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**Economic Commission for Europe**

Inland Transport Committee

**Global Forum for Road Traffic Safety**

**Eighty-first session**

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Item 3 (c) (i) of the provisional agenda

**Convention on Road Traffic (1968):**

**Automated driving-Vehicles with automated driving systems:**

**The concept of activities other than driving**

**Revised safety considerations for activities other than driving undertaken by the driver in a vehicle when its automated driving system is engaged**

**Submitted by Canada, France, Japan, Portugal, Sweden, Switzerland and the United Kingdom**

This document contains a draft text for a resolution on safety considerations for activities other than driving undertaken by the driver in a vehicle when its automated driving system is engaged. The draft text takes into account both 1949 and 1968 Conventions on Road Traffic. This document revises ECE/TRANS/WP.1/2019/3.

## Other activities: draft resolution

1. Global Forum for Road Traffic Safety (WP.1) resolution on safety consideration for activities other than driving undertaken by the driver in a vehicle when its automated driving system is engaged.
2. The automated driving systems in scope of this Resolution are those in which it is at least desirable that drivers take manual control of the vehicle following a transition demand issued by the system. Drivers using an automated driving system need to be ready, able and willing to take back control. This resolution does not apply to advanced assisted driving systems (ADAS) where the driver has to monitor the driving environment continuously and intervene immediately whenever necessary (same as for manual driving). Furthermore, it does not apply to automated driving systems that do not require the driver to resume manual control as these automated driving systems do not issue transition demands – the driver becomes rather a “passenger” and driver take over is not relevant anymore.

### I. Background

3. The Global Forum for Road Traffic Safety (WP.1) of the United Nations Economic Commission for Europe has prepared and adopted this Resolution based on the following provisions:
  - (a) 1968 Convention on Road traffic, Article 8(6) in regard to the duty to ‘minimise any activity other than driving’
  - (b) 1949 Convention on Road traffic, in regard to the duties to:  
‘conduct himself in such a way as not to endanger or obstruct traffic’ (Article 7),
    - (i) ‘avoid all behaviour that might cause damage to persons, or public or private property’ (Article 7), and
    - (ii) ‘drive in a reasonable and prudent manner’ (Article 10)
4. Article 8(6) of the 1968 Convention on Road Traffic provides:

A driver of a vehicle shall at all times minimize any activity other than driving. Domestic legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation shall prohibit the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion.
5. Article 7 of the 1949 Convention on Road Traffic provides:

Every driver, pedestrian or other road user shall conduct himself in such a way as not to endanger or obstruct traffic; he shall avoid all behaviour that might cause damage to persons, or public or private property.
6. Article 10 of the 1949 Convention on Road Traffic provides:

The driver of a vehicle shall at all times have its speed under control and shall drive in a reasonable and prudent manner. He shall slow down or stop whenever circumstances so require, and particularly when visibility is not good.

### II. Preamble

7. The Global Forum for Road Traffic Safety
8. Considering that road traffic safety and traffic flow will be increasingly defined and influenced by the combination of and interaction between automated driving system capabilities, human behaviour and infrastructure requirements.

9. Noting that automated driving systems may in some circumstances request the driver to take control<sup>1</sup>, and that it may be either necessary, for the driver to be ready, willing and able to take control of the vehicle.

10. Noting that, in its seventy-fifth session, WP.1 confirmed that the following principles will be applied by the contracting parties to the 1968 Convention on road traffic as well as considered/followed by those applying the 1949 Convention on road traffic's equivalent requirements in Articles 7 and 10:

“When the vehicle is driven by vehicle systems that do not require the driver to perform the driving task, the driver can engage in activities other than driving as long as:

(a) these activities do not prevent the driver from responding to demands from the vehicle systems for taking over the driving task, and

(b) these activities are consistent with the prescribed use of the vehicle systems and their defined functions.”

11. Exhorting States to take account of relevant scientific evidence and, where evidence is insufficient, apply the precautionary approach, when regulating the introduction of new road technologies in order to protect road safety, especially where there are threats of fatalities or serious injuries. The lack of full scientific certainty shall not be used as a reason for postponing the introduction of such regulations.

12. Noting the ongoing work in WP.1 and World Forum for Harmonization of Vehicle Regulations (WP.29) on automated driving systems.

13. Has prepared and adopted this Resolution on [DATE].

### **III. Purpose of this Resolution**

14. This Resolution aims at providing a framework for contracting parties, relating to drivers undertaking activities other than those related to exercising dynamic control. This is intended to help these parties applying the 1968 and 1949 Conventions on Road Traffic in establishing domestic traffic laws for performing other activities while automated driving systems are engaged.

### **IV. Recommended application of this Resolution: assumptions**

15. To enhance road safety, validation methods and/or technical requirements should be available to confirm the safety of automated systems and to confirm the ability of such systems to support a driver to safely undertake activities other than driving.

16. Automated driving systems should be equipped with the following:

(a) An effective and intuitive Human-Machine Interface which enables the driver to safely interact with the automated driving system;

(b) A safe, predictable transition scenario, which includes sufficient lead time for the driver to complete a safe take-over process;

(c) A driver availability recognition system, to determine if the driver is ready and able to respond to a take-over demand from the vehicle;

(d) The ability to perform emergency manoeuvres, as drivers cannot be expected to take-over in situations that are safety- and time-critical, the automated driving system needs to automatically perform emergency manoeuvres (for example automatic emergency braking to avoid collisions); and

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<sup>1</sup> For example, as a fall-back-ready user, or because parts of the journey lie outside the parameters of the system's operational design domain.

(e) The ability to perform appropriate risk mitigation manoeuvres (including where the automated driving system takes action if drivers disregard a take-over request or if it is determined that the driver is not ready and able to respond to a take-over demand from the vehicle.

17. Based on the assumptions listed above, WP.1 has established four criteria for drivers to undertake activities which are unrelated to exercising dynamic control of the vehicle. These criteria are outlined in the following ‘Framework’:

## **V. Recommended framework comprising four criteria for drivers to engage in activities other than driving**

18. Based on the assumptions listed above, a driver using a vehicle in which an automated driving system is engaged may undertake activities other than driving provided the following four criteria are met, in combination with each other:

(a) these activities do not prevent the driver from responding to demands from the vehicle systems for taking over the driving task;

(b) these activities are consistent with the prescribed use of the vehicle systems and their defined functions;

(c) the driver complies with traffic laws applicable in the country regarding activities other than driving; and

(d) the driver has and maintains the capabilities necessary to fulfil their respective duties regardless of whether an automated driving system is engaged or not.

19. The above criteria are expanded and explained as below.

### **A. Criterion a:**

20. Each time the automated driving system issues a clear take-over request the driver is expected to resume timely, safe and proper control of the vehicle.

21. In automated driving systems, any activities other than driving undertaken by the driver should not compromise the ability, readiness, and willingness of the driver to resume dynamic control.

23. In the case of automated driving systems that operate without the need for driver intervention as a fall-back to ensure road safety, the driver is expected to resume dynamic control of the vehicle when notified that the vehicle will be exiting the parameters of its operational design domain. Therefore, the driver would need to further adapt their other activities to safely continue the rest of their journey.

24. In all instances of a take-over request the automated driving system will maintain safe and proper control of the vehicle until the driver has safely resumed control. If the driver does not safely take control, the vehicle will take the most appropriate risk mitigation manoeuvres.

25. In all cases the driver must not interfere with any part of the automated driving system in a way that could compromise safety.

### **B. Criterion b:**

26. Criterion “a” has to be considered by the manufacturer in the design of the system’s Human-Machine Interface (including the transition scenario and the lead time provided for a safe take-over).

27. A driver availability recognition system should be included in the vehicle by the manufacturer. The system should also be designed so as to detect that the driver has intentionally resumed control of the vehicle before the system is automatically deactivated.

28. If the driver does not resume safe and proper control in response to a take-over demand, the system should take all adequate steps so as to support continued road safety and endeavour not to obstruct traffic flow.

29. The manufacturer of the Automated Driving System is obligated to provide the driver with clear explanations about the prescribed use of the vehicle system before the driver uses it and consequently the driver must be aware of these explanations before using the system. This should include the implications for the driver's responsibility and their expected behaviour in the case of a transition. In addition, the manufacturer should not use misleading names, descriptions and promotional material which could encourage improper use of the system.

30. The system must communicate clearly with its driver so that the driver can understand any instruction given by the system.

### **C. Criterion c:**

31. Contracting parties to one or both Convention are encouraged to implement regulations, and/or measures to address the undertaking of activities other than driving.

32. Prior to any on-road use, drivers should familiarize themselves with requirements regarding the undertaking of activities other than driving while the automated driving system is engaged, and comply with these requirements in the country in which the automated driving system is used.

### **D. Criterion d:**

33. The driver of a vehicle equipped with an driving system must have and maintain the necessary physical and mental capabilities and sufficient skills to drive that vehicle regardless of whether the automated driving system is engaged or not. The driver shall hold the necessary licences.

34. Drivers should consider their individual capabilities to resume driving when deciding whether to engage in activities other than driving when the automated driving system is engaged. Some drivers may not have the mental or physical capability to safely perform specific activities other than driving under all circumstances.

## **VI. Conclusions about the recommended framework within which activities other than driving are permitted**

35. Provided that the assumptions and criteria set out above are met, a driver may then undertake activities other than driving.

36. It is important to manage the driver's attention, so that they are alert enough to be to resume manual control from the automated driving system. The automatic suspension of other activities than driving that rely on technologies integrated with, or connected to, the vehicle in case of a take-over request has been identified as one effective measure to offer activities other than driving in a safe way. As it is not feasible nor adequate to provide a complete list of the acceptable activities other than driving, the Resolution defines four criteria to which these activities should conform. Further research on how to manage the driver's attention so as to support road safety and safe traffic flow is needed as the technology develops.

## **VII. Terminology**

37. "Automated driving system" refers to a vehicle system that uses both hardware and software to exercise dynamic control of a vehicle on a sustained basis.