

Law Commission Consultation on Automated Vehicles: Passenger services and public transport

OVERVIEW

This is a public consultation by the Law Commission for England and Wales and the Scottish Law Commission.

The consultation questions are drawn from our second consultation paper published as part of a three-year review of automated vehicles. For more information about this project, click [here](#).

The focus of our second consultation paper is how passenger-only automated vehicles might be used to supply passenger transport services to the public. We recommend that consultees read the consultation paper, which can be found on our website: <https://www.lawcom.gov.uk/project/automated-vehicles/>.

A shorter summary is also available on the same page.

We are committed to providing accessible publications. If you require this consultation paper to be made available in a different format please email automatedvehicles@lawcommission.gov.uk or call 020 3334 0200.

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About you

What is your name?

Simon Morley

What is the name of your organisation?

Robert Bosch Limited (Bosch)

Are you responding to this consultation in a personal capacity or on behalf of your organisation? (Please select only one item)

Personal response

Responding on behalf of organisation

Other

If other, please state:

Bosch responses provided by Dr Jonas Binding (Bosch Product Management Automated Driving), Sam Lake (Bosch Legal), and Simon Morley (Bosch Chassis Systems Control)

What is your email address? (If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.)

[REDACTED]

What is your telephone number?

[REDACTED]

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[REDACTED]

Operator licensing: a single national system (Chapter 3)

Consultation Question 1: Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing? (Please select only one item.)

Yes

No

Other

Do not know / not answering

Please explain your answer:

Deployment of HARPS to a new country is a high regulatory hurdle in itself, potentially requiring costly changes in software and hardware. Making sure the rules within a country are as uniform as possible is a key enabler to making sure the UK is able to profit from HARPS early.

Consultation Question 2: Do you agree that there should be a national scheme of basic safety standards for operating a HARPS? (Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain your answer:

Same reason as above.

Operator licensing: scope and content (Chapter 4)

Consultation Question 3: 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 the services of a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain your answer:

To maintain safety standards. Agree with arguments put forward in consultation paper.

Consultation Question 4: Is the concept of "carrying passengers for hire or reward" sufficiently clear? (Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain your answer:

Given that there is significant interpretation of this term by the courts, our feeling is that this term/concept is not sufficiently clear for business case purposes.

Consultation Question 5: 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.

Please share your views:

We agree with the tentative view expressed in 4.45

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

Please share your views:

Yes, limited trials will definitely be required, especially in the phase where safety drivers are still needed. However, safety case should be required.

Consultation Question 7: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Hacking and systematic failures of HARPS can lead to large, correlated outages. An operator needs to be able to handle these situations, requiring potentially large sums of money and on-the-ground people.

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

Please share your views:

Consultation Question 9: 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"?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Consultation Question 10: Do you agree that legislation should be amended to clarify that HARPS operators are "users" for the purposes of insurance and roadworthiness offences?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Agree with comment in 4.88

Consultation Question 11: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

About (4): This is probably mostly an issue in ride sharing. There needs to be a balance between privacy and safeguarding here. There could be solutions only providing a “panic button” inside the vehicle, all the way up to full CCTV interior monitoring and real-time machine learning-based analysis of said imagery to automatically alert external staff if an assault, abuse or harassment situation is detected by the real-time analysis.

About (3): Ideally there would be a central (global, not only UK) database where learnings from HARPS accidents are shared, similar to the airline industry, to ensure any systematic issues are surfaced as early as possible and can be mitigated.

Consultation Question 12: 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)?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Duties outlined in question 11 should be sufficient.

If the envisaged additional duties in this question are similar to the DMV in California, then note such a scheme has a limited utility if not set up very carefully, since internal standards for reporting events will be different for each operator, and any KPI definition could probably be tricked. For example, the California DMV statistic can be influenced by travelling miles without passengers on known, simple roads without any events, diluting any interesting events.

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Broad duties in the early stages is a sensible approach, provided it is useful and not so abstract that it's meaningless; a business cannot sensibly price-in the full requirements for a use-case if there is insufficient understanding of its obligations.

