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## **Economic Commission for Europe**

Inland Transport Committee

### **Global Forum for Road Traffic Safety**

#### **Eightieth session**

Geneva, 9-13 March 2020

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**

### **Safety considerations for activities other than driving in vehicles equipped with automated driving systems**

#### **Submitted by Canada, Japan, Sweden and United Kingdom of Great Britain and Northern Ireland**

This document proposes a draft text for a resolution on “activities other than driving” that the driver of a vehicle equipped with an automated driving system could undertake when the automated driving system is engaged. The draft text takes into account both 1949 and 1968 Conventions on Road Traffic. This document proposes to revise ECE/TRANS/WP.1/2019/3. The added text is indicated in bold characters and the deleted text is indicated by strikethrough. Justifications for the changes are indicated in italic characters.

## Other activities: draft resolution

Global Forum for Road Traffic Safety (WP.1) resolution on the activities other than driving, that a driver of a vehicle equipped with an automated driving system, could undertake when the automated driving system is engaged.

### I. Background

1. The Global Forum for Road Traffic Safety (WP.1) of the United Nations Economic Commission for Europe has prepared and adopted this Resolution on:
2. This is based on the following provisions:
  - (a) Vienna Convention on Road traffic, Article 8(6) in regard to the duty to ‘minimise any activity other than driving’
  - (b) Geneva Convention on Road traffic, in regard to the duties to:
    - (i) ‘conduct himself in such a way as not to endanger or obstruct traffic’ (Article 7),
    - (ii) ‘avoid all behaviour that might cause damage to persons, or public or private property’ (Article 7), and
    - (iii) ‘drive ~~reasonably and prudently~~ **in reasonable and prudent manner**’ (~~Article 9~~ **Article 10**)

*Justification: Aligns on the wording of the 1949 Geneva Convention*

Article 8(6) of the Vienna 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.

Article 7 of the Geneva 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.

Article 10 of the Geneva 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

The Global Forum for Road Traffic Safety

3. Considering that road traffic safety and traffic flow are increasingly defined and influenced by the combination of and interaction between automated driving system capabilities, human behaviour and infrastructure requirements.

4. Noting that automated driving systems may in some circumstances ask their driver to resume control<sup>1</sup> and that it may be either necessary, in the case of conditional automation, or desirable, in the case of high automation, for the driver to be ready, willing and able to resume control of the vehicle.

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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

5. Noting that, in its seventy-fifth session, WP.1 confirmed that the following principles will be applied by the contracting parties to the Vienna Convention as well as considered/ followed by those applying the Geneva Convention'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.”

6. Exhorting States to apply the precautionary approach, and take account of relevant scientific evidence, 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.

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

8. Has prepared and adopted this Resolution on [date?].

### III. Purpose of this Resolution

9. 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 Vienna and Geneva Conventions on Road Traffic in establishing domestic traffic laws for performing other activities while conditionally automated or highly automated driving systems are engaged.

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

10. To enhance road safety, validation methods and/or technical requirements should be available to confirm the safety of conditionally or highly automated systems and the ability of such systems to support a driver to safely undertake activities other than driving. These should include but not be limited to:

(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 including** sufficient lead time for the driver, is available so that the driver can complete a safe take-over process;

*Justification: clarification of the text*

(c) A driver availability recognition system, to determine if the driver is able to drive, for example, a safe conditionally automated driving system needs to manage the driver's attention so that they are alert enough to resume control of the vehicle in response to a take-over demand from the vehicle;

(d) 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

(e) Effective risk mitigation manoeuvres (including where the automated driving system takes action if drivers disregard a take-over request or are engaged in a non-driving

activity that may interfere with the driver's readiness to resume safe and proper control of their vehicle).

11. 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':**

~~WP.1 establishes the performance of other activities a driver may undertake which are unrelated to exercising dynamic control of the vehicle, in line with the following 'Frame':~~

*Justification: makes the statement more aligned on the reality since WP.1 indeed established the criteria rather than the performances.*

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

12. Based on the assumptions listed above, a driver using a vehicle in which a conditionally or highly 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 a conditionally automated or highly automated driving system is engaged or not.

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

### **Criterion a:**

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

15. In conditionally 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.

16. In the case of highly automated driving systems, 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.

17. 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 necessary risk mitigation manoeuvres.

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

### **Criterion b:**

19. 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).

20. 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.

21. 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.

22. The **manufacturer of the ADS system provider** 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.**

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

*Justification: some commercial names for some ADS of e.g. Level 2 could lead the user to the misleading understanding that it provides automated driving of level 3. This would indeed lead to dangerous over-compliance from the driver of such system. IGEAD is keen to prevent such situation.*

**Criterion c:**

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

25. **Prior to any on-road use, drivers** 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 conditionally or highly automated driving system is used.

*Justification: clarifies that the driver must familiarize PRIOR to any on-road use rather than by daily experiencing the ADS.*

**Criterion d:**

26. The driver of a vehicle equipped with conditionally automated or highly automated 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.

27. Drivers should **consider** ~~recognize~~ their individual capabilities to **resume driving when deciding whether to engage in activities other than driving when** ~~perform activities other than driving while~~ 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.

*Justification: this provision provides some extra layer of protection; while not removing any responsibility from the driver, it stresses their responsibility because people should ask themselves whether they feel capable of resuming the driving tasks.*

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

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

29. It is important to manage the driver's attention, so that they are alert enough **to be able** ~~and have sufficient situational awareness~~ 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.

*Justification: clarifies the text by suppressing redundant wording*

## **VII. Terminology**

30. In addition to the terminology existing in the Global Forum for Road Traffic Safety (WP.1) resolution on the deployment of highly and fully automated vehicles in road traffic, two terms are defined as follows:

(a) 'Conditionally automated driving system' refers to systems used to exercise dynamic control of the vehicle for sustained periods, with the expectation that the human driver is receptive to take-over demands issued with sufficient lead-time by the system for the driver to resume dynamic control of the vehicle in other words act as a fall-back – before operational design domain limits are reached.

(b) 'Highly automated driving system' refers to a system used to exercise dynamic control in a highly automated vehicle as defined in the Global Forum for Road Traffic Safety (WP.1) Resolution on the deployment of highly and fully automated vehicles in road traffic.

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