



Response from London Living Streets to the Law Commission Consultation on Automated Vehicles: Passenger services and public transport

Overarching statement from London Living Streets

London Living Streets is the London campaigning arm of Living Streets which is the national charity for everyday walking. The London group aims to be a voice for people seeking to improve conditions for walking in the capital and is made up of the members of Living Streets borough groups across London and other individuals who are interested in these issues.

The process of the consultations from the Law Commission drives respondents to answer questions that have assumptions with which they may disagree. Even fundamental questions such as a “universal shared-use model” versus “predominately private use” is side-stepped. Our cities are dominated by motor vehicles and the introduction of new “driverless” technologies gives the opportunity to step back and assess the social and environmental choices for our public realms.

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I am responding to this consultation on behalf of London Living Streets.

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Our response can be made public.

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

Yes

Consistency of high standards is very important. Operator licensing should be robust and funded entirely by licence fees.

Consultation Question 2: Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

Yes

Should be subject to strong safety regulation, max vehicle speeds of 20mph in cities, towns and villages, and potential criminal/manslaughter sanctions in addition to fines and regulatory sanctions where negligence is proven to be the cause of collisions or unsafe driving.

Consultation Question 3: Do you agree that a HARPS operator licence should be required by any business which:

Yes

There should be a robust operator licensing system in place funded entirely by licence fees.

Consultation Question 4: Is the concept of "carrying passengers for hire or reward" sufficiently clear?

Yes

Should also include public service vehicles for community service and not for profit.

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.

There should be no exemptions for robust HARPS operator licensing for all driverless vehicles.

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).

No, we see no reason why any operator should be exempt from needing to have an operator licence.

Consultation Question 7: Do you agree that applicants for a HARPS operator licence should show that they:

Yes

They should also need to be approved by the local authority as a reputable supplier.

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

Not in our competence to know how to achieve this, but system needs to be robust and foolproof with strong sanctions in place, including potential criminal /corporate manslaughter charges if negligence is demonstrated.

Consultation Question 9: Do you agree that HARPS operators should:

Yes

The system needs to be robust and foolproof with strong sanctions in place, including potential criminal /corporate manslaughter charges if negligence is demonstrated.

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?

Yes

The system needs to be robust and foolproof with strong sanctions in place, including potential criminal /corporate manslaughter charges if negligence is demonstrated.

Consultation Question 11: Do you agree that HARPS operators should have a legal duty to:

Yes

They need to go further than reporting 'accidents'. A system needs to be in place that automatically changes features of AVs and operating systems when faults or anomalies are discovered.

The term 'accidents' needs to be changed to 'collisions', to ensure responsibilities for collisions is assigned and taken seriously rather than being considered as something that is out of control of the operator.

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)?

Yes

Who do they report to? A system needs to be in place that systematically and automatically changes features of AVs and operating systems when faults or anomalies are discovered.

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?

Yes

Legislation must also set out sanctions for vehicle operators in case of negligence that may put people's lives in danger, or fear of this.

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?

Yes

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

Yes

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

We have no objection to an existing body such as the DVLA, with robust and well-resourced system in place that is paid for by the HARPS operator

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

No reason why not for public service freight services, but not for private deliveries for individuals and businesses, as there should be delivery hubs available for these.

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?

No

There should be NO arrangement for exclusive or private use of Highly Automated Vehicle without a User in charge.

There should be no exclusive private use of an automated vehicle permitted, as the need for this is not demonstrated and the disbenefits of private car use are well evidenced.

Disabled people need mobility as a service, and do not need privately owned cars and the system should allow them access to a suitable shared transport service such as HARPS.

AVs should contribute to wider transport goals of promoting sustainable, active and efficient travel, and not entrench existing failing systems of private car use.

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:

Other

We do not agree that driverless AVs should be licenced to private individuals due to reasons outlined earlier.

All the items listed above that need attention demonstrate the complexity of owning and running such a vehicle which has the potential to cause great harm to pedestrians if the individual does not take care of these responsibilities. It is much easier to regulate and sanction an organisation or business rather than an individual.

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

We do not agree that driverless AVs should be licenced to private individuals.