Consultation Question 14: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Consultation Question 15: Who should administer the system of HARPS operator licensing?

Please share your views:

Not sure. However, one idea could be for Traffic Commissioners to administer with support from ADS authorising agency (where required).

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

Please share your views:

Privately-owned passenger-only vehicles (Chapter 5)

Consultation Question 17: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Sounds sensible.

Consultation Question 18: Do you agree that where a vehicle which is not operated by a HARPS licence-holder is authorised for use without a user-in-charge, the registered keeper 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?

Please select only one item

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

It probably makes sense to legally put the burden on the registered keeper, even though we imagine that any OEM selling such vehicles would offer a service taking over at least (3), (4) and (5).

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

See above

Consultation Question 20: 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.

Please share your views:

A lessee should never be responsible unless informed otherwise

(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?

Please share your views:

Agreed. However, we anticipate that certain obligation, at least in the first instance, will need to be actioned by the lessee (such as those outlined in Question 18 (4) and (5)).

Consultation Question 21: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Sounds sensible.

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

Please select only one item

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Consultation Question 23: 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.

Please share your views:

We agree that the duty to inform consumers should exist but we are unsure if the safety assurance agency is the appropriate body to do this.

Accessibility (Chapter 6)

Consultation Question 24: 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.

Please share your views:

Consultation Question 25: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Initially, getting the first HARPS services ready for deployment will be an extremely costly thing for any company or consortium. Also, integrating the technical system into different vehicles will be costly and take a certain time. If regulation focuses on e.g. wheelchair accessibility too early on, this might be an entry barrier for suppliers, so this needs to be balanced against the needs of these groups. Allowing for an initial 5-7 year period with less strict accessibility requirements could make sure the technology can be introduced into the market and sufficient knowledge collected, before attacking a 2nd generation system which is then fully able to cater for any accessibility restrictions.

Consultation Question 26: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

We agree that these challenges need to be addressed but unsure that regulation is the best method to do so. We have to be careful that over regulation does not hinder market entry.

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

As above

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

As above

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

Please share your views:

Consultation Question 28: 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.

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Regulatory tools to control congestion and cruising (Chapter 7)

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

Please share your views:

The lax observance of speed limitations by human drivers in many countries can pose a problem to HARPS, which by design will observe all speed limits exactly. This can lead to humans not expecting vehicles to be “so slow” (= at the legal limit). Also, the cost and therefore affordability of HARPS will depend greatly on the amount of speeding the HARP needs to foresee for human drivers. The stricter the over-speeding punishments on humans (or more precisely, the lower the limit for which the HARPS need to plan when considering the actions of illegally fast human motorcycles and cars), the lower the price of HARPS and the broader the accessibility even in remote areas of the country will be.

Consultation Question 30: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

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

Please share your views:

HARPS will most likely require dedicated hubs downtown, where vehicles can be cleaned, recharged, stored when not needed and potentially even repaired. Road pricing and parking charges could take into account the ratio of passenger miles travelled (PMT) to vehicle miles travelled (VMT). We would not want to have HARPS operators avoid high parking charges by driving around their vehicles empty.

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

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.

Please explain:

Road pricing could potentially be dynamic for each route and time of day, and take into account whether the HARP is in competition with more environmentally friendly transportation modes.

Consultation Question 33: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

If so, how long should the period be?

Please explain:

We do not believe that an agency setting the number of vehicles is the right lever. There should be regulations around other metrics, such as empty miles travelled, average wait times for customers, contribution of HARPS to traffic jams.

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

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

See above.

Integrating HARPS with public transport (Chapter 8)

Consultation Question 35: 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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

(2) does not fall within an exemption applying to group arrangements, school buses, rail replacement bus services, excursions or community groups?

Please select only one item

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

Consultation Question 36: We welcome views on whether any particular issues would arise from applying bus regulation to any HARPS which transports more than eight passengers, charges separate fares and does not fall within a specific exemption.

Please share your views:

Consultation Question 37: 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.

Please explain:

Consultation Question 38: 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.

Please share your views:

Other comments

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

Please share your views: