankston, there was an increase in the perception that the cameras were 'just revenue raisers.' This was due to confusion or unawareness by some members of the public that there had been a change of the speed limit since October 2021 and that the reduced 40 km/h speed limit was enforced through the Davey Street intersection. The permeation of the 'revenue raising' perception through both traditional and social media impacted the community's confidence on the reliability and legitimacy of these cameras, despite no prior systemic issues raised about their accuracy and reliability during the 12 years they have been in operation.
- 15 The Office has regularly received complaints from the public where there have been recent speed limit reductions enacted in the proximity of road safety cameras. Not all complaints have resulted in investigations. Only those that appeared to indicate a problem with the

road safety camera system, as indicated above, have resulted in the Commissioner initiating an investigation as per section 10(e) of the Act. In this instance, the Commissioner decided that it was appropriate to investigate the concerns about speeding infringements issued as they appeared to indicate problems that negatively impacted the community confidence with the operation of the road safety camera system at the intersection of Nepean Highway and Davey Street, Frankston.

ROAD SAFETY MEASURES

The Victorian Road Safety Strategy 2021–2030

- 16** The release of the Victorian Road Safety Strategy 2021–2030 ('the State Strategy') in December 2020 set-out the Victorian Government's commitment to take a "*strategic, multi-faceted and coordinated approach to addressing road safety*" to halve the number of lives lost on Victorian roads and to reduce the number of serious injuries by the end of 2030. The State Strategy identified that safer travel speeds on Victorian roads will help reduce the number of speed-related road trauma as "*speeding contributes to at least 30 per cent of fatalities each year...Speed is not always the cause of [a] crash, but it will always play a contributing factor to the consequence.*"

Installing road safety measures along the Nepean Highway

- 17** Led initially by local representatives of Victoria Police, concerned with the number of fatalities and serious injuries recorded along the Nepean Highway, a combined effort by DOT (through VicRoads), the Frankston City Council, and Victoria Police investigated potential safety solutions for implementation that would better protect vulnerable road users and make the Nepean Highway safer.
- 18** Several options were considered with one nearby solution implemented on 23 May 2022 to reduce the speed limit from 70 km/h to 60 km/h along the Nepean Highway between McLeod Road in Carrum and Ogrady Avenue in Frankston. The statistics indicated that in the five years to January 2020, 64 crashes were recorded resulting in one life lost and another 30 people seriously injured.¹
- 19** Closer southwards towards the busy shopping strip section of the Nepean Highway in Frankston, there were 30 crashes recorded between Fletcher Road and Davey Street in the five years to 30 June 2019. One of these crashes resulted in the loss of a life while another 15 crashes involved serious injuries. Vulnerable road users, including pedestrians and cyclists, numbered amongst the 30 crashes recorded.²
- 20** This section of the Nepean Highway in Frankston is a busy and wide thoroughfare, with three lanes of traffic in both directions separated by a median strip. Additional kerbside parking is available within designated parking bays along both the northbound and southbound directions, with a further two turning lanes at the approach to the Davey Street intersection.
- 21** As of 6 October 2022, 36 pedestrians have lost their lives on Victorian roads this year. This is an approximate 80% increase from the same time last year when 20 lives were lost.³ To protect vulnerable road users along this busy shopping strip with high pedestrian traffic and a crash history that supported the implementation of necessary road safety measures, approval was provided by DOT to permanently reduce the speed limit to 40 km/h in both directions of the Nepean Highway between Fletcher Road (to the north) and Plowman Place (to the south, past the Davey Street intersection). The approval was provided by DOT on 7 May 2021 and the VicRoads website published a June 2021 Project Update for the Nepean Highway, Frankston, advising that the project was expected to be completed by July 2021, weather permitting. See [Appendix A](#) for further details.

¹ VicRoads, "Safer speed limit on Nepean Highway, Carrum to Frankston", (website 16 May 2022)

² VicRoads, "Safer speed limit on Nepean Highway, Frankston", (website 19 August 2022)

³ Department of Transport, "2022 Daily Road Deaths Update", (e-mail circulated daily)

BACKGROUND

Two overlapping speed limit reduction projects

- 22** During the course of this investigation, it became evident to the Commissioner that there were two overlapping 40 km/h speed limit reduction projects that were being implemented along the Nepean Highway in Frankston – a temporary project and a permanent project.

Map of the temporary 40 km/h speed limit reduction zone

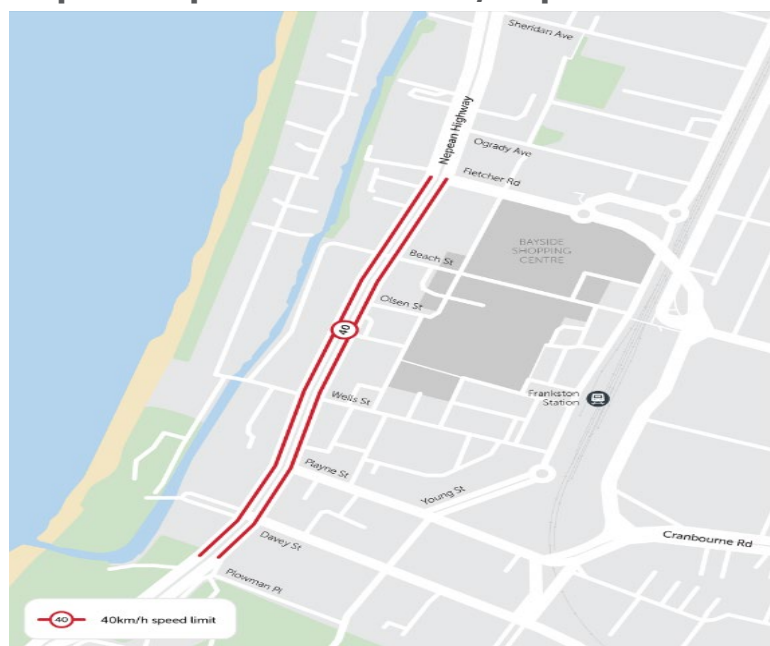
- 23** The temporary 40 km/h speed limit reduction project was led by the Frankston City Council to support outdoor roadside dining.

- 24** The scope of the temporary project was to implement a 40 km/h speed limit reduction along the Nepean Highway for southbound traffic only between Ross Smith Avenue (to the north) concluding at Plowman Place (to the south). The 40 km/h speed limit zone included the intersection of Davey Street, where the road safety cameras were located and enforcing southbound traffic.



Source: Reproduced with permission from the 'Investigation into Road Safety Cameras (Nepean Highway/Davey Street, Frankston)' report by the Australian Road Research Board

Map of the permanent 40 km/h speed limit reduction zone



- 25** The permanent 40 km/h speed limit reduction project was led by DOT to make the Nepean Highway safer for vulnerable road users.

- 26** The scope of the permanent project was to implement a 40 km/h speed limit reduction along both directions of the Nepean Highway between Fletcher Road and Plowman Place. The 40 km/h speed limit zone included the intersection of Davey Street, where the road safety cameras were located and enforcing southbound traffic.

