

# 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](mailto:automatedvehicles@lawcommission.gov.uk) or call 020 3334 0200.

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## About you

What is your name?

Martin Lamb

What is the name of your organisation?

Maple Consulting Ltd

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:

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

What is your telephone number?

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## Operator licensing: a single national system

**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:

It needs consistency including with other EU countries. You also need to think about how this would work in the UK, with transport largely devolved, so you want one that is interoperable between e.g. Wales and England. Northern Ireland and the Republic of Ireland would be more challenging again. There will also be a requirement for guidance and licensing in the Welsh language.

**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:

There is a minimum that should be achieved, but I would avoid making it too prescriptive as far as is practical (i.e. performance based) to avoid unintended consequences as technology develops, and in order to support technology development

## Operator licensing: scope and content

**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:

In principle yes, but maybe think about exemptions or light touch for, e.g. demonstrators, proof of concepts

**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:

Possibly not in the context of HARPS and what about 'free' services whilst testing. That's not altruistic or social kindness, but because it helps technology providers test and demonstrate their equipment

**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:

Maybe not exemptions, but some light touch operator requirements to ensure basics like ownership of vehicle, maintenance records, safety and monitoring

**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, but I would question what is meant by 'specified trials'. You don't want to be too prescriptive as to what these are in case there are unusual or unforeseen trials that will struggle to be given the go-ahead

**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:

These seem like sensible basic requirements.

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

Please share your views:

Potentially technical or vocational qualifications – some sort of an extension of CAM to existing transport manager qualifications. This could be quite tricky in the early stage as there are relatively few people who will be experienced in running and automated service.

**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:

Being roadworthy is a basic requirement. There are also opportunities for more innovative solutions rather than a centralised depot. For one thing, highly automated vehicles are likely to self-report, but there is also the potential for cleaning to take place at regular intervals around the city, either by a mobile crew or people's houses, where they could clean and do basic checks to agreed standards for cash or travel credits. This would mean that the vehicles don't have to travel long distances (and be out of service) for basic cleaning, with a centralised depot for repair, maintenance and more thorough inspections.

**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:

Are they really users? For roadworthiness, wouldn't the standards currently used for taxis, buses be relevant?

**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:

Yes. Item 4 will be the most difficult as there will be a requirement for privacy vs monitoring for safety of passengers, safety, vandalism and other unsavoury acts (e.g. think about HARPS being hired at 4am on Saturday morning from any city centre in the UK)

**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:



Define untoward events. If it is something that impacts significantly on safety then yes, but there needs to be a balance on safety and reporting vs. considerations of commercial confidentiality and being too onerous.

**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:

**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:

Clear is important. In London and medium to large cities, comparable might be interesting, but in smaller areas, there is likely to be much choice in providers. I think many people will be used to the Uber pricing and info and seems to work well

(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:

Potentially, but why wouldn't an operator not provide pricing information? Deliberately misleading pricing information should be covered, e.g. like for budget airways can no longer offer flights for £5, then charge £95 for administration, fuel levy, baggage etc.

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

Please share your views:

DVLA or similar body specifically for HARPS? Has to be UK wide organisation to avoid having to be done by DfT, Transport Scotland, Transport for Wales etc.

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

Please share your views:

Could be highly relevant for last mile transport / zero tailpipe emission into city centres to/from freight consolidation centres and/or using the vehicles to transport parcels etc in off peak periods. Here the issue of monitoring is also relevant to ensure obvious security issues (e.g. not delivering a bomb to a city centre) and how to ensure safety of parcels if there is no driver.

## Privately-owned passenger-only vehicles

**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:

I would leave it to the market. On the basis of insurance and maintenance requirements, it is more than likely that this would be offered as part of the agreement, along with maintenance, servicing, breakdown assistance and replacement vehicles.

**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:

You can't have the general public installing safety-critical updates. It's not an iPhone. There needs to be someone doing this and the service is paid for.

**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:

I suspect that more people than currently will lease a vehicle or service or even when purchasing it, there will be some sort of a service fee. An analogy would be having a mobile phone and a data contract. Even if you buy the phone outright, there is still a data contract for calls and data.

**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:

As above (and for question 2 below). These are going to be highly safety critical vehicles and there needs to be some sort of 'overseeing' service undertaken either by the manufacturer, leasing company or some sort of quasi-government body. I don't think it's advisable (or would be particularly commercially attractive) for private individuals to have this responsibility.

(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:

**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:

As per answers above

**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:

If there had to be a licensed provider for supervision and maintenance, then no. It just becomes an issue of who gets to use it and how much they pay.

**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:

Yes

# Accessibility

**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:

It needs to be equitable so there needs to be some element of competition between operators of supervision and maintenance contracts. There are potentially lots of benefits for this in suburban and rural areas where an on-demand service could be provided by an operator (potentially as part of a MaaS solution), delivering people to bus / tram / train hubs, providing a better service and less subsidies.

**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:

If we get to level 5 SAE in the future, there is significant scope for improvements to accessibility generally through new vehicle design and configuration.

**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:

It could be a remote control centre

(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:

Yes, potentially via an intercom to a control centre

(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:

This could be done on a mobile or other device, plus clear signage at these points

**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:



Something general around accessibility, information and equality. On the basis that HARPS potentially opens up opportunities to elderly, disabled and other impaired users, this should be in their interests as it opens up a new market. I wouldn't make something very specific at the moment.

**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:

Not unless bus passes were expanded to be 'mobility passes' especially with the potential for new vehicles to offer services other than buses.

## Regulatory tools to control congestion and cruising

**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:

Not immediately, as there is no definitive evidence at the moment as to whether CAVs will or won't cruise

**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:

Work with potential operators to better understand the issues and seek new business models, e.g. parking on people's drives / in residents zones in exchange for travel credits for residents as compensation.

**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:

There is a lot of potential to use these and for them to be dynamic depending on time of day, demand and so on.

**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:

Within limits. There is a lot that can be done for dynamic pricing to tackle congestion, accessibility and so on. In general, this should be for the greater social good and not some cash cow. I would limit funds raised to purely transport purposes, and possibly specifically public transport purposes.

**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:

Competition should be encouraged

**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?

(Please select only one item)

Yes

No

Other

Do not know / not answering

Please explain:

For the reasons outlined in the consultation summary

## Integrating HARPS with public transport

**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:

HARPS potentially offers a lot of opportunities for public transport provision where buses are currently uneconomic, e.g. rural areas, night services etc. This potentially offers consumers a better service and operators to have less subsidy, creating a win-win. It could dramatically alter the bus provision in some areas which is OK the overall purpose of bus services, i.e. mobility, is maintained. Pricing would be such it could actually feed bus services in more urban areas.

(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:

Whilst this seems logical, it might be best to operate a 'wait and see' approach.

**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:

HARPS has the potential to extend mobility, choice and low carbon transport and to 'feed' traditional public transport services, with dynamic pricing. It fits very well with MaaS concepts.

## 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: