

**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.

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What is your name?

Suzanne Lau

What is the name of your organisation?

Community Transport Association

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

CTA believe that the current configuration of transport regulations encourages silo working. As the consultation document points out, taxis, small buses, and cars, which may all be carrying the same passengers with equal levels of risk, are regulated in different ways. As new app responsive technologies have emerged, regulations have further failed to keep pace with innovation.

We believe that a single national system of operator licensing will be more efficient and enable risk to be regulated in a way that is passenger, rather than mode, specific.

**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

Safety and accessibility should be at the core of transport regulations. To ensure consistency of safety standards across all authorities, we agree there should be a national scheme of basic safety standards for operating a HARPS.

## **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

We agree with the above requirements for a HARPS operator licence, but would ask for clarity on how holders of section 19 and section 22 permits will be affected by proposed operator licensing requirements outside of the specifications above.

### ***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

CTA are concerned about the safeguarding of passengers in the absence of a driver or a passenger assistant. Risk to safety is one of the key deterrents to using public transport, especially for vulnerable people. As such, it is important that measures are taken to ensure passenger safety and to provide passengers with the confidence to use the service, so that longer-term goals of rejuvenating public transport usage can be achieved.

**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

We agree that users should have the opportunity to compare prices for services and that operators should be compelled to do so by guidance to ensure maximum compliance. This would contribute to a public transport system that works in the interest of users rather than to profits for operators.

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

Same reason as above.

## **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.]

Other

The CTA questions whether there should be any separation of those vehicles used privately and those operated for hire and reward, as they are all being operated by someone regardless. If there is a desire to see more sharing of vehicles, it seems useful for anyone owning or operating an automated vehicle to meet the same operator licensing and insurance requirements – this would provide both a choice to operate a vehicle for personal use and create an incentive for owners to earn some money from their asset when they are not using it, opening up more opportunities for non-owners to increase their access to facilities. This would also facilitate the provision of automated versions of volunteer car schemes.

## **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.

CTA supports the potential benefits listed in the consultation document, particularly in relation to providing the first and last mile of journeys to improve integration of passengers into the mass transit system, and the potentiality of reducing passenger transport costs which might make bus services more affordable, particularly in rural locations.

However, we similarly concur with the concerns that rural locations, where accessibility of public transport is most impeded, will not attract commercial investment into HARPS, particularly in light of the technological challenges of rural roads, widening the disparity between urban/rural public transport and negating the potential benefit to bus services in rural areas.

On top of this, we have great concerns relating to passenger safety and wellbeing. While we note that the distinguishing feature of HARPS is that it does not require the presence of a human driver or user-in-charge to provide the journey, we would continue to press for a passenger assistant to be on board the vehicle both to assist and provide reassurance to vulnerable passengers affected by health and mobility challenges and to ensure that reducing loneliness and isolation continues to be a key benefit of shared transport.

Health transport is also a key service offered by community transport operators. Should this be an element of HARPS provision, passengers aboard the vehicle could have health issues that require general or specialised supervision. As such, we would recommend that HARPS operators have policies in place necessitating on-board staff for passengers with a certain level of health/mobility risk and procedures in place in case of emergencies.

We would also recommend programming journeys to suit the needs of vulnerable passengers. CTA administer the Minibus Driver Awareness Scheme (MiDAS), which provides a nationally recognised standard for the assessment and training of minibus drivers and has been designed to promote the safer operation of minibuses. As part of MiDAS, drivers are advised to plan journeys to avoid bumpy roads and speed bumps, to make changes in speed and direction smoothly and in good time, brake early and drive slowly. Elements such as these are important for users of CT who do not feel confident to take journeys on mainstream public transport, so if HARPS are to cater for these users, it is important that similar measures are put in place.

### ***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

Helping vulnerable passengers to board and alight vehicles is a crucial element of providing an accessible transport service. A huge proportion of community transport users require door-to-door assistance, meaning that the driver/passenger assistant helps the passenger on the short journey from their front door to their seat on the vehicle. It is therefore vital that provision is made to continue to ensure that passengers can board and alight vehicles in the absence of a driver.

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

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

Yes

As explained earlier, providing passengers with reassurance is a vital element of community transport and of any accessible transport service; without this reassurance, many vulnerable

passengers do not feel confident enough to access public transport, preferring to stay at home, thereby increasing loneliness and isolation and associated health problems.

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

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

Yes

Door-to-door support is similarly crucial for users of demand-responsive community transport services and it is vital that support is made available for users who require assistance, owing to very limited mobility, to reach their homes and destinations.

### ***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.

We would envisage that national minimum standards of accessibility should cover:

- Disability awareness training for all staff on the vehicle or at pick-up and drop-off points to ensure that vulnerable passengers are assisted in a safe and secure manner and that wheelchairs are either correctly stored away or strapped in during the journey
- Audio-visual announcements on-board
- Real time information at pick-up points

### ***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

It might be useful to record passenger satisfaction for older and disabled people to ensure that their needs are met by HARPS and that they feel safe, secure and confident in using this unfamiliar form of transport.

Collecting information on accidents and emergency situations would also be important in ensuring that safety and security is continually improved upon.

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

There is talk in the introduction of systems becoming blurred (such as between bus and taxi), yet the questions in chapter 8 consider continuing to regulate in terms of passenger seat numbers, as per the current system for non-automated vehicles.