

Parliamentary Advisory Council for Transport Safety (PACTS)

Response to the Law Commission's: Automated Vehicles: Consultation Paper 2 on Passenger Services and Public Transport

<https://www.lawcom.gov.uk/project/automated-vehicles/>

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On behalf of: PACTS

PACTS Policy on Automated Vehicles

Overall principles

- AVs should comply with traffic laws
- AVs should be required to improve safety substantially, for all road users. They must also make VRUs feel safe, e.g. not passing close, at speed or braking harshly, except in an emergency.
- AVs should fit existing urban and rural environments – not require significant change (improved signs and lines are acceptable).
- VRUs should not be restricted to accommodate AVs (beyond existing restrictions on Motorways and other limited cases, such as some tunnels and bridges.)
- [Government policy](#) is to make active travel modes (walking and cycling) the default for local trips. AVs should support this policy, not work against it.
- AVs should comply with the six ethical principles for robots set out by [Professor Alan Winfield](#).

There needs to be recognition that public perceptions of safety are not entirely “rational”. Comparisons of collision or casualty rates will not be adequate to gain public trust. The public expect much higher safety standards where they are not in control, e.g. public transport, compared with situations where they are in control, e.g. driving. The public is likely to expect AVs to be very safe, on a par with public transport. AVs must also feel safe, e.g. no harsh braking or fast cornering, even if this can be objectively shown as safe.

HARPS

The consultation considers vehicles which can drive themselves for whole journeys (probably on limited routes or within a particular geographical area). This means that these vehicles will not need to have a driver or other person qualified and fit to drive in the vehicle. These vehicles may travel empty or with people who are passengers. These vehicles are referred as “passenger-only” vehicles. The consultation focuses on how Highly Automated Road Passenger Services, or “HARPS” might be used to supply passenger transport services to the public.

As is laid out in the consultation paper, it is broadly assumed that passenger-only HARPS will not have users-in-charge – defined in the previous consultation paper – and will likely require remote supervision (from someone who is beyond line of sight of the vehicles).

This creates a number of potential safety concerns. The consultation paper acknowledges several views on how remote supervision may function in practice. Examples suggest that there are alternative potential methods for remote supervision, some of which would involve supervisors taking control of the vehicle’s movement and some which would see supervisors choosing from a list of decisions for the vehicle to then carry out.

Whilst we acknowledge that the technology is still in development, PACTS has concerns about the safety of remote supervision, particularly supervision which would allow ‘remote’ control of the vehicles movement. Some of our concerns include communication lags, lack of research on visualisation requirements for remote operators and the limits to how many vehicles a remote operator could supervise. We believe a remote assistance service, or remote supervision without the possibility of movement control takeover may be more feasible.

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, we believe that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing.

As the consultation document highlights, the current systems for regulating passenger vehicles are highly fragmented, with separate systems for taxis, private hire services and public service vehicles. In an automated environment, modal divisions may become blurred or disappear.

In order for HARPS to operate safely, they must be subject to a single national system of operator licensing which avoids distinctions based on numbers of passengers or fare structures. The single national system should set out operators' responsibilities related to maintaining, updating, insuring, supervising and cyber security of HARPS.

Consultation Question 2

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

Yes, we believe that in order to operate safely, all HARPS on Britain's roads should be expected to meet the same basic safety standards.

We do not see a good reason for the alternative, whereby different areas/jurisdictions might set basic safety standards at different levels. Such a system could lead to operators choosing to locate their services in areas with lower standards. This seems undesirable.

Issues related to the safe operation of HARPS should be subject to a minimal national standard, regardless of where the HARPS are located.

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?

- (1) PACTS believes that applicants for HARPS operator licences should show that they are of good repute. As is laid out in the consultation paper, applicants will not be considered of good repute if they have been convicted of a serious offence more than once or have been convicted of road transport offences. Currently, in the relation to PSV licensing, the Senior Traffic Commissioner issues detailed guidance and directions on how to apply these provisions, dealing, for example, with the effect of spent convictions and other old convictions. This could be applied in a similar way to those applying for a HARPS operator licence.
- (2) PACTS is not in a position to comment.
- (3) PACTS is not in a position to comment.

- (4) PACTS agrees that HARPS operators should have a suitable transport manager to oversee operations. As laid out in the consultation paper, the role of transport manager would be to manage the operator’s transport activities continuously and effectively. They must also be of good repute and professionally competent.

How this competency will be determined, however, is still unclear. As there will be new skills involved with development and operation of HARPS, it is difficult to currently determine the required skills and set out how a transport manager might demonstrate professional competence. As laid out in the consultation paper, in the early days of HARPS, people will be learning as they go, and it may not be realistic to assume there will be examinations on competency of managing HARPS before they have been implemented.