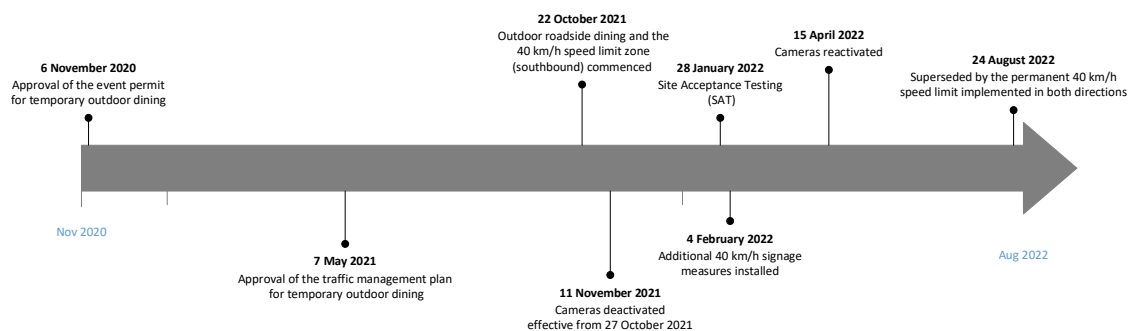
Source: VicRoads (website) 'Safer speed limit on Nepean Highway, Frankston' communications update advising that the speed limit changes were effective from 24 August 2022

Lack of clear communication between stakeholders

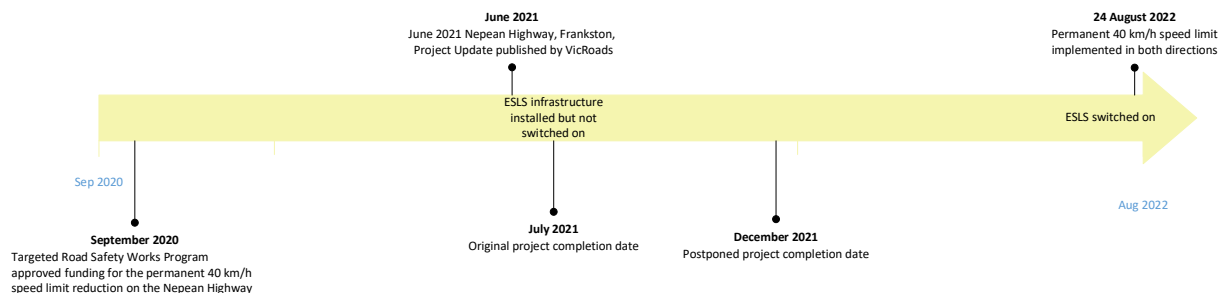
- 27** A key discovery during the investigation was that there did not appear to be clear communication between the four key stakeholders about the scope and timing of each project's deliverables and completion dates. One stakeholder was not even aware that there were two speed limit reduction projects being planned and implemented concurrently. This lack of clear communication about the two different speed limit reduction projects also impacted negatively on the community, as borne by the scant communication provided when informing them of the changed speed limit.

Figure 1: Comparison between the temporary and permanent 40 km/h speed limit reduction projects

Temporary speed limit reduction / Outdoor roadside dining project



Permanent speed limit reduction / ESLS project



The approval history for outdoor roadside dining – the temporary 40 km/h speed limit reduction project

- 28** As Victoria emerged from its two lockdowns in 2020 and before COVID-19 vaccines became available, COVID-19 stimulus packages were introduced by the Victorian Government to allow the hospitality industry to trade while there was density quotas and indoor gathering limits in place. Victorians were encouraged to embrace outdoor dining and funding was provided to assist local councils and businesses to install the necessary measures that could accommodate an outdoor dining presence. The Frankston City Council applied for and received two funding grants from the Frankston Revitalisation Program and the Local Government Victoria Emergencies Outdoor Eating and Entertainment Package.
- 29** On 27 April 2021, the Frankston City Council applied to DOT to install outdoor roadside dining along only the southbound carriageway of the Nepean Highway. The application included a traffic management plan to mitigate the risks to pedestrians along the Nepean Highway, between Ross Smith Avenue and Davey Street, by temporarily reducing the speed limit from 60 km/h to 40 km/h. This application for outdoor roadside dining included the removal of existing street-side parking bays along the Nepean Highway and building parklet decking platforms in its place. Bollards were also installed as an additional safety measure for diners.

- 30** On 7 May 2021, a permit to conduct a non-road activity on a highway was approved under section 99B(1) of the *Road Safety Act 1986* by DOT. This section of the legislation allows for the temporary reduction of existing speed limits for approved events. In this case, outdoor roadside dining was considered an event and the traffic management plan submitted by the Frankston City Council complied with the applicable safety elements. As the permit approved was for an event allowing for the temporary reduction of the existing speed limit, there is no requirement under the Speed Zoning Technical Guidelines (Edition 2, December 2021) requiring electronic speed limit signs ('ESLS') to be installed as part of an approved traffic management plan. An event, by its very nature, is temporary and is not anticipated to last for an extended period of time. Accordingly, the traffic management plan submitted by the Frankston City Council complied with all the necessary requirements for approval from DOT.

Installation of fixed 40 km/h signage – the outdoor roadside dining project

- 31** The temporary permit approved by DOT for the Frankston City Council had an initial expiry date of 31 December 2021 to install all road safety measures under the traffic management plan before outdoor roadside dining could commence.
- 32** On 22 October 2021, outdoor roadside dining commenced operations when six fixed 40 km/h signs were installed along the southbound side of the Nepean Highway near the intersecting streets of Ross Smith Avenue (two), Wells Street (two), and Playne Street (two). Smaller yellow 'outdoor dining' supplementary plates were attached with the speed limit signs to advise road users of the hazard up ahead, i.e. the outdoor dining precinct. The temporary speed reduction and traffic management plan approved was only for the southbound section of the Nepean Highway. Although northbound traffic remained at 60 km/h, yellow supplementary plates were also installed on the northbound lanes near the Davey Street intersection to advise northbound road users they were entering an 'outdoor dining' area, despite the speed limit remaining at 60 km/h.
- 33** The installation of fixed 40 km/h speed limit signs mirrored some of the plans to notify motorists of a speed limit reduction within the permanent 40 km/h speed limit reduction project. Although temporary speed limit reduction events are not anticipated to be in operation for long periods of time, both the Frankston City Council and DJCS provided information to the Commissioner confirming that they were both working towards the previously communicated belief that DOT would complete its permanent 40 km/h speed limit reduction project by the (initial delayed) deadline of November/December 2021. At that time, all the permanent speed limit reduction infrastructure, including the activation of the ESLS, would supersede the temporary speed limit measures implemented. However, the deadline for the completion of the permanent 40 km/h speed limit reduction project kept on being extended with no further communication updates provided from DOT to the public and to the other key stakeholders (DJCS, the Frankston City Council, and Victoria Police).
- 34** Due to the delay in completing the permanent 40 km/h speed limit reduction project, the temporary event permit held by the Frankston City Council had its expiry date subsequently extended through 2022. The permanent 40 km/h speed limit reduction project and the permit approvals for temporary events are processes managed by different business units within DOT. It has been identified during this investigation that information was not shared between the business units.

Deactivation of the road safety cameras – the outdoor roadside dining project

- 35** The reduction of the speed limit from 60 km/h to 40 km/h along the southbound carriageway of the Nepean Highway occurred within the vicinity of fixed digital road safety cameras located at the Davey Street intersection in Frankston. After outdoor roadside dining

commenced operations on 22 October 2021, there was an oversight from Frankston City Council in informing DJCS of this commencement date of the new speed limit.

- 36** Confirmation of the new reduced speed limit was provided to DJCS on 11 November 2021. This resulted in the road safety cameras located at the intersection of Nepean Highway and Davey Street, Frankston, being temporarily deactivated from 27 October 2021. As the road safety cameras had yet to be configured to enforce at the reduced speed limit of 40 km/h, any infringement issued during 22–26 October 2021 would not have been enforcing at the lower speed limit.
- 37** The Office initially received enquiries and complaints in November 2021 from members of the public concerned they were being infringed at the new reduced 40 km/h speed limit because they observed a flash as they entered southbound through the Davey Street intersection. These enquiries raised concerns about the lack of awareness of the changed speed limit.
- 38** Additionally, two 60 km/h speed limit signs located approximately 25 metres south of the Davey Street intersection (southbound carriageway) were visible to motorists approaching the intersection. This created a see-through effect whereby motorists driving from the conclusion of the outdoor roadside dining precinct and through the Davey Street intersection (a distance of approximately 22 metres) may have increased their speed having sighted the nearby 60 km/h speed limit signs affixed just past the intersection.
- 39** However, during this period when the cameras were deactivated, no infringements were issued. Furthermore, the camera flash was deactivated on 25 November 2021 in preparation for the upcoming Site Acceptance Testing ('SAT'), which commenced on 28 January 2022.
- 40** Before road safety cameras can begin enforcing at a different speed limit, they need to be tested independently and evaluated to satisfy the operational and technical reliability and accuracy requirements as per the Road Safety (General) Regulations 2019. This is to ensure that the community can be confident that Victoria's road safety cameras are operating accurately and are able to enforce at the correct speed threshold. SAT data obtained are required to be examined by the SAT Committee, which comprises members of DJCS and Victoria Police.

Additional 40 km/h signage measures – the outdoor roadside dining project

- 41** A SAT Committee meeting was held on 28 January 2022 and Victoria Police provided information to the Office that this was the first time they were notified of the speed limit reduction now in place for southbound traffic along the Nepean Highway through the intersection of Davey Street, Frankston. Victoria Police conveyed their concerns to DOT about the potential of the see-through effect of the two 60 km/h signs installed as they were visible to motorists approaching the Davey Street intersection, southbound.
- 42** On 4 February 2022, the two 60 km/h speed limit signs south of Davey Street were removed and one 40 km/h speed limit sign was installed in its place, approximately 29 metres from the intersection but only on the left-hand side of the Nepean Highway near the entrance of a service road. The Office was unable to identify the reason(s) for installing one 40 km/h speed limit sign on the left-hand side of a multi-lane carriageway. The two 60 km/h speed limit signs were relocated further south to Plowman Place.
- 43** On the southbound carriageway of the Nepean Highway, between Ross Smith Avenue and Davey Street, the Frankston City Council replaced their recently installed 40 km/h signs with

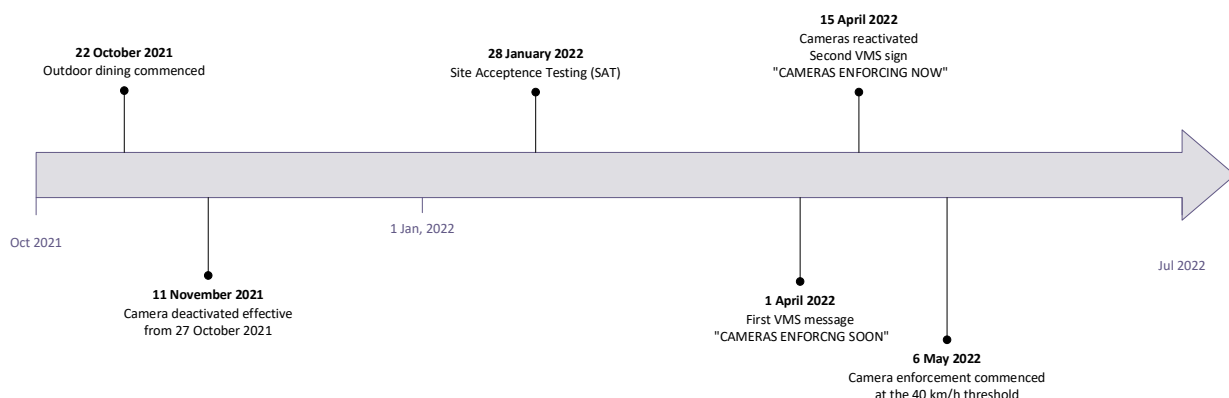
larger 40 km/h signs. The yellow supplementary signs advising of the 'outdoor dining' precinct were retained.

- 44** On the northbound carriageway of the Nepean Highway, two fixed 40 km/h speed limit signs were installed south of the Davey Street intersection. Northbound motorists were required to travel through the Davey Street intersection at the reduced speed of 40 km/h for approximately 145 metres, however existing 60 km/h fixed speed limit signs remained just past the Davey Street intersection and created another see-through effect. The Office was unable to identify the reason(s) for installing these two 40 km/h speed limit signs. Apart from the installation of inactivated ESLS infrastructure, no other speed limit changes had yet to be implemented on the northbound carriageway as part of the permanent 40 km/h speed limit reduction project.
- 45** For motorists travelling on the northbound carriageway of the Nepean Highway, there may have been additional confusion generated through the installation of yellow 'outdoor dining' supplementary signs commencing from the Davey Street intersection. Not all of the supplementary signs were attached to fixed speed limits signs (which had been 60 km/h until 24 August 2022). Furthermore, despite the northbound carriageway always having had a kerbside dining presence, there were no outdoor roadside dining available and no plans for parking bays to be reclaimed in the future to support this initiative on the northbound side.

Reactivation of the road safety cameras – the outdoor roadside dining project

- 46** On 18 February 2022, the SAT Committee approved the reactivation of the road safety camera system at the intersection of Nepean Highway and Davey Street, Frankston, after reviewing the SAT data.
- 47** In preparation to alert motorists of the reactivation of the fixed road safety cameras, DJCS deployed a variable messaging signs (VMS) trailer along the southbound carriageway of the Nepean Highway, approximately 180 metres prior to the Davey Street intersection. On 1 April 2022, the VMS trailer displayed a 24-hour message of 'Cameras enforcing soon' for two weeks.
- 48** The road safety cameras were reactivated for enforcement on 15 April 2022. The 24-hour message from the VMS trailer changed to 'Cameras enforcing now.' This message was displayed until 29 April 2022, with the VMS trailer subsequently removed.
- 49** Due to a backend oversight, the road safety cameras were initially reactivated at the previous enforcement speed limit threshold of 60 km/h. This error was rectified upon discovery and from 6 May 2022, all southbound traffic crossing through the Davey Street intersection were enforced against the 40 km/h speed limit threshold.

Figure 2: Timeline from deactivation and reactivation of the road safety cameras



The overlapping 'ESLS project' – the permanent 40 km/h speed limit reduction project

- 50** Both the Australian and Victorian Governments provided funding to permanently reduce the speed limit to 40 km/h along the Nepean Highway, Frankston, between Fletcher Road and Plowman Place in both directions. This project, known as the ESLS project, was led by DOT and was designed to implement a safer speed limit to protect vulnerable road users along a busy shopping strip. Funding of road safety measures for this permanent speed limit reduction project included the installation of both static and ESLS to inform road users of the new reduced speed limit of 40 km/h.
- 51** The initial communications to the public from DOT (see [Appendix A](#)) was published on the VicRoads website. The June 2021 Project Update detailed upcoming works along the Nepean Highway, Frankston, and advised that "*urgent road safety improvement*" works was scheduled to commence on 21 June 2021 and conclude in July 2021, weather permitting. The communications update advised that "*a safer speed of 40km/h*" was being introduced along "*the Nepean Highway between Fletcher Road and Plowman Place.*" As part of making the road safer for pedestrians and reducing the number of serious crashes from occurring, "*six new electronic speed limit signs*" would be installed "*to ensure the speed change is clearly visible to motorists.*" The update advised motorists that the "*flashing electronic speed limit signs [would] remind drivers to slow down to 40km/h and look out for pedestrians while driving through the busy Frankston strip shopping centre.*"
- 52** The ESLS project's initial completion date was delayed until November/December 2021. The extension date was further delayed for an additional six months. Although the infrastructure for six ESLS were installed along both the northbound and southbound carriageways of the Nepean Highway, Frankston, they were not activated and visible to all motorists. Information provided by DOT to the Commissioner indicated that there were unanticipated events that contributed to the delay in the timely delivery of the ESLS project. Many of the delays can be attributed to COVID-19 and the impact it had on the availability of materials, contractors, boring machinery, and the prioritisation of work while managing limited resources for the electricity distributor to connect power to the ESLS infrastructure.
- 53** The delay in completing the ESLS project until August 2022, coupled with no further communication updates from DOT since the June 2021 Project Update, added to the confusion some motorists had with identifying the maximum speed limit when driving along the Nepean Highway, particularly through the intersection of Davey Street. The June 2021 Project Update explicitly advised motorists that they would be alerted by the "*flashing electronic speed limit signs...to slow down to 40km/h.*" The speed selection of motorists appeared to have been influenced by the presence of the installed, but inactivated, ESLS infrastructure along both directions of the highway.
- 54** By the time the road safety cameras began enforcing in April 2022, six months had elapsed since the commencement of outdoor roadside dining and the operation of the reduced speed limit of 40 km/h along the southbound direction of the Nepean Highway, while still awaiting the completion of the permanent 40 km/h speed limit reduction project. The Commissioner notes that although it is not common for camera enforcement to occur in areas designated by DOT as a temporary change in the speed limit, it is not illegal nor against any law or regulation. In fact, there are provisions for camera enforcement to be approved to operate in such an area for the benefit of road safety. This particular section of the Nepean Highway in Frankston has a history of crashes resulting in serious injuries and the safety of the public needs to be considered when determining enforcement options.

- 55** On 19 August 2022, an update published on the VicRoads website informed the public that the permanent 40 km/h speed limit reduction project was completed and would commence on 24 August 2022. Electricity supply had finally been connected to the ESLS infrastructure. Motorists travelling along the Nepean Highway in Frankston, between Fletcher Road and Plowman Place in both the northbound and southbound directions, were required to travel at the reduced and safer speed limit of 40 km/h at all hours of the day and night.

Complaints and infringements

- 56** The Office began receiving an influx of enquiries and complaints about speeding infringements issued by the road safety cameras at the Nepean Highway and Davey Street, Frankston, intersection in early-June 2022. Some members of the public complained they received multiple infringements within a short space of time and in some cases, on the same day. They claimed they were given little to no time to adjust their driving behaviour due to the insufficient passage of time from the receipt of the first infringement to the second and subsequent infringements. It is the Office's understanding that similar complaints were also received by the four key stakeholders, the Minister for Police, and the local representative for the Frankston electorate.
- 57** The complaints centred around the perceived lack of visible 40 km/h signage and the visible but inactive ESLS to advise motorists of the reduced speed limit in force southbound through the Davey Street intersection. Additionally, some members of the public were not aware of the purpose of the speed limit reduction or were confused with the different maximum speed limits along the northbound section (60 km/h) and the southbound section (40 km/h) of the Nepean Highway. Included in the complaints were references to the June 2021 Project Update on the VicRoads website and the lack of regular communication provided. The Office notes that the accuracy of the road safety cameras was not a major concern raised by the public.

INVESTIGATION BY THE ROAD SAFETY CAMERA COMMISSIONER

- 58** On 1 July 2022, the Commissioner exercised the powers under section 10(e) of the Act to investigate the processes involved in the speed limit reduction implemented near the vicinity of the fixed digital road safety cameras at the intersection of Nepean Highway and Davey Street, Frankston, that led to a large number of speeding infringements issued.
- 59** Under section 10(e), the Commissioner can initiate an investigation based on complaints received *"that appear to indicate a problem with the road safety camera system and to make recommendations to the Minister to address any systemic issues identified."*
- 60** Based on the complaints received and analysed by the Commissioner, it was apparent that they centred around signage, communication, and outdoor roadside dining.

Purpose of the Nepean Highway Investigation

- 61** The purpose of investigating the Nepean Highway vide the provision of section 10(e) of the Act is to:
- Identify if road users, who have received speeding infringements in the period following the speed limit change in the proximity of the road safety cameras, should have those infringements excused because of the systems and processes in which the changes were implemented by the relevant agencies, and to make any necessary recommendations concerning these infringements based on those findings;
 - Identify if there are any gaps in the systems and processes to implement speed limit changes in the proximity of the road safety cameras, and to make any necessary recommendations on any treatments that can be implemented to address the nature of the complaints received; and
 - Identify any learnings to improve the systems and processes for implementing speed limit changes in the proximity of the road safety cameras that requires multi-agency and local government collaboration, and to make any necessary recommendations for future consideration.

Parameters of the Nepean Highway Investigation

- 62** The investigation primarily focussed on piecing together the timeline of designing, planning, decision-making, and implementation that led to the reduction in the speed limit along the Nepean Highway, Frankston, from 60 km/h to 40 km/h within the vicinity of road safety cameras.
- 63** The investigation considered the consequential impacts of infringements issued for speeding by the road safety cameras enforcing the southbound lanes of the Nepean Highway at the intersection of Davey Street, Frankston.

