

**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.

What is your name?

Neil Greig

What is the name of your organisation?

IAM RoadSmart

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

Our current experience with taxi licensing shows a very fragmented structure with local councils adopting different standards esp for driver training. A national system would avoid any issues around 'border migration' with organisations seeking registration in one council area in order to then trade in others.

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

Consistent safety and data security standards are a must have for any future HARPS scheme.

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

The concept of hire and reward may become blurred in the future as new methods of ride sharing, payment and short term use come on stream but we believe it should underline the approach to HARPS licensing.

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

Yes

Despite the recent challenges from new operators such as Uber the concept of hire and reward is well known among consumers.

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.

IAM RoadSmart would be concerned if exemptions allowed any autonomous vehicle to be on our roads with lower safety case standards or operator licensing requirements just because it was being operated by a voluntary group.. Ultimately it is the safety of the autonomous vehicle on the road that must not be compromised and that should not change no matter who is operating it.

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).

Pilots and trials should be allowed as they are currently permitted to encourage innovation and testing.

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

IAM RoadSmart believe that these would be the minimum expectations for any consumer purchasing a journey in an autonomous vehicle and they should be defined in law.

The definition of a suitable transport manager will be important but current requirements for Operator Licensing as enforced by the Traffic Commissioners should be the basis for any future developments.

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

In addition to the current requirements for an operators license they should be required to demonstrate knowledge and experience of autonomous vehicle technology and the systems that they are overseeing.

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

Any organisation seeking to operate autonomous vehicle for hire and reward should expect to have to keep them in a roadworthy condition. Operators should be encourage to gather and share data to ensure that incidents are used as a learning experience.

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

This appears to be a logical requirement to ensure operators are prosecuted for any problems that occur. Customers who have no control over an autonomous vehicle cannot be defined as users in this context.

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

From a customer perspective this would once again be a minimum expectation that their safety if being taken seriously.

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

Data gathering should be a fundamental part of the service provided by an operator.

Their duties should not include the power to move a stranded, faulty or damaged vehicle remotely unless a full safety case has been built for such distant control. By definition any vehicle requiring human input must have failed to cope with its immediate environment and remotely moving such a vehicle when sensors or other data gathering may be incomplete appears to us to be fraught with potential risks to passengers and bystanders.

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

Transparency of pricing is a key requirement for any customer choosing a service. MaaS services will also require to be able to offer price comparison so such data sharing is essential

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

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

Do not know / not answering

No further comment

Who should administer the system?

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

We have no strong views on this at IAM RoadSmart but would certainly support a role for Traffic Commissioners alongside any new agencies to be set up.

Freight Transport

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

We have no further comment on this

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?

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

No

Similar standards and expectations of roadworthiness should apply to private users but they should not need to register as HARPS. They should be able to demonstrate similar road worthiness arrangements to those of a HARPS operator.

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

Yes but with the previously stated caveat that we do not wish to encourage remote removal of vehicles that have failed for some reason. A private operator should have suitable cover in place to cover all these eventualities.

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

Providing there is provisions (as now) for a user to be identified if this is different from the registered keeper we can see no reason why the current system could not be extended.

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?

Yes - this makes practical sense

(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?

Yes - again this seems logical

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?

Yes

Autonomous vehicles will require expert maintenance and updating esp of software and arrangements must be in place to ensure that this happens.

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.

No

There should be no loop[holes or exceptions - every autonomous vehicle on the roads , no matter who is operating it should meet the same safety standards.

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 expect education and consumer information to be a key role for the new agency - it should be consumer facing and transparent.

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.

HARPS offer huge potential to improve the mobility of disabled, elderly an other groups currently excluded from driving a vehicle. We would expect the current standards of accessibility applied to buses and taxis to carry forward into these new forms of vehicle.

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

Any journey must be seen in its totality from origin to destination and provision must be put in place to allow disabled users to access and egress an autonomous vehicle in complete safety. Where appropriate extra assistance may be required if sought in advance along similar lines to that used in airports for example.

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

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

Yes

(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.

Minimum standards will be required but can be based on current taxi arrangements.

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

Data should be easy to provide in these new systems so once again we would expect it to be shared to allow development of ever safer and smoother access arrangements for older or disabled users.

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 if it:

(1) can transport more than eight passengers at a time and charges separate fares?

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

Yes

But only if the HARPS vehicle is deliberately targeting an established bus route and is making planned stops.

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

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

No

Any HARPS vehicle which is challenging an established public transport operator should be subject to extra regulation

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.

IAM RoadSmart would not want to see any return to the 'bus wars' of previous times so protections may be required if HARPS operators chose to target popular bus routes to generate income.

Consultation Question 38 (Paragraph 8.109): 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.

Integrated transport systems eg in rural areas may require a mix of modes and operators and joint ticketing should be available if required.