

Response to Law Commissions' second consultation on Automated Vehicles
(Law Commission Consultation Paper 245; Scottish Law Commission Discussion Paper 169)

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Any personal email addresses and phone numbers have been excluded from this document.

Unanswered questions have been deleted from this document.

What is your name?

Peter Osmon

What is the name of your organisation?

Campaign for Better Transport (London Group)

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

[Respondents chose from the following options: Personal response; Response on behalf of your organisation; Other.]

Responding on behalf of organisation

CHAPTER 3: OPERATOR LICENSING – A SINGLE NATIONAL SYSTEM

A single national scheme

Consultation Question 1 (Paragraph 3.82): Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing?

[Respondents chose from the following options: yes; no; other.]

Yes

See also para 6 in Other comments

Consultation Question 2 (Paragraph 3.86): Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

[Respondents chose from the following options: yes; no; other.]

Yes

See paras 2 and 6 in my Other Comments

CHAPTER 4: OPERATOR LICENSING –SCOPE AND CONTENT

Scope of the new scheme

Consultation Question 3 (Paragraph 4.33): Do you agree that a HARPS operator licence should be required by any business which: (1) carries passengers for hire or reward; (2) using highly automated vehicles; (3) on a road; (4) without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 4 (Paragraph 4.34): Is the concept of “carrying passengers for hire or reward” sufficiently clear?

Yes

Exemptions

Consultation Question 5 (Paragraph 4.46): We seek views on whether there should be exemptions for community or other services which would otherwise be within the scope of HARPS operator licensing.

No exemptions.

For reasons of safety.

Consultation Question 6 (Paragraph 4.54): We seek views on whether there should be statutory provisions to enable the Secretary of State to exempt specified trials from the need for a HARPS operator licence (or to modify licence provisions for such trials).

Yes

But no trials in London- the scope for disruption is too great there.

Operator requirements

Consultation Question 7 (Paragraph 4.72): Do you agree that applicants for a HARPS operator licence should show that they: (1) are of good repute; (2) have appropriate financial standing; (3) have suitable premises, including a stable establishment in Great Britain; and (4) have a suitable transport manager to oversee operations?

[Respondents chose from the following options: yes; no; other.]

Yes

These are serious matters, with -perhaps- the potential for loss of life.

Adequate arrangements for maintenance

Consultation Question 9 (Paragraph 4.89): Do you agree that HARPS operators should: (1) be under a legal obligation to ensure roadworthiness; and (2) demonstrate “adequate facilities or arrangements” for maintaining vehicles and operating systems “in a fit and serviceable condition”?

[Respondents chose from the following options: yes; no; other.]

Yes

Again, these are serious matters.

Compliance with the law

Consultation Question 11 (Paragraph 4.124): Do you agree that HARPS operators should have a legal duty to: (1) insure vehicles; (2) supervise vehicles; (3) report accidents; and (4) take reasonable steps to safeguard passengers from assault, abuse or harassment?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 12 (Paragraph 4.125): Do you agree that HARPS operators should be subject to additional duties to report untoward events, together with background information about miles travelled (to put these events in context)?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 14 (Paragraph 4.133): We invite views on whether the HARPS operator licensing agency should have powers to ensure that operators provide price information about their services. In particular, should the agency have powers to: (1) issue guidance about how to provide clear and comparable price information?

[Respondents chose from the following options: yes; no; other.]

Yes

And/or (2) withdraw the licence of an operator who failed to give price information?

[Respondents chose from the following options: yes; no; other.]

Yes

CHAPTER 5: PRIVATELY-OWNED PASSENGER-ONLY VEHICLES

Setting a boundary between HARPS and private leasing

Consultation Question 17 (Paragraph 5.12): Do you agree that those making “passenger-only” vehicles available to the public should be licensed as HARPS operators unless the arrangement provides a vehicle for exclusive use for an initial period of at least six months?

[Respondents chose from the following options: yes; no; other.]

Other

No exceptions

Allocating responsibility for a privately-owned passenger-only vehicle: placing responsibilities on keepers

Consultation Question 18 (Paragraph 5.40): Do you agree that where a passenger-only vehicle is not operated as a HARPS, the person who keeps the vehicle should be responsible for: (1) insuring the vehicle; (2) keeping the vehicle roadworthy; (3) installing safety-critical updates; (4) reporting accidents; and (5) removing the vehicle if it causes an obstruction or is left in a prohibited place?

[Respondents chose from the following options: yes; no; other.]

Other

No exceptions to requirement that HARPs operators are licensed

Consultation Question 19 (Paragraph 5.41): Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

Other

The license holder should be the registered keeper

Consultation Question 20 (Paragraph 5.42): We seek views on whether: (1) a lessor should be responsible for the obligations listed in Question 18 unless they inform the lessee that the duties have been transferred?

No exceptions

(2) a lessor who is registered as the keeper of a passenger-only vehicle should only be able to transfer the obligations to a lessee who is not a HARPS operator if the duties are clearly explained to the lessee and the lessee signs a statement accepting responsibility?