Scope of the Nepean Highway Investigation

- 64** The scope of the Nepean Highway Investigation included:
- The planning and approval process for designing and implementing the speed limit change involving DOT and the Frankston City Council;
 - Collaboration amongst relevant agencies in planning for and implementing the speed limit change including communications and signage involving DJCS, DOT, the Frankston City Council, and Victoria Police;

- Collaboration amongst relevant agencies and stakeholders in planning for and implementing changes to the road safety camera operations involving a speed limit change;
- The SAT procedure completed on the road safety cameras located at the intersection of Nepean Highway and Davey Street, Frankston, involving DJCS and Serco, in so far as the timeframe this work was carried out aligned to the implementation of the speed limit reduction;
- Analysis of the crash and infringement history for the relevant section of roadway;
- Review of previous Road Safety Camera Commissioner investigations that involved similar circumstances of speed limit reductions in the proximity of road safety cameras; and
- Review of existing academic research relating to the impact of changes to speed limits and the road environment on motorists' behaviour.

Out of scope of the Nepean Highway Investigation

65 What was out of scope of the Nepean Highway Investigation included:

- The accuracy and reliability of the fixed digital road safety cameras at the intersection of Nepean Highway and Davey Street, Frankston, enforcing red-light, speed, and registration offences.

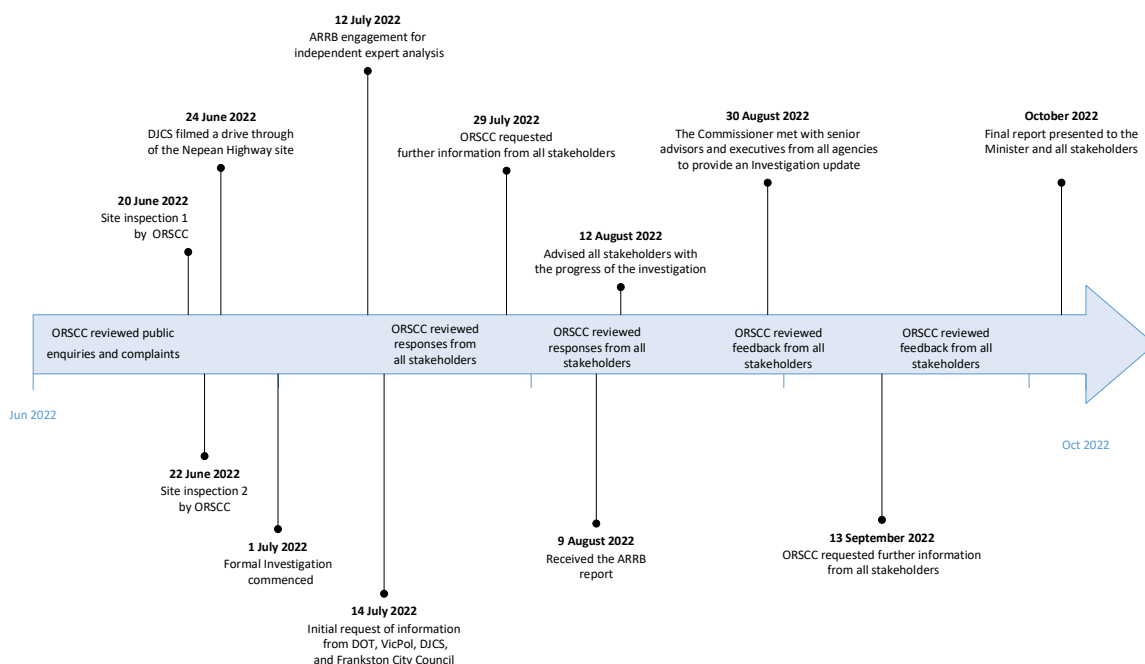
METHODOLOGY

66 Piecing together the timeline of designing, planning, decision-making, and implementing the speed limit reduction from 60 km/h to 40 km/h along the Nepean Highway in Frankston, near the fixed digital road safety cameras at the Davey Street intersection, the Commissioner:

- Analysed the enquiries and complaints received from the public;
- Inspected the Nepean Highway and Davey Street, Frankston, intersection;
- Obtained information and documents from the relevant departments and agencies;
- Sought advice from a member of the Road Safety Camera Commissioner Reference Group;
- Engaged with a national transport research expert to conduct an independent and objective site assessment, and to provide advice after conducting a literature review of relevant evidence-based research about the driver experience during a speed limit reduction process; and
- Reviewed previous investigations by the Road Safety Camera Commissioner into similar issues and circumstances identified in this Nepean Highway Investigation.

A breakdown of the approach undertaken by the Commissioner can be found in [Appendix B](#).

Figure 3: Investigation methodology timeline



FINDINGS

The following are the key findings of the Commissioner throughout the Nepean Highway Investigation.

Interagency collaboration

- 67** When reviewing all the information and documentation provided and speaking multiple times with all stakeholders, the Office is of the view that all decisions were made with the best intentions. All stakeholders worked towards implementing road safety outcomes that was best for the community.
- 68** A key finding during the investigation was that there did not appear to be clear communication between the four key stakeholders about the scope and timing of each project's deliverables and completion dates. One stakeholder was not even aware that there were two 40 km/h speed limit reduction projects being planned and implemented concurrently. This lack of clear communication about the two different speed limit reduction projects also impacted negatively on the community, as borne by the scant communication provided when informing of the changed speed limit.

Necessity of reducing the speed limit to 40 km/h along the Nepean Highway

- 69** As part of the initiating letter to the Minister for Police and all four key stakeholders, it was implicit in the Office's letter that examining the decision to reduce the speed limit along the Nepean Highway, Frankston, to 40 km/h (either southbound between Ross Smith Avenue and Plowman Place, or in both directions between Fletcher Road and Plowman Place) was out of scope for this investigation.
- 70** Victoria Police, DOT, and the Frankston City Council sought solutions to implement to protect vulnerable road users and make the Nepean Highway safer along a busy section of the motorway with high pedestrian activity. The use of data to inform the decision to reduce the speed to a safer 40 km/h speed limit for vulnerable road users is evidence of the implementation of the Safe Systems Model articulated within the State Strategy. This road safety treatment is in line with the goals of the State Strategy, which identified that safer travel speeds help reduce speed-related road trauma.

Necessity of installing outdoor roadside dining along the Nepean Highway

- 71** As part of the initiating letter to the Minister for Police and all four key stakeholders, it was implicit in the Office's letter that examining the decision to install outdoor roadside dining along the southbound section of the Nepean Highway was out of scope. This is a matter for the Frankston City Council, however, the Office does note that the information reviewed confirmed there was consultation with local traders prior to the installation of the outdoor roadside dining infrastructure.

Two overlapping 40 km/h speed limit reduction projects

- 72** Although it is accepted that there were complexities in delivering two speed limit reduction projects, this was contributed to in part by the lack of communication internally amongst the Department of Transport as well as externally towards DJCS, the Frankston City Council, Victoria Police, and the public. If the permanent 40 km/h speed limit reduction project had been completed by the end of 2021, it is likely that these complexities would have been avoided or at least reduced.

Impacts with the delay of the ESLS project and the activation of the installed ESLS infrastructure

- 73** The stakeholders in charge of enforcement of speed limits were not completely aware that there were two separate speed limit reduction projects being run concurrently.
- 74** Frankston City Council operated on the belief that the permanent ESLS project would be activated shortly after installation of the outdoor roadside dining infrastructure and speed limit reduction treatments. It is possible that reliance on an assumption about a delivery deadline by another stakeholder may have created a mindset that influenced the decision-making in installing signage that might have otherwise been more effective.
- 75** The delay with the completion of the ESLS project was primarily due to external factors that DOT was unable to influence.

Community engagement

- 76** There were no further updates between the June 2021 Project Update until the publication on 19 August 2022 advising of the upcoming completion of the permanent 40 km/h speed limit reduction in both directions along the Nepean Highway, between Fletcher Road and Plowman Place, Frankston.
- 77** The communication of any temporary speed limit reduction in Victoria on the VicTraffic website, for these circumstances, was not an appropriate or effective communication tool for the public.

Adequacy of the 40 km/h signage (southbound)

- 78** Frankston City Council's traffic management plan for the outdoor roadside dining project was approved by both a road safety auditor and DOT. As approval was provided for a temporary change in the speed limit, there was no requirement for ESLS to be part of the traffic management plan.
- 79** In their expert opinion following their site assessment analysis, the Australian Road Research Board ('ARRB') indicated that they believed there was adequate 40 km/h signage on the southbound direction. However, the single 40 km/h static sign affixed on the left-hand side of the Nepean Highway, 29 metres south past the Davey Street intersection, was obscured by the traffic signal lights. The signage in place at the time did not make it clear for motorists that when they drove past the conclusion of the outdoor roadside dining precinct, the upcoming Davey Street intersection was still within the 40 km/h speed limit zone.
- 80** ARRB observed that the yellow 'outdoor dining' supplementary plates did not adequately advise motorists that they were approaching a changed speed limit zone. Although the use of these supplementary plates was for a temporary change of speed limit event, the delay of over 12 months since the initial proposed conclusion of the ESLS project in July 2021 had contributed towards the public's confusion. Motorists were also confused when they observed inactivated ESLS infrastructure as some expected their activation would be the time when the speed limit was reduced.

Adequacy of the 40 km/h signage (northbound)

- 81** ARRB observed the placement of the two 40 km/h fixed speed limit signs for motorists travelling northbound to also be confusing. These signs were placed approximately 145 metres prior to Davey Street when approaching northbound. Motorists approaching the Davey Street intersection were impacted by a see-through effect of two 60 km/h speed limit signs erected slightly past the intersection. Not only was the short travel distance at

40 km/h confusing, it was also not consistent with the Speed Zoning Technical Guidelines (Edition 2, December 2021) that requires 40 km/h speed limit zones to be a minimum length of 500 metres within pedestrian activity precincts.

- 82** Divided carriageways with a median strip can operate with differing speed limits, however it can be confusing for motorists particularly when both northbound and southbound carriageways have the same arterial appearance. ARRB observed that the motorway was not a self-explaining road as motorists could not automatically determine what the speed limit was based on the road environment.
- 83** The yellow 'outdoor dining' supplementary plates installed for the northbound traffic played no role in advising motorists what the speed limit was.

Research – Adjusting the behaviour of motorists

- 84** The observations by ARRB have been supported by compelling available research in a literature review.
- 85** ARRB's view was that good practice change management is required to ensure a higher level of compliance with new reduced speed limits.
- 86** ARRB observed there was an opportunity for more good practice change management to have afforded motorists with a greater opportunity to adjust their behaviour in this case. This was particularly so for regular users of the road, as they are less likely to be aware of changes to the speed limit when there have been minimal changes made to the road environment that would create a self-explaining roadway.
- 87** ARRB observed, in this case, that the Nepean Highway, southbound towards Davey Street, Frankston, still felt like travelling on a multi-lane arterial highway that did not feel like a lowered speed limit zone. This may have had an influence on some motorists' choice of speed.
- 88** ARRB observed that placing changed speed limit signs, without further information, was unlikely to achieve full speed limit compliance. For ARRB, this was evidenced with the use of the yellow 'outdoor dining' supplementary signs as not having been sufficient enough to achieve full 40 km/h speed limit compliance.
- 89** ARRB observed that the period of six months from when the speed limit was first reduced during which there was no enforcement, would have reinforced for some motorists that the speed limit had not been changed.

CONCLUSIONS

- 90** As a result of the findings from this Nepean Highway Investigation, the Commissioner has come to the following conclusions:
- A.** At the time of the reactivation of the fixed digital road safety cameras to enforce speed, red-light, and unregistered vehicles offending from 15 April 2022, the legal speed limit southbound on the Nepean Highway through the intersection of Davey Street in Frankston was 40 km/h.
 - B.** That motorists detected by the fixed digital road safety cameras, following reactivation on 15 April 2022, travelling southbound on the Nepean Highway through the intersection of Davey Street in Frankston at a speed in excess of 40 km/h were travelling in excess of the legal speed limit.
 - C.** Speeding infringement notices issued by Victoria Police to those motorists detected by the fixed digital road safety cameras at the Nepean Highway and Davey Street, Frankston, intersection from 15 April 2022 were lawfully issued to those detected travelling in excess of the legal speed limit of 40 km/h.
 - D.** That the communication and signage informing motorists of the new speed limit of 40 km/h on the Nepean Highway, southbound through the intersection of Davey Street, Frankston, was less than effective. This was due to the exceptional circumstances resulting from the two speed limit reduction processes underway at the same time – one led by the Frankston City Council (temporary 40 km/h speed limit reduction project) and one led by DOT (permanent 40 km/h speed limit reduction project).
 - E.** It is likely that there were motorists detected by the fixed digital road safety cameras travelling southbound along the Nepean Highway, through the intersection of Davey Street, Frankston, at a speed in excess of the 40 km/h speed limit and yet below the former 60km/h speed limit who were unaware of the reduction of the speed limit or, at the very least, confused as to what the speed limit was at the point of travelling through the intersection.
 - F.** That these exceptional circumstances were, in part, enhanced due to a lack of a systematic and reliable framework for collaboration and/or communication between DOT, DJCS, Victoria Police, and local government, in this case the Frankston City Council, to enable well informed and timely decisions by the respective agencies in implementing the first of the 40 km/h speed limit reduction process in the proximity of the road safety cameras, and the reactivation of those cameras for speed enforcement of southbound traffic on the Nepean Highway through the intersection of Davey Street, Frankston.
 - G.** That these exceptional circumstances were, in part, enhanced due to a gap in collaboration and communication between some business units within DOT and DJCS with different inputs into the road safety camera system and impacts from the two speed limit reduction processes underway in the proximity of the road safety cameras.
 - H.** Due to these circumstances, it is likely that regular users along this section of the Nepean Highway, who were detected by the fixed digital road safety cameras travelling in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit, were not afforded a reasonable opportunity to adjust their usual pattern of speed behaviour whilst driving southbound through the Davey Street, Frankston, intersection.

