

# 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?

Ben Gardner

What is the name of your organisation?

Pinsent Masons LLP

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.)

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# Operator licensing: a single national system (Chapter 3)

**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:

- Because at present local councils and London Boroughs have individual operating licence regimes, this creates unnecessary barriers for operators who want to operate in more than one location. Such barriers can have a substantial negative effect on the organic growth and competition of HARPS operators.
- The way passengers choose a transport system has been one of the reasons why over time operators have been subject to different operating licence regimes (in particular the difference between a taxi and a cab). Such reasons will no longer be a concern for a HARPS operator, as they will all be available through some form of technology (most likely an app that users can download on their devices).
- Having one national operating licence system would also help to create a uniform and consistent regime, which imposes the same obligations on operators unlike the present situation where all 338 licensing authorities in Great Britain are completely different.
- As opposed to traditional cars, we also consider one national licensing authority will be better resourced, and as a result equipped, to deal with overseeing HARPS operators. The challenges that may potentially arise as a result of HARPS that a licensing authority would have to supervise and resolve include: operators who fail to keep HARPS updated, operators who use a flexible pricing system correlated to the demand and the number of drivers available (like Uber for example) and who intentionally adjust their systems so as to increase prices (although in a HARPS scenario the correlation would be between the demand and the number of HARPS available). In a HARPS world, the licensing authority will need to have a very good understanding of the various HARPS systems, but also the resources to then supervise and review how operators run their day to day activity. In order to do this effectively, we expect significant resources which would not be available under the current regime.

- It might also help the different services to be better intertwined providing a more seamless, joined up journey/service.
- We note one of the arguments raised in the Consultation Paper for having one national licensing regime is that this will encourage operators to run mass integrated transport services, which will make the prices more competitive. We do not think this will necessarily be the case. Any such system will most likely run on a form of subscription service or season ticket. In the entertainment industry, the general expectation was that as the number of streaming services increased the prices would become more competitive and thus more advantageous for users. Instead, what we can see is a cartel like situation whereby film studios enter into exclusive streaming agreements for their content, thus forcing users have to subscribe to several streaming services. A parallel can be drawn between the entertainment and the transport sectors. It is very likely that with mass integrated transport services, passengers will have to purchase several subscriptions, because for different parts of their journeys, there are different operators which have exclusivity over a certain area (similar to how some bus operating licences are granted currently). This would need to be something which is closely watched and regulated in order to protect consumers.
- One concern of having the same operating licences throughout the country is that the standards it may impose might be too high for operators to run in less dense populated areas (like predominantly rural areas). Whereas under the current regime, those areas would be subject to the standards imposed by a local authority which can take such aspects into account, a national authority would not be able to cater for such a situation. Such a situation might have a negative effect on the adoption of HARPS in rural areas, which would benefit from them to increase mobility and accessibility. Again, this would need to be closely considered in order to make sure the needs of all possible HARPS users are met.

**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:

- Safety concerns are potentially the biggest challenge HARPS will have to overcome before they are generally accepted by the public. Having a scheme of safety standards created and imposed at a national level might be able to help

alleviate such concerns faster for a number of reasons:

- it will help HARPS manufacturers to produce cars which will be compliant throughout the country;
- they ensure a level of consistency from which both passengers and operators can benefit;
- it will be easier to gather data and use data analytics to influence the way the standards and other relevant regulations are maintained and further developed;
- there will be more information available at a national level which will help to develop and update a set of standards, as technology continues to progress;
- as technology develops at a faster than anticipated pace, it will be easier to update one set of standards as opposed to having individual regimes.

We also think having a national safety standard does not prohibit local councils from imposing stricter regulations, if it is concluded that such additional measures may be necessary.

## Operator licensing: scope and content (Chapter 4)

**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:

- We consider the proposal in paragraph 4.32 (that a licence would be required for a HARPS operator when the customer could only use the service by driving the vehicle themselves or by acting as a user-in-charge) would create a grey area in practice, with which operators would struggle with. By requesting a HARPS licence even when the customer can drive the vehicle/is a user-in-charge, the difference between the 'user-in-charge' regime proposed in Consultation Paper 1 and the HARPS operators licence will no longer be clear.
- Although we agree that HARPS operators should be required to hold a licence, we consider that two of the four elements need further clarification:
  - 'Carries passengers for hire or reward': Past case law brings into question how far reaching this requirement is (see cases *Albert v Motor Insurers' Bureau*; and *DPP v Sikondar*). Although HARPS will not have a driver/user-in-charge, if a number of people enter into arrangements similar to those mentioned previously, it is unclear whether past case law would apply.
  - 'On a road': the Consultation Paper proposes to use the narrower definition of a road applicable in England and Wales. We believe this might create problems as there will be HARPS which may circulate in public spaces which do not constitute a 'means of access' (*Clarke v General Accident*). We believe a wider definition should be adopted, for example to cover

autonomous pods carrying out 'last mile' activities.

