

Autonomous Vehicles

Consultation Questions

The full consultation paper can be found [HERE](#)

A summary of the consultation paper can be found [HERE](#)

An easy to read version can be found [HERE](#)

This is a list of the questions in Consultation Paper 2 on Passenger Services and Public Transport. Paragraph references are to that paper.

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?

Answer

Yes, in principle as it is vital that there is consistency and interoperability across the nation. Presumably this would be modelled on the scheme used for local bus services.

Consultation Question 2 (Paragraph 3.86):

Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

Answer

Yes, common standards for safety of HARPS is an important consideration. This should include vehicle design as well as application and use.

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;

Answer

Yes, the Driver and Vehicles Standards Agency, operate a licensing scheme for passenger carrying vehicles. The scheme could be adapted to accommodate HARPS. Others have views on how this scheme can be improved for local buses and that should be taken into consideration at the same time.

(2) using highly automated vehicles;

Answer

Yes, see details in 3.1

(3) on a road;

Answer

Yes, see details in 3.1

(4) without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

Answer

Yes see details in 3.1

Consultation Question 4 (Paragraph 4.34):

Is the concept of “carrying passengers for hire or reward” sufficiently clear?

Answer

The DVSA has existing rules for passenger carrying vehicle which might be suitable it may also provide an opportunity for these rules to be updated to make them smarter and more flexible. It may also be worth considering that a business may have a fleet of vehicles that carry passengers which isn't for hire or reward but for safety reasons would/should still fall under the same licensing scheme

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.

Answer

No, as it depends on the conditions of the licence. For example if a HARP was taking patients to hospital the vehicle would still need to comply to the standards needed for the licence but I think it would be fair to say there shouldn't be a cost to the NHS above and beyond admin costs. But the wording would have to be considered so there were no loopholes. It may be worth adapting the PSV existing rules.

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).

Answer

Yes we would agree with this. As there should always be scope for experimentation and innovation subject to government approval which should be relatively easy to obtain and subject to effective scrutiny and monitoring.

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;

Answer

Yes, the existing rules for PCV/HGV could be refreshed and updated to make them smarter and more flexible.

(2) have appropriate financial standing;

Answer

Yes in principle but some more research may be needed to ensure that this doesn't limit small operators and innovation.

(3) have suitable premises, including a stable establishment in Great Britain; and

Answer

Yes in principle but some more research may be needed to ensure that this doesn't limit small operators and innovation.

(4) have a suitable transport manager to oversee operations?

Answer

Yes, the existing rules for PCV/HGV may be suitable here.

Consultation Question 8 (Paragraph 4.73):

How should a transport manager demonstrate professional competence in running an automated service?

Answer

Yes, it is important that transport managers demonstrate appropriate competencies. It's not so much the law needs to be changed, because the existing PCV/HGV rules may be suitable. What needs to be established is the standards for the appropriate competencies and this should include knowledge of the special requirements for automated vehicles.

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

Answer

HARPS vehicles should be subject to the same rules as those operated by DVSA now for PCV? However, they could be reviewed to make them smarter and more flexible.

(2) demonstrate "adequate facilities or arrangements" for maintaining vehicles and operating systems "in a fit and serviceable condition"?

Answer

HARPS vehicles should be subject to the same rules as those operated by DVSA now for PCV? However, they could be reviewed to make them smarter and more flexible.

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?

Answer

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;

Answer

Yes existing rules for PCV operated by the DVSA could be reviewed to make them smarter and more flexible.

(2) supervise vehicles;

Answer

Yes, this will need to be defined

(3) report accidents; and

Answer

Yes

(4) take reasonable steps to safeguard passengers from assault, abuse or harassment?

Answer

The BPA recommends that reasonable steps are taken to ensure the safety of passengers and recommend you consult with aviation and rail to see what precautions they take to ensure passenger safety when there is no member of staff, for example on a train with no conductor.

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)?

Answer

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?

Answer

Yes as long as it is mandatory

In addition, it may be worth considering mandating that companies open their data to DfT for research purposes. This will allow for future improvements in the transport system and innovation. This data wouldn't include personal data but information on movement would be very useful for the benefit wider society.