- I.** Due to these circumstances, it is likely that irregular users along this section of the Nepean Highway, who were detected by the fixed digital road safety cameras travelling in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit, were unaware or confused as to the new speed limit of 40 km/h whilst driving southbound through the Davey Street, Frankston, intersection.
- J.** That motorists detected by the fixed digital road safety cameras travelling in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit who were issued with and received a second lawfully issued infringement notice for exceeding the speed limit on a date prior to having received the first infringement notice for the first offence, were not afforded a reasonable opportunity to adjust their pattern of speed behaviour whilst driving southbound through the Davey Street, Frankston, intersection prior to the date of the subsequent offence.
- K.** That these circumstances were of such a unique and exceptional nature whereby those motorists, detected by the fixed digital road safety cameras travelling southbound on the Nepean Highway through the Davey Street, Frankston, intersection in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit, should be excused of that offending conduct.
- L.** That the road user awareness will be significantly improved with the implementation of the permanent speed limit reduction process on 24 August 2022, from 60 km/h to 40 km/h for both northbound and southbound traffic along the Nepean Highway between Fletcher Road and Plowman Place, Frankston, using more effective ESLS, additional static speed limit signage, and variable messaging signs.
- M.** That the current review of accountability for processes and communications within and between DOT, DJCS, and Victoria Police as well as local governments across Victoria relating to speed limit changes in the proximity of road safety cameras is necessary to ensure the appropriate and timely sharing of information to avoid the exceptional circumstances identified in this Nepean Highway Investigation.

RECOMMENDATIONS

91 Based on these conclusions, the Commissioner makes the following recommendations to be considered by the relevant stakeholders:

- 1.** Consideration be given to excusing the offending conduct of those motorists detected by the fixed digital road safety cameras whilst travelling southbound on the Nepean Highway through the Davey Street, Frankston, intersection in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit.

This recommendation is referred to Victoria Police for attention and advice as to the action/s taken.

- 2.** Consideration be given to excusing the subsequent offending conduct of those motorists detected by the fixed digital road safety cameras whilst travelling southbound on the Nepean Highway through the Davey Street, Frankston, intersection in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit on subsequent dates prior to becoming aware of the first issued infringement.

This recommendation is referred to Victoria Police for attention and advice as to the action/s taken.

- 3.** Consideration be given to enhancing the traffic management plan for the reduction of the speed limit along the Nepean Highway, within proximity of the fixed digital road safety cameras at the intersection of Davey Street, Frankston, to make this section of the Nepean Highway more self-explaining to motorists that there is a new 40 km/h speed limit in place when travelling through the Davey Street intersection.

This recommendation is referred to the Department of Transport for attention in collaboration with the Frankston City Council and advice as to the action/s taken.

- 4.** Consideration be given to an effective communication strategy that includes updating publicly available material advising the community of the safer and reduced speed limit of 40 km/h along both the northbound and southbound directions of the Nepean Highway between Fletcher Road and Plowman Place, Frankston.

This recommendation is referred to the Department of Transport for attention in collaboration with the Frankston City Council and advice as to the action/s taken.

- 5.** The completion of Recommendation 3 is to be considered as the trigger for issuing infringements to those motorists detected travelling southbound on the Nepean Highway through the Davey Street, Frankston, intersection in excess of the 40 km/h speed limit and yet below the former 60 km/h speed limit.

This recommendation is referred to Victoria Police for attention in collaboration with the Department of Transport and the Department of Justice and Community Safety and advice as to the action/s taken.

- 6.** The Department of Transport, Department of Justice and Community Safety, and Victoria Police complete the review and establish a process for systematic and cooperative engagement, consultation, and collaboration on road and road network projects and, where appropriate, legislative and policy reform that are in the proximity of or impact on road safety cameras.

This recommendation is referred to the Department of Transport, Department of Justice and Community Safety, and Victoria Police for attention and advice as to the action/s taken.

7. Consideration be given to continue engaging with the appropriate authority/association to understand the channels of engagement and identify opportunities to inform and influence local government authorities in Victoria of the separate and shared responsibilities for road and road network projects that are in the proximity of or impact on road safety cameras.

This recommendation is referred to the Department of Justice and Community Safety for attention and advice as to the action/s taken.

Connecting
our communities

Project Update

June 2021

Nepean Highway, Frankston

Upcoming works

We're improving safety for pedestrians and cyclists along Nepean Highway, as part of the Targeted Road Safety Works Program to deliver shovel-ready infrastructure projects and urgent road safety improvements in Victoria.

What we're doing

To make the road environment safer for pedestrians, cyclists and motorists, we're:

- introducing a safer speed of 40km/h on the Nepean Highway between Fletcher Road and Plowman Place
- installing six new electronic speed limit signs to ensure the speed change is clearly visible to motorists.

Flashing electronic speed limit signs will remind drivers to slow down to 40km/h and look out for pedestrians while driving through the busy Frankston strip shopping centre.

When to expect us

We're starting works on Monday 21 June and construction is expected to finish in July, weather permitting.



Australian Government

BUILDING OUR FUTURE



Crews will be onsite Monday to Friday, between 9.30am to 3.30pm.

What impacts can I expect?

During works, drivers can expect the following disruptions:

- one lane at a time will be closed during works
- speed reductions to keep our crews safe
- access to businesses and properties will be maintained at all times.

If you're travelling through the area, keep an eye out for changed traffic conditions, plan ahead and allow up to five minutes extra travel time.

Why we're doing this

This busy Frankston strip shopping centre attracts many pedestrians through a variety of restaurants, retail and commercial businesses, including the Bayside Centre Shopping mall.

In the five years leading up to 30 June 2019, there were 30 reported crashes along this shopping strip, with 15 crashes resulting in serious injuries and one crash tragically resulting in a fatality.

By installing new safety features on Nepean Highway in Frankston, we can improve pedestrian safety, prevent serious crashes from happening or reduce the severity of crashes when they're unavoidable.

This section of the Nepean Highway will be made safer thanks to the \$471,000 investment through the joint Australian and Victorian Government Targeted Road Safety Works program.

Find out more

Visit: vicroads.vic.gov.au and search for 'Safety upgrades at school zones and shopping precincts in Melbourne'

Email: mse_mail@roads.vic.gov.au



Nepean Highway, Frankston

New safer speed



BUILDING OUR FUTURE



APPENDIX B

Methodology

| APPROACH | STEPS TAKEN |
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| Enquiries and Complaints | <ul style="list-style-type: none"> Reviewed enquiries and complaints received from members of the public in June 2022 to determine the main concerns expressed about the speeding infringements issued by the fixed digital road safety cameras located at the intersection of Nepean Highway and Davey Street in Frankston. <p><i>Outcome</i></p> <ul style="list-style-type: none"> Identified that complaints centred around signage; inactive electronic speed limit signs ('ESLS'); confusion with the different posted speed limits in either direction of the Nepean Highway; inadequate time provided to correct driving behaviour prior to receiving subsequent infringement(s); and the lack of public communication of the reduced speed limit change to 40 km/h. |
| Site Inspection | <ul style="list-style-type: none"> The Road Safety Camera Commissioner ('the Commissioner') inspected and conducted several drive-throughs of the Nepean Highway site on 20 June 2022 during daylight hours. The Commissioner and another member of the Office of the Road Safety Camera Commissioner ('the Office') inspected and conducted several drive throughs of the Nepean Highway site on 22 June 2022 during evening hours. <p><i>Outcome</i></p> <ul style="list-style-type: none"> The drive-throughs confirmed some of the concerns expressed in the complaints received to warrant an investigation by the Commissioner. Requested the Department of Justice and Community Safety ('DJCS') to film a drive-through of the Nepean Highway site and to record the driving experience, including driving through several side streets within the parameters of the 40 km/h speed limit zone. Drive-through conducted by DJCS on 24 June 2022. Wrote to the Minister for Police on 1 July 2022 to confirm that the Commissioner was formally initiating an investigation. |
| Information from the Stakeholders | <ul style="list-style-type: none"> On 1 July 2022, the Commissioner wrote to the Department of Transport ('DOT'), DJCS, the Frankston City Council, and Victoria Police to confirm that he was formally initiating an investigation. On 12 July 2022, the Commissioner wrote to Serco to confirm that he was formally initiating an investigation. On 14 July 2022, the Commissioner wrote to DJCS, DOT, the Frankston City Council, and Victoria Police to obtain information and documentation in their possession to assist the Office in understanding the timeline with designing, planning, decision-making, and implementing the speed limit reduction from 60 km/h to 40 km/h along the Nepean Highway in Frankston, |

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| | <p>near the fixed digital road safety cameras at the Davey Street intersection.</p> <ul style="list-style-type: none"> • Received responses and documentation from all the stakeholders between 20–25 July 2022. • On 29 July 2022, the Commissioner wrote to DJCS, DOT, the Frankston City Council, and Victoria Police seeking further clarification and documentation in their possession. • Received responses and documentation from all the stakeholders between 3–5 August 2022. • On 12 and 13 August 2022, the Commissioner wrote to the Minister for Police, Minister for Roads and Road Safety, DJCS, DOT, the Frankston City Council, and Victoria Police advising of the progress of the investigation. • Between 30 August 2022 and 7 September 2022, the Commissioner met with senior advisors from the Office of the Minister for Police and senior executives from DJCS, DOT, Victoria Police, and the Frankston City Council to advise of the progress and the commencement of the final elements of the investigation. • On 13 and 14 September 2022, the Commissioner wrote to DJCS, DOT, the Frankston City Council, Serco, and Victoria Police seeking further information in relation to the systems and processes in place for inter and intra-agency collaboration and information sharing, communications, and lessons learnt in areas for improvement. • Received responses from all stakeholders between 21–27 September 2022. <p>Outcome</p> <ul style="list-style-type: none"> - The Commissioner was satisfied that enough information was received from the stakeholders to make recommendations on the offending conduct of those captured driving between 40 km/h and 60 km/h through the Davey Street intersection as a result of the processes implemented to reduce the speed limit along the southbound section of the Nepean Highway from 60 km/h to 40 km/h. - Gaps were identified including the lack of any systematic and reliable framework for collaboration and/or communication between DOT, DJCS, Victoria Police, and local governments to enable well-informed and timely decision making. This resulted in a less than effective implementation of the speed limit reductions, within the proximity of road safety cameras, and the reduction of the speed of motorists. - Some gaps were identified in the sharing of information and knowledge of processes between different business units within agencies, in this case within DJCS and DOT. |
| Road Safety Camera Commissioner Reference Group | <ul style="list-style-type: none"> • On 29 June 2022, the Commissioner consulted with a member of the Road Safety Camera Commissioner Reference Group – Emeritus Professor Brian Fildes of the Monash University Accident Research Centre – seeking advice in relation to |

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| | <p>evidence-based research and behavioural change during speed limit reductions.</p> <p>Outcome</p> <ul style="list-style-type: none"> - Referred the Commissioner to research about self-explaining roads. - The Commissioner agreed with Emeritus Professor Fildes that it was important to tie the conclusions and recommendations made in the Nepean Highway Investigation to the available evidence-based research. - Engaged with an independent national transport research expert. |
| Independent National Transport Research Expert | <ul style="list-style-type: none"> • On 12 July 2022, the Office engaged with the Australian Road Research Board ('ARRB') – an independent expert that is nationally recognised for their work in road safety engineering, design, and transport. • ARRB was engaged to provide an independent expert analysis of the driving experience along the Nepean Highway, Frankston, to assist the Commissioner in determining whether there were exceptional circumstances that should be considered as leading to infringements issued to motorists captured driving southbound between 40 km/h to 60 km/h through the Davey Street intersection. <p>Outcome</p> <p>On 9 August 2022, ARRB provided a final report to the Commissioner that included:</p> <ul style="list-style-type: none"> - A detailed outcome of the independent Nepean Highway site assessment they conducted; - Examination of the compliance with various policy and technical guidelines; - Review of the current enforcement policy; and - A literature review on the impact on motorists' behaviour as a result of changes to the speed limits and the road environment. - Advice on change management practices and other factors that influence motorists' choice of speed including infrastructure design, enhanced treatments of roads, and self-explaining roads. |
| Previous Investigations from the Road Safety Camera Commissioner | <ul style="list-style-type: none"> • Reviewing previous investigative reports by the Road Safety Camera Commissioner that may have been similar in the scope of the Nepean Highway Investigation. • The 23 July 2015 report – 'Investigation into four fixed road safety cameras operating in 40 km/h speed limit zones' – reviewed the accuracy and reliability of the road safety cameras at four different 40 km/h speed limit intersection sites. Additionally, speed limit signage, the road environment, the behaviour of motorists, and the accident history of sites were examined. • The findings for Warrigal Road and Batesford Road, Chadstone, and the Fitzroy Street and Lakeside Drive, St Kilda, intersection sites shared similarities with the Nepean Highway Investigation. |

Recommended outcomes from previous reports

- Recommendations were made for enhanced treatments to create a self-explaining road to alert motorists to an upcoming change in the speed limit as well as the reduction of the speed limit. For example, in the case of the Chadstone intersection, this included additional ESLS beyond the intersection to create a positive see-through effect for drivers.
- Another recommendation was for the use of road surface markings to capture motorists' attention more effectively than a fixed speed limit sign.

TERMINOLOGY

| ACRONYMS AND ABBREVIATIONS | DESCRIPTION |
|----------------------------|---|
| The Act | The Road Safety Camera Commissioner Act 2011 |
| ARRB | Australian Road Research Board |
| The Commissioner | The Road Safety Camera Commissioner |
| DJCS | Department of Justice and Community Safety |
| DOT | Department of Transport |
| ESLS | Electronic Speed Limit Signs |
| The Office | The Office of the Road Safety Camera Commissioner |
| SAT | Site Acceptance Testing |
| The State Strategy | The Victorian Road Safety Strategy 2021–2030 |