However, this does not mean that prospective transport managers should not be required to demonstrate professional competence. Applicants should still need to demonstrate that they have a transport manager capable of overseeing the safe and effective operation of HARPS.

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”?

PACTS agrees that, as is the case with PSV operators, applicants for HARPS operator licences must satisfy the conditions laid out by the Traffic Commissioner. They must have adequate facilities or arrangements for maintaining vehicles in a fit and serviceable condition, they must also be under legal obligation to ensure roadworthiness.

As laid out in the consultation paper, for PSVs, operators must conduct regular safety inspections. Inspection frequencies normally range between 4 and 13 weeks, depending on: the age and use of the vehicle; the manufacturer’s recommendation; the terrain covered, and the distance over which and speeds at which it travels. The person undertaking inspections must also be technically competent and the operator must also provide suitable facilities.

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?

(1) PACTS agrees that HARPS operators should have a legal duty to insure vehicles.

(2) Given that there will be no user-in-charge, HARPS operators will be, as laid out in the consultation paper, required to remotely supervise their vehicles. As set out in the introduction to our response, PACTS has concerns over the safety of remote supervision,

especially if supervisors are able to take control of a HARPS movement. Whatever approach to remote supervision is adopted, supervisors will need to be highly trained and able to respond to complex situations. Supervisors may be expected to mitigate risks, diagnose problems, manage the vehicle and communicate with not only emergency services, but also the passengers on board the HARPS and with other road users. They must also be fit and not fatigued or distracted.

These responsibilities (and potentially others) are considerable. In setting out the legal duty of HARPS operators, it is vitally important that responsibilities of those supervising the vehicles are made clear.

- (3) Safe development and deployment of automated vehicles will rely upon accident reporting. As is the case for drivers of privately owned vehicles and PSV operators, HARPS operators should have a legal duty to report accidents. It may also be useful for operators to report near misses, as these provide unique learning opportunities. Reporting should be automated, using the HARPS technology, and not rely on manual reporting alone.
- (4) PACTS agrees that HARPS operators should have a legal duty to take reasonable steps to safeguard passengers from assault, abuse or harassment. These may include installing CCTV, providing an on-board steward or customer service agent, or providing facilities for passengers to notify operators (or other relevant authorities) if they feel they need assistance.

Consultation Question 15

Who should administer the system of HARPS operator licensing?

In the main consultation paper, possibilities include Traffic Commissioners and the agency responsible for authorising automated driving systems (to be decided).

We believe that there are advantages to both. Namely, Traffic Commissioners already administer the PSV operator licensing scheme and therefore have experience and expertise in the area of licensing vehicles which are used to carry passengers for hire or reward. Equally, the agency responsible for authorising automated driving systems would be well placed as it is ultimately the agency which will be responsible for authorising automated driving systems.

Overall, PACTS does not have a strong preference over who should administer the system. Either way, they must act independently and with safety as their priority.

Consultation Question 18

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?

PACTS agrees that all of the above duties should be placed on the individual who keeps the vehicle.

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?

PACTS agrees that the list of duties should be extended to operators of HARPS.

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? (2) Requiring reassurance when there is disruption and accessible information? (3) Expansion of support at designated points of departure and arrival?

- (1) PACTS believes the ability to safely board and alight a HARPS is vitally important. HARPS will need to make provisions for a wide range of individuals with a wide variety of different needs. For older people and disabled people in particular, HARPS will need to provide entrances/exits that are sufficiently wide, ramps or lifts for boarding and alighting and floor surfaces that are slip resistant.

HARPS must also be required to ensure that passengers are picked up and dropped off in places where there is easy access to and from the vehicle for all passengers.

- (2) PACTS agrees that, in case of disruption and when accessibility may be affected, appropriate support should be made available to passengers. Accessibility information should also be provided in multiple formats as to ensure all passengers are able to be informed.
- (3) PACTS agrees that there should be appropriate support provided at designated points of departure and arrival. HARPS operators should also ensure that information on support at designated points of departure and arrival is communicated to passengers when necessary (this may be in advance of or during a journey).
- (4)

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? If so, how long should the period be?

PACTS agrees that this should be the case. For safety reasons, it may be necessary for regulators to limit the number of vehicles that can be operating commercially at first. Manufacturers will have conducted their own tests and trials which they will use to build a case for commercial deployment. Regulators may then allow a small number of vehicles to operate commercially on the basis that their deployment was used to gather additional data. Once safety has been demonstrated, regulators would likely then use their powers to increase the number of HARPS that are able to operate commercially.

This approach requires the relevant regulator to have flexible powers to limit the number of vehicles any given operator can use within a given operational design domain. The regulator should also be

allowed to limit the number of licences to avoid congestion and other undesirable impacts on transport policy, other road users, residents and businesses.

End