Price information

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, and/or

Answer

Yes. Clear and transparent pricing structures should be available, like the schemes used for taxis and in some instances private hire vehicles. Local authorities have powers presently to regulate the use of these kinds of activities and they could be adapted for HARPS.

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

Answer

Yes

Who should administer the system?

Consultation Question 15 (Paragraph 4.138)

Who should administer the system of HARPS operator licensing?

Answer

DVSA Operator Licensing is a system for national control of the use of PCV/HGV and we recommend you consider if this could be adopted/adapted for HARPS. Local authorities operate taxi licensing schemes and again these can be adopted/adapted accordingly for HARPS.

Freight transport

Consultation Question 16 (Paragraph 4.140)

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

Answer

See above, re-PCV/HGV. It's about competencies for using automated vehicles not the goods and services being provided.

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?

Answer

No, these should be licenced no matter what time period is requested.

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;

Answer

The owner, versus keeper, versus operator, versus user/passenger is complex. This is due the current registration system for keeper as there are times when there isn't a keeper for example when the vehicle is being sold by a dealer.

The BPA also would like you to consider that there is an opportunity to us the changes needed for the safe adoption of HARPS as an opportunity to address areas that could improve the vehicle registration system. The BPA would like to ask you to give consideration to whether the DVLA should have the ability to take account of trusted third-party data and have powers enforce un-registered or incorrectly registered vehicles.

(2) keeping the vehicle roadworthy;

Answer

See 18.1

(3) installing safety-critical updates;

Answer

See 18.1

(4) reporting accidents; and

Answer
See 18.1

(5) removing the vehicle if it causes an obstruction or is left in a prohibited place?

Answer
See 18.1

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?

Answer
BPA asks you to consider that business or leased vehicles may have a different keeper to the person who keeps the vehicle.

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.

Answer
See 18.1

(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?

Answer
See 18.1

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?

Answer
See 18.1

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.

Answer
Yes, this is possible so need to make sure that wording is clear. As we are moving into a world where people can rent their drives, cars and homes with considerably less regulations e.g. Airbnb, JustPark, Turo, HiyaCar, GetAround and Uber we think it would be worth considering that this will also happen with privately owned HARPS.

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.

Answer
Yes

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.

Answer

The BPA absolutely supports the provision of accessible transport services, and we work closely with Disabled Motoring UK to support and promote safe and accessible parking facilities. We are not best placed to provide answers to questions about accessibility and recommend that the Law Commission obtains feedback from DMUK and other organisations with a superior knowledge about the accessibility of vehicles.

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?

Answer

Yes, having a common set of standards and duties is the best way of improving understanding, compliance and managing expectations.

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?

Answer

See our answer to question 24

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

Answer

See our answer to question 24

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

Answer

See our answer to question 24

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.

Answer

See our answer to question 25

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.

Answer

The BPA recommends that any data requirement need to be the same for all passenger carrying vehicles (such as busses, trains and taxis). BPA strongly recommend that data is open to allow for innovation and research. However, consideration needs to be given as to what point this data is considered personal.

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.

Answer

As discussed in the consultation document, the regulations governing the processes used to create traffic regulation orders (TROs) need significant revision to make them fit for the 21st century, not just to facilitate HARPS. These processes relate to both the creation and the content of TROs.

TROs are currently produced by humans in a human-readable format. The DfT's ongoing project is intended to make TROs fully machine-readable, which will offer very significant benefits to HARPS.

At present, human drivers read the signs and lines that are the physical manifestations of the underlying TROs. HARPS may not require on-street signage if the TROs – and other necessary datasets – are made available digitally in real time. But those [humans] who are observing the behaviour of these vehicles and wanting to ensure that they are complying with the rules will need to know what the rules are too.

The creators of TROs – primarily local authorities but also other bodies – will need to ensure that:

- TROs reflect all on-street restrictions with accuracy and reliability
- TROs are constantly maintained and adjusted to meet traffic management requirements
- TROs are kept updated with changes to road layouts
- Any signing required for non-HARPS vehicles, pedestrians, etc continues to match the TROs as they change.

These duties will require significant additional resources to be deployed by those maintaining TROs and signage, and in a far more 'mission-critical' way than is currently required for human interpretation.

It is anticipated that regulations will be needed to ensure that these new and more onerous duties are carried out. This maintenance duty is in addition to a substantial one-off effort required to ensure that all the country's TROs are updated to be fully digital and entirely accurate.