No transfer of obligations- opens door to loopholes

Will consumers require technical help?

Consultation Question 21 (Paragraph 5.47): Do you agree that for passenger-only vehicles which are not operated as HARPS, the legislation should include a regulation-making power to require registered keepers to have in place a contract for supervision and maintenance services with a licensed provider?

No

These vehicles should only be operated as HARPS

Peer-to-peer lending

Consultation Question 22 (Paragraph 5.53): We welcome views on whether peer-to-peer lending and group arrangements relating to passenger-only vehicles might create any loopholes in our proposed system of regulation.

No peer-peer lending- potential loopholes- keep it simple

Protecting consumers from high ongoing costs

Consultation Question 23 (Paragraph 5.60): We seek views on whether the safety assurance agency proposed in Consultation Paper 1 should be under a duty to ensure that

consumers are given the information they need to take informed decisions about the ongoing costs of owning automated vehicles.

No ownership of these vehicles except by licensed operators- who will necessarily understand about costs.

CHAPTER 6: ACCESSIBILITY

What we want to achieve

Consultation Question 24 (Paragraph 6.11): We seek views on how regulation can best promote the accessibility of Highly Automated Road Passenger Services (HARPS)? In particular, we seek views on the key benefits and concerns that regulation should address.

See section in my Other Comments

Developing national minimum accessibility standards for HARPS

Consultation Question 27 (Paragraph 6.109): We seek views on whether national minimum standards of accessibility for HARPS should be developed and what such standards should cover.

Enforcement mechanisms and feedback loops

Consultation Question 28 (Paragraph 6.124): We seek views on whether operators of HARPS should have data reporting requirements regarding usage by older and disabled people, and what type of data may be required.

[Respondents chose from the following options: yes; no; other.]

Yes

Do not know what type of data.

CHAPTER 7: REGULATORY TOOLS TO CONTROL CONGESTION AND CRUISING

Traffic regulation orders

Consultation Question 29 (Paragraph 7.23): We seek views on whether the law on traffic regulation orders needs specific changes to respond to the challenges of HARPS.

See my Other Comments section - referring specifically to London.

Regulating use of the kerbside

Consultation Question 30 (Paragraph 7.59): We welcome views on possible barriers to adapting existing parking provisions and charges to deal with the introduction of HARPS.

In particular, should section 112 of the Road Traffic Regulation Act 1984 be amended to expressly allow traffic authorities to take account of a wider range of considerations when setting parking charges for HARPS vehicles?

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

But in London as I explain in my Other Comments section it is vital, for reasons of congestion management, that in London the GLA is able to control parking- perhaps requiring only off-road parking.

Road pricing

Consultation Question 31 (Paragraph 7.86): We seek views on the appropriate balance between road pricing and parking charges to ensure the successful deployment of HARPS.

See my Other Comments

Consultation Question 32 (Paragraph 7.87): Should transport authorities have new statutory powers to establish road pricing schemes specifically for HARPS?

If so, we welcome views on:

- (1) the procedure for establishing such schemes;
- (2) the permitted purposes of such schemes; and
- (3) what limits should be placed on how the funds are used.

[Respondents chose from the following options: yes; no; other.]

Yes

See my Other Comments for some details

Quantity restrictions

Consultation Question 33 (Paragraph 7.97): Do you agree that the agency that licenses HARPS operators should have flexible powers to limit the number of vehicles any given operator can use within a given operational design domain for an initial period? If so, how long should the period be?

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

I envisage that in London the GLA would have this role and duty

Consultation Question 34 (Paragraph 7.120): Do you agree that there should be no powers to impose quality restrictions on the total number of HARPS operating in a given area?

[Respondents chose from the following options: yes; no; other.]

No

I assume the question means "Quantity" not "Quality"

CHAPTER 8: INTEGRATING HARPS WITH PUBLIC TRANSPORT

The current system of bus regulation: HARPS as mass transit

Consultation Question 35 (Paragraph 8.92): Do you agree that a HARPS vehicle should only be subject to bus regulation if it:

(1) can transport more than eight passengers at a time and charges separate fares?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 37 (Paragraph 8.95): We welcome views on whether a HARPS vehicle should only be treated as a local bus service if it:

(1) runs a route with at least two fixed points; and/or

(2) runs with some degree of regularity.

Yes this is our working definition.

Consultation Question 38 (Paragraph 8.109): We seek views on a new statutory scheme by which a transport authority that provides facilities for HARPS vehicles could place requirements on operators to participate in joint marketing, ticketing and information platforms.

Yes this conformity would be beneficial for users

Consultation Question 39: Is there any other issue within our terms of reference which we should be considering in the course of this review?

We, CBT(London Group)), are confining our response to fully automated (ie driverless), not merely highly automated, road passenger services, that is FARPS rather than HARPS.

1. Two types of FARPS and ADSEs

We distinguish two types of FARPS: AutoBus and AutoCab- where the former offer travellers fixed routes with fixed frequencies according to published schedules, the latter may offer travel from any location to any other location 24/7.

An ADSE (Automated Driving System Entity) controls a fleet of FARPS. Designing an ADSE for AutoBuses- performing repetitive journeys over fixed routes- is a relatively simple technical problem compared with designing an ADSE to control all the concurrent, individual, go anywhere by the current optimal route, journeys of a fleet of AutoCabs. The former is relatively low-tech (involving sensing street furniture for navigation and lateral position in the carriageway), the latter is cutting edge high-tech (including 3D digital maps and 5G communications).

The likes of Uber and Google together with the major car manufacturers, see substantial business potential in development of ADSEs for AutoCabs and are befitting from substantial development investment by the UK government. Regrettably there is no similar investment in developing the relatively simple ADSEs for AutoBuses.

2. Safety of FARPS

We are concerned about the potential for FARPS malfunctions (either through design faults, or accidental, tampering, or malicious- eg hacking- activity) which might cause loss of life or injury; damage to property; obstruction or paralysis of road traffic.

Of course, conventional driven vehicles are not immune to the above, and the issue is how FARPS and their driven counterparts will compare.

The current controversy over incorporating Chinese components in 5G systems- a major component of high-tech ADSEs- suggests that the possibility of hacking- resulting in collective malfunction or paralysis of the affected FARPS- cannot be ignored. It is worth noting that, with a low-tech ADSE in place for Auto-Buses, public service travel would be maintained during such a crisis.

We think there should be a National Scheme of Basic Safety Standards for operating and maintaining FARPS and their associated ADSEs.

3. Accessibility of FARPS

We submit the following observations.

More accessible and more affordable services would enable older and disabled people to get about more.

Whereas driven buses often don't stop accurately w.r.t the kerb, making boarding and alighting relatively difficult, especially for wheel-chair users. Auto-Buses can be expected to do much better, and (surely) will be designed with entry and exit platforms level with the kerb.

Likewise for AutoCabs (except that with driven hire vehicles the drivers are likely to be available to assist disabled passengers).

Regular low-price group AutoCab hires, for example weekly afternoon pick up, for members of a bridge club, from their homes and return afterwards, would be a welcome service.

Initially the technology for booking an AutoCab may prove a barrier to use by some elderly or disabled people but simplified interfaces will likely emerge over time.

4. The London context

London's population is increasing. But London's streets are a fixed resource: it is generally too expensive and disruptive to construct new streets or widen the existing ones. Streets are divided laterally into the footway, occasionally a cycleway, and the carriageway. (We will use "road" to mean carriageway.) We support the GLA policy of increasing the number of cycleways and, where possible, physically separating them from the road. The amount of road space will consequently reduce over time.

But road use is steadily increasing, with private cars and public service vehicles competing for road-space, with parked vehicles contributing significantly to the congestion, causing morning and afternoon peak travel periods to widen.

Evidently road space in London is becoming a scarce resource and in need of regulatory measures to ensure its efficient use. We have advised the Mayor that road-use charging of private vehicle use is necessary and on-road parking must be restricted. This latter is

especially necessary along the many orbital routes which are a patchwork of relatively narrow A and B roads.

5. Potential benefits for London from FARPS

The driver accounts for about half the cost of both driven bus services and cab services, whereas the cost for ADSE usage is expected to be very much less than this.

The implications for AutoBuses is that they can be half the size of driven buses at the same cost per passenger- heralding a revolution in bus design and bus services: the (smaller) AutoBuses could provide the same level of service over twice the number of routes or twice the service level over the existing routes. And, because they will be smaller, AutoBuses will be better able to negotiate London's narrow orbital routes.

The implications for AutoCabs are also considerable. Driven cab services will be unable to compete and will cease to exist. The demand for AutoCab services is likely to grow rapidly, as private car owners come to recognise how using them will be much cheaper than car ownership: the average private car is only used 4% of the time and carries a sunk cost of £3k+ per annum (depreciation, insurance, and road tax). As Londoners give up their cars, the contribution of on-road parking to congestion will diminish. But, if private car journeys are replaced one-for-one by AutoCab journeys there will be no diminution in traffic volume. However, a road-use tax formula could encourage ride sharing and would also encourage party travel by AutoCab service.

6. Licensing of FARPS

We are in favour of a National Licensing Scheme for FARPS Operators. An important component of the Scheme must be ensuring maintenance standards are met and maintained in conformance with the suggested National Safety Scheme

But, holding a HARPS License must not be a sufficient qualification for operating a fleet of FARPS in London. London's roads are already crowded and this situation must not be permitted to worsen. Rather, it is important for London that, so far as possible, FARPS services are managed in ways that reduce road traffic density. The anticipated preference for AutoCab over private car travel will provide a rare opportunity to achieve this.

The GLA should therefore determine the regulations governing the operation of AutoCabs so as to regulate the volume of road traffic and conserve scarce road space by means of parking restrictions (perhaps off-road parking only), road-use charges (with relatively heavy charge when travelling empty and reductions for sharing), and all journeys pre-booked (no cruising).

It seems likely that FARPS AutoBus operators will bid for route franchises much as driven bus service operators do currently.