Consultation Question 20 (1): We seek views on whether a lessor should be responsible for the obligations listed in Question 18 unless they inform the lessee that the duties have been transferred.

We strongly object to this. There are significant get-out clauses here for both the lessee (they could claim duties weren't clearly explained) and lessor (claiming lessee signed statement accepting responsibility). The proposals are insufficiently robust. In any case, we do not agree that driverless AVs should be licenced to private individuals.

Consultation Question 20 (2) We seek views on whether 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?

We strongly object to this. There are significant get-out clauses here for both the lessee (they could claim duties weren't clearly explained) and lessor (claiming lessee signed statement accepting responsibility). The proposals are insufficiently robust. In any case, we do not agree that driverless AVs should be licenced to private individuals.

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?

We do not agree that driverless AVs should be licenced to private individuals.

It is obvious that a contract for supervision and maintenance service should be in place due to the complexity of driverless cars requiring external input into maintenance and supervision.

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.

Yes

We are very concerned about loopholes in regulations that are not robust, and we do not agree that driverless AVs should be licenced to private individuals.

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.

The obligation to warn private consumers about costs of operating AVs should not rest with a public/govt agency as they may be liable to cover unexpected costs. The liability should rest with the seller.

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.

Agree with ensuring exemplary accessibility of HARPS.

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?

Yes

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?

Yes

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

Yes

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

Yes

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

Yes, these should be developed.

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.

Yes

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

We are concerned that any changes to traffic regulation orders do not compromise the freedom of pedestrians to move anywhere on the street environment and to cross and walk and on the carriageway at any point, in order to facilitate the movement of automated vehicles.

Consultation Question 30: We welcome views on possible barriers to adapting existing parking provisions and charges to deal with the introduction of HARPS.

No

HARPS should pay fully for the road spaces they occupy whether travelling or parking.

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

HARPS should pay fully for the road spaces they occupy whether when moving or parked.

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

Yes

HARPS should pay fully for the road spaces they occupy whether when moving or parked.

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?

Do not know/not answering

Not within our competence. System should be robust

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

No

Presume 'quantity' is meant rather than 'quality'. Yes, local authorities should have powers to limit numbers of private hire vehicles.

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?

Do not know / not answering - not within our competence to answer

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

Do not know / not answering - not within our competence to answer

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.

Not within our competence to answer

Consultation Question 37: We welcome views on whether a HARPS vehicle should only be treated as a local bus service if it:

Not within our competence to answer

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.

We agree with this

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:

London Living Streets think that the pressure to facilitate the development and use of autonomous vehicles may bring about fundamental changes to amenities for pedestrians on our streets.

Currently designers are having challenges with the sensory devices that identify humans on the road or at the roadside. Moreover, the systems that control autonomous vehicles are failing to successfully predict pedestrian movements within "satisfactory levels of risk". Problems of satisfactory identification and predictability may create too many instances where autonomous vehicles are unable to move on most roads in London.

As a consequence, it may be proposed to create designated routes for autonomous vehicles along the capital's main roads where pedestrian activity is controlled and made more predictable. The development of autonomous vehicles therefore indicates that changes may be made to road design that would adversely affect pedestrians and create new barriers to active travel, community cohesion and permeability.

Some UK roads already exclude pedestrians for safety reasons - these mainly include motorway class roads and some other trunk roads (that includes all of the Strategic Road Network and some of the Primary Road Network). There are few of these within Greater London.

In the light of the development of autonomous vehicles and in order to protect pedestrians, London Living Streets believes that the Road Vehicles (Construction and Use) Regulations should go some way to include the principle that no vehicle system should harm people.

The policies we are proposing below will help protect Londoners from a quick-fix approach that may have far-reaching consequences for the quality of life on our streets.

Proposed policies

1. (Excepting those where pedestrians are already excluded), no public highway in London should be re-designated so as to exclude any pedestrian use of any part of that public highway.
2. Unless a moving vehicle is at all times under the proper control of a person in, or on that vehicle then any function of that vehicle must primarily act to avoid physical and psychological harm to pedestrian road users.