It will also be essential that the processes for making and amending TROs will be very much more responsive than is currently the case. At present the regulations mean that it takes a significant amount of time and money for even minor TRO defects and adjustments to be addressed, which will not be acceptable if HARPS are relying on the data.

Additionally, the digitisation of TROs – and regulatory changes to what TROs must or may contain – will allow dynamic allocation of the kerbside that HARPS will be able to benefit from.

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.

Answer

Parking charges are decided by the landowner or operator and currently there are no charges for moving vehicles. We recommend that you consider that this may result in empty vehicles picking the cheapest option rather than the most environmentally or socially beneficial.

We also recommend you consider that HARPS will need to be automated as there will be no one in the car to make the payment at the time of parking.

In particular, should section 122 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?

Answer

Yes

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.

Answer

BPA asks you to consider that there is a need to make sure that it is more cost-effective for a HARPS to wait for a passenger/hire than it is for it to cruise empty. The operating costs will arguably be the same everywhere, whereas parking charges will vary locally.

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;

Answer

The transport act 2000 allows for road charging. The BPA ask you to consider if this act can be adapted to include HARPS.

The BPA would also ask you to consider if the road traffic regulation act 1984 section 55 could be adapted to include road pricing schemes as well as ticketing, so that all funds generated through road pricing schemes are ring fenced to meet the needs of wider traffic management objectives.

(2) the permitted purposes of such schemes; and

Answer

See 32.1

(3) what limits should be placed on how the funds are used.

Answer

See 32.1

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?

Answer

BPA recommends that you consider that the market forces will prevail in determining the quantity of HARPS. Arguably this is true now for taxis and private hire vehicles. However existing legislation allows local authorities to limit the number of taxis and private hire vehicles operating in the area in some circumstances. Should this be the same for HARPS?

BPA recommends that you take into consideration that local authority currently have a network management duty as set out in the Traffic Management Act 2004 in England and Wales. Should this be the same for HARPS?

If so, how long should the period be?

Answer

BPA recommends this to be on a case by case basis and in line with any competition laws

Consultation Question 34 (Paragraph 7.120):

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

Answer

See question 33

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:

- (1) if it can transport more than eight passengers at a time and charges separate fares; and

Answer

A passenger carrying vehicle is a passenger carrying vehicle and all should be subject to the same standards of safety and use. The existing rules may need to be refreshed and made smarter and more flexible but there should be no difference between a driverless and a driven vehicle so far as operational and safety requirements are concerned.

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

Answer

A passenger carrying vehicle is a passenger carrying vehicle and all should be subject to the same standards of safety and use. The existing rules may need to be refreshed and made smarter and more flexible but there should be no difference between a driverless and a driven vehicle so far as operational and safety requirements are concerned.

Consultation Question 36 (Paragraph 8.94):

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.

Answer

A passenger carrying vehicle is a passenger carrying vehicle and all should be subject to the same standards of safety and use. The existing rules may need to be refreshed and made smarter and more flexible but there should be no difference between a driverless and a driven vehicle so far as operational and safety requirements are concerned.

Consultation Question 37 (Paragraph 8.95):

We welcome views on whether a HARPS should only be treated as a local bus service if it:

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

Answer

A passenger carrying vehicle is a passenger carrying vehicle and all should be subject to the same standards of safety and use. The existing rules may need to be refreshed and made smarter and more flexible but there should be no difference between a driverless and a driven vehicle so far as operational and safety requirements are concerned.

(2) runs with some degree of regularity?

Answer

A passenger carrying vehicle is a passenger carrying vehicle and all should be subject to the same standards of safety and use. The existing rules may need to be refreshed and made smarter and more flexible but there should be no difference between a driverless and a driven vehicle so far as operational and safety requirements are concerned.

Encouraging use of mass transit: Mobility as a Service

Consultation Question 38 (Paragraph 8.109):

We seek views on a new statutory scheme by which a transport authority that provides facilities for HARPS could place requirements on operators to participate in joint marketing, ticketing and information platforms.

Answer

Local Highway Authorities would welcome this to ensure fair competition and consumer affordability including impacts on bus, taxi and local community transport services.