

RESPONSE TO LAW COMMISSION CONSULTATION PAPER 2 ON AUTONOMATED VEHICLES (PASSENGER SERVICES AND PUBLIC TRANSPORT)

Members of the Aviva Future Mobility Legal working group (listed below) ('the Group') welcome the opportunity to provide a joint response to the second Law Commission consultation paper on Highly Automated Road Passenger Services ('Harps'). Whilst members of the group intend to provide their own individual detailed responses, it is felt, due to the diverse membership of the group, that a high-level response on mutual areas of concern/interest could provide valuable insights from the wider group for the Law Commission to consider.

The members of the Aviva Future mobility legal working group that are listed below have contributed to this response.

- Clare Taylor, Andreas Mavroudis, Marcia Smith, James Hughes, Lee Callaghan – Aviva – contact - [REDACTED]
- Kelvin Reynolds, British Parking Association – [REDACTED] [k](#)
- Roger Geffen, Cycling UK - [REDACTED]
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COMMENTS

The Group have not answered individual questions as this will be drawn out in their own individual responses. Instead we are providing commentary on the wider themes to provide views that we believe will assist the Law Commission's understanding of wider views and concerns on the themes drawn out in the consultation paper.

1. **Operator licensing:** -

- a. The Group believe that certainty as to who is responsible for safety, maintenance, insurance and reporting accidents (and near misses) is key to ensuring a workable and safe licensing systems for HARPS. It is suggested that in line with the advancement of connected and autonomous vehicles this should be a standardised and highly automated process which could be implemented for individual journeys. This could include preventive measures, e.g. vehicle reporting its compliance of being fit for the journey and who is in charge of the vehicle during the course of the journey, as well as emergency services contact and within what timelines and to whom reporting is made. Consideration should be given to the possibility that the vehicles may be shared resources between different operators which could affect the insurance and reporting needs for that vehicle.

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- b. The Group are keen to obtain clarity about what data would be reported in the event of accidents and near misses, how this data will be stored and shared and which organisation(s) should have responsibility for investigating near misses and creating/enforcing regulation for accident prevention as a result. It is suggested that this should be standardised as part of the technology solution and the legislative requirements should apply across jurisdiction where appropriate, i.e. unless vehicles are licensed to operate only in certain areas for pre-determined routes vehicles must be allowed to cross borders or more generically be able to enter and exist geofenced areas to which bespoke rules have been applied. It would also make sense to decide who has access as the data and when and if charges to access that data are ever appropriate.
 - c. Consider introducing, where a system is autonomous a large-scale journey logging black box protected data (similar to that used for the aviation sector).
 - d. It is currently unclear whether it is expected that vehicles would be licensed separately in different jurisdictions according to local laws and regulations or whether single licensing should cover use cross-border? The group believes it would be preferable for a single license to cover cross-border journeys. It is suggested that the vehicle must declare automatically when entering a new jurisdiction or geofenced special zones that it has autonomous driving capabilities and a license to continue to operate in such mode in accordance to the jurisdiction or geofenced zone it operates in. Failure to acquire such an operator license should disable availability of autonomous operation. This should be a digital process that is fully automated and part of seamless vehicle operation across geographical zones. It is important that governance around such interoperability between jurisdiction and zoning is agreed globally as a UK only solution will not suffice for vehicles which are intended to operate in global markets. A system of this type suggests some form of international recognition of type-approval in this area may be needed,
2. **Privately-owned passenger- only vehicles:** -
- a. It is suggested it should be the keeper's responsibility to insure, ensure safety, report accidents and remove obstructing vehicles. It should be noted that there are several parties who may carry responsibilities and liabilities namely the vehicle owner, the vehicle operator/s and system operators (which could be separate legal entities e.g. fleets) and the vehicle user during a journey, etc. Scenarios need to be agreed that define the roles and responsibilities between the interdependent stakeholders who commercially or privately carry responsibility for each journey. Where removal of data after an accident isn't possible the standards around who can lift and shift such vehicles and the protection of data would need to be agreed.
3. **Accessibility:** -
- a. The Group believe that, as with any other passenger service, availability and accessibility of HARPS is key. (e.g. the need to be wheelchair accessible and to carry retractable ramps etc. However, the Group believes the focus here needs to be on

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where a differentiation arises from the autonomous/automated nature of the service for which the vehicle needs to be licensed and if such requirements are applicable to a journey at the time of the journey. Those requirements need to be analysed and defined against how compliance can be enforced and responsibility attributed. This may include things such as ensuring a percentage of a fleet can cater for customers with disabilities through vehicle modifications or by including a trained person to ride with the passenger and offer necessary assistance or the carriage assistance animals as appropriate.

4. **Regulatory tools to control congestion and cruising:** -

- a. It needs to be clear how the role of the Traffic Commissioner will change/apply to the regulation of HARPS transport services.
- b. There is an important relationship between costs of a vehicle cruising empty (and adding to congestion) and the cost of a vehicle empty occupying valuable kerbside space in crowded cities and town centres. This is not specifically an autonomous issue and is an issue that has arisen in cab hailing already for non-autonomous vehicles. but if HARPS results in increased numbers of vehicles being placed on roads this could become a greater problem. It is also worth noting that HARPS may lend themselves to traffic flow optimisation due to its digital integration needs and capabilities. This needs to be properly understood and accommodated in the regulatory framework to allow highway authorities to effectively meet their network management duty as set out in the Traffic Management Act 2004 and related law.

5. **Integrating Harps with Public Transport:** -

- a. The regulatory framework for road-based passenger transport such as bus and taxi regulation, the role of the Traffic Commissioner, licensing and registration of routes and obligations of local authorities will need to be clarified to cover the provision of HARPS. This will need to address, among other things, the trade-off between profitable routes and accessibility of services for not so profitable routes and whether HARPS can assist in this wider policy issue due to the potentially lower cost of operating HARPS vehicles as compared with vehicles requiring a driver.
- b. HARPS, as part of digitally integrated infra-structures creates opportunities to optimise the service provision by location through digital geo-fencing and constraint management.

CONCLUSION

The Group would welcome a round-table discussion session or group call, to be discussed at our next Future Mobility Legal Group meeting, if the Law Commission would find value in such a session.