

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

Please note that this consultation response has been reproduced from information entered on the Citizen Space online portal.

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?

Nicky Lidbetter

What is the name of your organisation?

Anxiety UK

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

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

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.]

Do not know / not answering

Number (3) does not appear to make sense - but we would agree that a licence should be in operation for all businesses using HARPs

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

No

No - it needs to be more specific and give examples - buses, coaches, trains, trams, taxis, boats

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.

We feel that these transport operators should be subject to the same standards if not higher since they are often supporting vulnerable individuals in the community.

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).

No we don't believe this should be possible.

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

we would expect other measures however to be in place and to be audited on a regular basis e.g. strong customer service charter - disability charter and policies in place.

Consultation Question 8 (Paragraph 4.73): How should a transport manager demonstrate professional competence in running an automated service?

Regular health and safety tests and strong H & S record.

Strong security measures in place.

Strong and high quality customer service practice and evidenced responsiveness.

Evidence of high standards in respect of disability and other equality metrics.

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

Consultation Question 10 (Paragraph 4.90): Do you agree that legislation should be amended to clarify that HARPS operators are “users” for the purposes of insurance and roadworthiness offences?

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

Yes

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 13 (Paragraph 4.128): Do you agree that the legislation should set out broad duties, with a power to issue statutory guidance to supplement these obligations?

[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

Who should administer the system?

Consultation Question 15 (Paragraph 4.138): Who should administer the system of HARPS operator licensing?

Dept of Transport at a national level and local authority / passenger transport executives - e.g. Transport for Greater Manchester.

Freight Transport

Consultation Question 16 (Paragraph 4.140): We welcome observations on how far our provisional proposals may be relevant to transport of freight.

CHAPTER 5: PRIVATELY-OWNED PASSENGER-ONLY VEHICLES

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.]

Yes

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?

Yes

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?

Difficult to say here without knowing what would be involved with maintaining a HARP.

(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?

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.

We would agree that it is important for owners to be made aware of the costs involved in owning, hiring or leasing automated vehicles.

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.

We seek to represent the views of those affected by anxiety, stress and anxiety-based depression and would wish to put forward the following:

Consideration be given to all forms of disability including hidden disabilities.

Clear procedure in place to cover situations whereby those with anxiety wish to get off a HARP due to mental distress including being able to contact easily a designated representative of the transport operator

Recognition and understanding that for many with anxiety, the prospect of travelling in a driverless vehicle is too daunting and therefore introduction of this form of transport may really hinder mobility in this group.

Possibility of separate highways - driverless and operated/driven lanes.

Increased fears around safety in the event of an incident occurring and addressing concerns of feeling trapped /claustrophobia. Regulation should insist that staff are present on transport.

Passengers with disabilities should be able to get through to a 'real person' representing the transport operator in the event of requiring assistance, not a BOT for example.

Regular reviews to be undertaken in terms of ensuring that passenger levels are regularly monitored to stop over crowding - a particular issue for those with claustrophobia and anxiety.

Core obligations under equality legislation

Consultation Question 25 (Paragraph 6.31): We provisionally propose that the protections against discrimination and duties to make reasonable adjustments that apply to land transport service providers under section 29 of the Equality Act 2010 should be extended to operators of HARPS. Do you agree?

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

Yes

Specific accessibility outcomes

Consultation Question 26 (Paragraph 6.106): We seek views on how regulation could address the challenges posed by the absence of a driver, and the crucial role drivers play in order to deliver safe and accessible journeys. For example, should provision be made for:

(1) Ensuring passengers can board and alight vehicles?

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

Yes

Suggest rewording 'alight' to 'getting off'.

Absolutely provision should be made. We wonder how those with hidden disabilities will be catered for.

(2) Requiring reassurance when there is disruption and accessible information?

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

Yes

Reassurance is needed and updates provided, however often those with disabilities also need to be able to contact a designated person at the transport provider's organisation in order to have concerns alleviated/ask questions.

(3) Expansion of support at designated points of departure and arrival?

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

Yes

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.

Yes, we believe that national minimum standards of accessibility should be set which do not exclude anyone covering all disabilities (hidden and otherwise).

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

We would however like to see there being a detailed break down of disabilities e.g. panic disorder, claustrophobia, generalised anxiety disorder (GAD) etc.

PUBLIC TRANSPORT AND PASSENGER SERVICES: ANXIETY AND HARPS

We worked with Anxiety UK to develop a seven-question, anonymised survey for Anxiety UK members to help us better understand transport issues faced by people with anxiety. The results, taken from 17 responses, are set out below.

Do existing forms of public transport make you anxious? If so, how?

- *There is frequently antisocial behaviour on public transport and increasingly no conductor or guard on buses and trains to help deal with it.*
- *No.*
- *Yes, buses & trains. No control over them, can't turn around and go home. No mental health understanding of staff.*
- *Lack of buses and drivers. Full buses. First bus down my road is 09.56. this bus is either full or does not turn up. The service only runs every hour. Elderly people have to walk 10 minutes or more to get to the main road to catch a bus. At the other end of the street, there is a steep hill which people cannot climb to catch a bus if the bus misses or there is road works, so the bus is diverted.*
- *No.*
- *Yes when crowded, feeling like I can't breathe, and when stuck in traffic, or when trains just grind to a halt.*
- *Using buses make me anxious - not so much the mode of transport, but the environment the stops are in - standing on a busy road, full of noise and fumes is highly unpleasant, and just the thought of this can make me anxious. The diesel buses are also noisy, and full of vibration, again, making the experience unpleasant.*
- *Yes. I don't use public transport anymore as I can't stop the train or bus if I have a panic attack. I can't turn the train or bus around to take me home either. If I have a Panic Attack my immediate reaction is to get home as quickly as possible. Public transport does not enable me to do so. If I were to use public transport it would increase my anxiety levels even for short journeys a couple of miles down the road whereas in a car doing the same journey I don't feel anxious.*
- *Trains are very noisy which makes me anxious. Loud, rowdy, drunk argumentative passengers also. Worries about not being able to get a seat if it's busy or having to sit away from my partner. I worry that someone will be sitting in my reserved seats which will mean confrontation.*
- *Yes. Noise. Other people who can be aggressive. Delayed and cancelled services affecting plans.*
- *My concern in some instances is whether they will arrive on time, and if not will they actually come. In the case of a train; will my booked seat be free when I find it.*
- *No.*
- *Excessive crowding on tube trains - feels a bit claustrophobic - fear of pick pockets. Excessive crowding on tube platforms - fear of being pushed off the edge.*
- *NO.*
- *Sometimes, if you have to buy a ticket electronically before boarding*
- *Yes too many people.*
- *Yes because they are not reliable, you never know when and whether they will run, or be late or cancelled. Also there are too few people to ask and too little information when things go wrong.*

Do you think HARPS could reduce your travel-related anxiety? If so, how?

- No.
- Absolutely not.
- No, unless the passenger controls the automation.
- *I do not know how this will work. At the moment with the buses the way they are. I think the buses need to be rescheduled to a better service... First bus have taken a lot of buses off in my area and i find it a lot harder to get about. Things need to change to have a none driver service. Buses so people know when they are going to run, how much the fares are. If we are going to have to book a bus like a taxi, this will work but at what expense.*
- Not really.
- *Because they will have predicted information that may allow them to avoid problems such as traffic jams.*
- *If the buses are more frequent (less time waiting by the noisy road, and quieter (less vibration) and maybe more direct (less time spent in an unpleasant environment).*
- *No. I think it would make it worse as nobody is in control of the vehicle.*
- *No. I have PTSD after my father was killed in a car crash. I would never travel in a HARPS vehicle I would be terrified and feel out of control. I would be anxious about walking or driving near a HARPS vehicle.*
- *It might reduce some aspects. If it can be booked without human interaction and can be like a taxi service with other passengers.*
- *If they run to time, and in the case of long distance travel on buses and trains, you can only get on if you have pre-booked a seat.*
- No.
- *Not really as I don't have anxiety related to public transport on roads.*
- No.
- Not sure.
- *No cos what happens if something kicks off.*
- *Yes because they're not dependent on unreliable staff.*

Do you think HARPS could increase your travel-related anxiety? If so, how?

- *Yes – as well as being no conductor/ guard/ supervisor, there will be no driver, so no-one in any position of authority or available to assist if you are targeted by antisocial behaviour. Also, I would be anxious about machine error.*
- *Yes. It would cause me considerable anxiety based on the fragility and unreliability of the current level of tech.*
- No control.
- *It depends how the system will work, timetables, how long in front do people have to book a bus. People need to travel in all different directions at the same time. What about getting back home. At the moment people can get any bus. How is this going to work.*
- *Feeling unsafe, with no human driver at the controls.*
- *No because, emotions have been removed and replaced with logic/ and up to date factual information so hopefully offering smoother more efficient journey.*
- *If they were completely unmanned (no one to keep order or offer assistance).*
- *Yes. It would increase it because nobody is in control of the veichle. It would make me feel claustrophobic too as I would feel trapped knowing that nobody was in control and I had nobody to talk to if I started to have a panic attack.*
- *Yes see my previous answer. The thought of it terrifies me and makes me panic.*

HARPS operate without a driver. Do you think this would affect you travel-related anxiety and if so, how?

- *Yes, it would make it worse.*
- *Yes. No confidence in current technologies ability to be one hundred percent safe.*
- *Yes – but passenger could control the automation without requiring a driving licence.*
- *WE need a lot more information to the general public. Ike a booklet of how this will be scheduled. Maybe a survey of the general public when more information is available.*
- *Yes, as per 3 above. Not sure I could relate to a machine if I need to.*
- *No.*
- *I don't think this would affect me as a passenger.*
- *Yes. The feeling of not being able to see someone in control and the knowledge that computers don't always work properly to control the vehicle remotely would increase my anxiety. I wouldn't even consider going in an unmanned vehicle.*
- *Yes. Out of control. Dangerous.*
- *Significantly increase if no other staff present.*
- *No as lon gas there is a member of staff present.*
- *See above.*
- *How to get help if something goes wrong.*
- *Yes – lack of trust of automation.*
- *See above.*
- *Yes cos what if something kicks off with other passengers.*
- *No as long as they automated safely.*

If the lack of driver might increase your travel-related anxiety, how could the lack of driver be made up for?

- *I don't believe that it could, but perhaps panic alarms or buttons which connect to a human call centre or something of the like.*
- *N/A.*
- *Attendants on the vehicle.*
- *It couldn't. I wouldn't trust the computer technology.*
- *A driver.*
- *Other staff present. Ability to override it. Alternative transport with a driver.*
- *See number 4.*
- *Some signifance to indicate that the vehicle is driverless.*
- *Direct interactive video & voice link with a control centre to be able to talk to someone and get instant response.*
- *I don't know. I would not use until I could see that they have a track record of reliability. Not sure how long that track record would be – years.*
- *On-board staff, to make sure you are on the right bus/train and to confirm it will stop at the stop you need.*
- *Someone permanently on the public transport in case anything goes wrong*
- *Ensure that the failsafe systems are really well tested.*

What services or features could HARPS offer to reduce travel-related anxiety? An example could be a panic button and a two-way communication system between passengers, transport staff, remote supervisors and/or emergency services.

- *Transport staff on board, a panic/contact/emergency/two way communication button.*
- *An emergency stop button might help.*
- *Open communication, trial runs, anxiety mental health professionals communicating.*
- *We have a stop button on the bus to tell the driver when we want to get off now. I think all of your suggestions are good options. To send for emergency services, the staff to be qualified in first aid and be able to make a judgement whether any of the services are needed, being Fire, Police or Ambulance. The staff to make that call.*
- *Yes - As I stated in 5 above.*
- *Live screen update, showing journey route/live traffic updates Option to hear calming music/meditation if required.*
- *Panic buttons and remote comms would be the minimum.*
- *Have transport staff on each vehicle who could stop the vehicle if I were to panic. However, if you're going to have transport staff on every vehicle then you may as well just have a driver!*
- *I cannot imagine ever travelling in a HARPS vehicle due to my anxiety and (car crash related) PTSD. Nothing would make me feel safer.*
- *All of the above.*
- *Transport staff on the HARP who are visible to and approachable for passengers. A friendly disposition would be a must. Obvious safety systems, which could be activated by passengers if necessary.*
- *2 way communication sounds like a good idea..*
- *As under point 5.*
- *I do not want passengers to take control of anything. Maybe evidence that somebody 'official' is in control - a screen linked tot he remote supervisors?*
- *Clear pricing for tickets, clear routes and stops.*
- *That would help a lot.*
- *Emergency contact by phone with a guarantee to answer the call within a certain time frame. Monitoring accident or near-miss rates and penalizing manufacturers or companies if they're not safe. Providing a guard on trains.*

Please let us know if you think there is anything else that the new laws should address or if you have any additional comments.

- *If a system fails the entire network must be taken offline until the problem has been rectified.*
- *More recognition if travel anxiety and government/travel companies providing support at the time of travel.*
- *The general public need a trained person on the buses to have someone to turn with a problem, and to feel safe*
- *The possibility of the machines making random errors, or running people/animals down indiscriminately.*
- *I think it could improve traffic flow as it will remove erratic driving allowing a smoother calmer flow of traffic.*

- *I think these vehicles would encourage more people NOT to use public transport through fear of them crashing and would put more private vehicles on the road, thus increasing traffic congestion.*
- *My son is partially sighted - so the idea of a driverless vehicle at some point in the future which would give him the freedom of independent travel is something I support. I realise however that extensive testing would need to take place over a number of years before members of the public could access this technology. His inability to drive is probably the biggest inconvenience from his disability.*
- *Issues of accessibility on and off the transport and safety for people with mobility or sensory impairments. How will issues of fighting, drunkenness, bullying or abuse of vulnerable people be addressed within the transport.*
- *How will people with disabilities be helped? Including those with physical disabilities who may need help to board the transport, or those with learning disabilities who may need reassurance or help with purchasing tickets, making sure they are on the right bus etc*
- *I'm just scared of unruly behaviour & nobody there to help in such circumstances.*