**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:

Although in a majority of cases this definition will suffice, we consider that there may be grey areas or edge cases which could be exploited by operators. We note the definition covers situations when a customer pays for a service (other than transportation), but which includes a transport element (such as airport-hotel transport services).

However, we consider that as HARPS become more widely used and services become more integrated additional elements might have to be factored in in order to ensure the requirement does not become unnecessarily wide. Such factors may be: whether the transport element is material to the operator's business, whether transportation is offered to all customers or only in certain circumstances, frequency of use, etc.

**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:

Although we are conscious that requiring a licence would be an additional expenditure, and that it may (at least at first) restrict the number of people who use HARPS (who were previously covered by exemptions), the challenges posed by HARPS (at least in their infancy) justify requiring an operator licence:

- Technical understanding of how the vehicle function;
- Ability to deal with unexpected events;
- Public perception around safety concerns, especially for vulnerable categories;
- Insurance premiums - as operators will have to satisfy certain conditions before being granted an operating licence, it might be the case that individuals would have to pay a higher premium because they will not have the same technical knowledge, resource to supervise and deal with any potential problems.

There could be different categories of HARPS operator in the same way there are different classifications of vehicles today for type approved purposes: cars, motorbikes, trailers, etc.



This may help to differentiate between types of vehicle (for example pods, shuttles) and type of service (public, private, subscription, PAYG, etc).

**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 licence (or to modify licence provisions for such trials).

Please share your views:

Yes. We believe trials will be paramount to ensure that HARPS will run safely in day-to-day life scenarios and to encourage innovation (principle 9). In order to successfully and safely manufacture and deploy HARPS en mass, trials need to be carried out on the street.

However, we recognise there is a safety concern associated with a trial, which is why we consider that proposals should be scrutinised before they are approved and manufacturers should meet a number of conditions including:

- detailed risk assessment, safety cases and risk mitigation strategy;
- assuming liability in case the HARPS causes an accident;
- acquiring insurance or giving a bond;
- restricting the number of HARPS that can be on the street at any given time;
- engagement with local stakeholders, clear warnings and literature.

This could be similar to the current CAV testing code of practice.

**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:

- **Good repute:** This is quite subjective (Ryan Air do not have the best reputation but operate safely). We do not consider this requirement is necessarily relevant given that HARPS do not have drivers. Unless this requirement is meant to be applied for each person who is part of the management of the operator's business (such as directors), persons responsible for supervising the HARPS or other employees with access to the HARPS. In those cases, in particular in respect of supervisors, DBS checks could be useful to ensure that they have not been convicted of any cyber security offences for example. However, this could be grounds to lose a licence (e.g. repeated poor performance). If there are prior concerns regarding repute and performance this should be discussed prior to the licence being awarded.
- **Financial standing:** Due to the high risk nature of the service, it would be important to ensure the operator can meet their liabilities. However, this must be balanced with not creating high barriers of entry into the market and stifling innovation.
- **GB establishment:** We agree that this should continue to be a requirement. Being a British resident will be particularly important if a customer wants to bring a claim against the operator, if the operator is found in breach of any of its obligations under their licence and for insurance reasons.
- **Transport manager:** We note the Consultation Paper covers a wide range of responsibilities a transport manager might have, including conducting manual checks. Although we believe operators should have transport managers, we do not think the regulations should be prescriptive about what their day-to-day responsibilities should be. Instead, we recommend additional guidance be issued, which could be updated from time to time to reflect how HARPS will develop.

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

Please share your views:

- We believe it is important that traffic managers have a good understanding of how HARPS vehicles operate, in particular of the software used. Such technical knowledge is akin to traditional drivers being tested on their basic understanding of how the vehicle works before receiving their drivers licence.

- For this reason, we consider a professional training course/technical competency test made of a written and practical part should be used when hiring or training transport managers. As software based services benefit from updates and upgrades we consider such tests should be repeated periodically to ensure technical managers maintain their knowledge up-to-date as technology develops.

**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:

We consider that this will be necessary for two main reasons:

- Operators will be in the best position to ensure the HARPS are well kept and that they are not putting passengers' lives in danger. If a vehicle is not privately owned, the only other entity which could be held responsible for ensuring the roadworthiness of the HARPS would be the manufacturers. We consider that it would be disproportionate to place such an on-going responsibility on the OEMs unless they themselves are the HARPS operator. In addition, operators will be in a better position to make such a determination because:
  - the vehicles should be under their control/they are making financial gains from providing the service;
  - they will be able to run cyber security and other functionality tests periodically (cyber-MOTs);
  - they can draw on the knowledge and information collected by transport managers (if they will be required to have one).
- However, we believe operators should be able to contract out such responsibilities as long as they will remain ultimately liable if the supplier fails to discharge their obligations under the contractual arrangements and in accordance with the standard required.

- As it has been noted in the Consultation Paper, the general public might have safety concerns in respect HARPS. By placing a responsibility on operators to ensure the roadworthiness of HARPS, we consider the public will be more accepting and will embrace the vehicles faster by perceiving them as safe.

We consider if such a requirement would be placed on operators it should be in line with and to complement the national safety standards covered in the previous chapter.

We consider limb 2 of the requirement would need to be accompanied by further guidance to clarify how such a determination will be made and who by (e.g. a body similar to the VCA). We believe there is a risk that without further guidance the requirement would be too subjective and it could possibly be implemented inconsistently.

**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:

We consider such a clarification would be necessary, especially if they will be responsible as described in Question 9. As mentioned above, we also consider passengers should be able to bring a claim against operators in case of an accident, in which case it would be important for operators to claim back through insurance or their suppliers any liabilities incurred this way.

Alternatively, the legislation should be amended to recognise HARPS operators as a distant category to whom additional obligations apply.

**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:

- **Insurance:** yes – as explained above.
- **Supervise** – yes – we believe this could be achieved through traffic managers and remote diagnostic/monitoring software and sensors. However, further information needs to be considered in order to assess if traffic managers would need to supervise all HARPS in an operator's fleet in real time, or if supervisors would be responsible for supervising a fixed number of HARPS at any given time, or some other arrangement.
- **Report accidents** – no, they should report and share issues with other HARPS operators to ensure accidents are avoided (similar to the aviation industry).
- **Protection** – although we understand that it is necessary to ensure passengers' safety, operators cannot be held liable for harassment incidents for which other passengers are responsible for. Because of this we consider operators should not be under an obligation as described. Instead, we consider that HARPS operators of vehicles with more than 8 spaces should be under an obligation to install CCTV. We consider differentiating between vehicles in this way is necessary because whilst vehicles for less than eight vehicles are most likely hired and shared by acquaintances, vehicles would more than 8 spaces would generally be used as a form of common public transport in which passengers may feel less safe. Protection should be more an issue for existing law enforcement, although warnings about offences/prosecution could be included in HARPS vehicles.

**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:

Yes, within reason. We need to maintain a balance between safety and not making this too administratively burdensome for HARPS operators. Due to the nature of the vehicles/services they will collect a lot of data. However, data protection legislation would still apply and needs to be considered.

**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:

We consider that this would be the best way forward. The traditional way of creating legislation, through Acts of Parliament, is a long and slow process, which is subject to political uncertainty. Because of this, it will be difficult to enact legislation which remains relevant over a long period of time. Instead, we consider that outcomes based regulations and broad duties would give authorities flexibility, and would reduce the risk of the regulation becoming obsolete as technology develops.

We consider this is particularly relevant in order to encourage innovation. Enabling legislation could also be passed to allow regulations to be passed/amended in short order so the law can move quickly and track the change of technology.

**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:

- We believe this requirement is necessary in order to ensure that operators comply with consumer regulations. We consider without this obligations operators could take advantage of their position in the market, especially in the infancy of HARPS.
- As explained above, there is a concern that if there is no transparency as to prices, consumers would not be able to choose the best option available to them. Price transparency is also important for principles 6 (reducing congestion).

(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:

Whilst we consider the operator could have such a power, which would be important if operators do not comply with the requirement discussed under the point above, we believe it should only be used in exceptional circumstances. Such circumstances to include repeat offences, fraud, etc.

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

Please share your views:

The new agency – would be forced to think afresh instead of trying to use old patterns, and it would be preferable to have the two agencies because they could each focus on their area of expertise and activity. We could still draw from experience by hiring people from the existing administration in combination with new people.

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

Please share your views:

Freight transport should also have high standards, especially when considering their cargo can contain hazardous materials. This needs to be considered in the wider context of freight HARPS being present on the roads with persons only HARPS, and the potential consequences of such vehicles colliding.



## Privately-owned passenger-only vehicles (Chapter 5)

**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:

- Yes, because it would not be reasonable to expect customers to arrange insurance, service and check-ups for short-term rentals.
- In addition, operators will be in a better position to check and ensure the safety and good keep of the HARPS.
- However, we consider an exception should be created for repeat short-term renewals. If a customer rents the same/similar vehicles for short-term periods (of less than six months) continuously for a total period of over 12 months, the customer should assume some of the responsibilities in relation to the HARPS. We consider that not having such an exception could lead to situations where customers abuse the regulatory regime.

**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:

Yes – this appears to be the most common sense approach if the vehicle is not technically under the control of the HARPS operator.

**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:

It will ensure consistency. Being able to rebut the presumption based on evidence will be enough to deal with situations when the registered keeper is not the person who keeps the vehicle.

However, we believe the regulation should also bring clarity around the type of evidence that will be required to bring to rebut the presumption.

**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:

Yes – we consider that a regime which imposes a positive obligation on lessors would benefit consumers and ensure that operators do not take advantage of their market position and knowledge.

(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:

Yes – for the reasons explained above. Consumers should be explained, in detail, what the transfer of liability entails and what the repercussions might be. The explanation would have to be more akin to how banks explain customers their responsibilities before issuing them with credit cards, as opposed to a blanket statement that can be misunderstood by customers which do not have a very good understanding of the legal consequences.

**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:

- This would have to be considered in relation to the effect it would have on prices and if it would reduce the number of consumers who could use or afford HARPS.
- We also consider, as mentioned previously, the market might become fragmented forcing consumers to have multiple subscriptions, which would again increase prices and maintenance.
- Lastly, we consider that whilst the majority of HARPS owners might want to rely on such services, there may be owners who have the necessary knowledge so as not to have to use such services. In this case, the owners would have to incur unnecessary expenses (however it would be difficult to then assess if this is really the case or if they don't want to pay).

It also goes back to the subscription point I was making earlier - there may be different companies offering fragmented support so then the owners would have to pay a lot of

**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:

It would be very difficult to regulate this potentially - there is no real way of knowing if the people in that group arrangement are actually paying for those services.

Two other aspects that need to be considered, especially in light of the proposals discussed earlier in this paper:

- If a group-sharing arrangement exists, and the registered keeper will be responsible, the arrangement could potentially lead to a situation where the users in that arrangement would bring evidence against each other to rebut the presumption.
- Another aspect that needs to be addressed is that of liability. If at one point, only one or some of the people in the arrangement are in the vehicle and there is an accident, who will be liable?

**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:

Given the novelty and the complexity associated with HARPS, we consider such a duty should exist in order to ensure that consumers are not taken advantage of. This is a particular concern as not all consumers will have an understanding of how HARPS work, and how cumbersome or costly on-going obligations can be.

This will help to avoid consumers cutting corners to avoid cost, which could render their vehicles unusable.

This could potentially be relevant when consumer are sold vehicles with a free period of subscription which becomes 'paid for' after a period of time.

## Accessibility (Chapter 6)

**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:

By:

- operators having in their fleets vehicles accessible for people with disabilities (i.e. with ramps);
- obliging operators through regulation to have vehicles which fit wheelchairs, with auditory and visual announcements (especially for public transport);
- encouraging operators by offering them various advantages if they will offer connected services for 'last mile' distances. This way disabled people could use public transport for long distances and from the public transport stations to their homes the operators' services;
- obliging operators through legislation to design apps which are accessible for people with disabilities.

These should be requirements for an operator to obtain and maintain a licence to operate.

**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:

It is important that people who are disabled are offered increased protection, and that they can benefit from HARPS at least in the same way they did from traditional cars and other public transport. HARPS should be a lucrative market so it is only right that services are offered to all and that operators are not allowed to 'cherry pick' or discriminate against different categories of users and the journeys they want to cater for.

**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:

Yes, operators should have vehicles in their fleet which are accessible for all.

(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, for example 24/h customer service with trained staff; audio visual displays in the vehicle showing clear and up-to-date information; accessible ways to view apps on smart devices (including voice alerts).

(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 would need to be proportionate and commercially viable, but HARPS should be available to everyone.

HARPS operators will need to accept that not all journeys will have the same profit margins and therefore structure their fleet and prices accordingly.

**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:

We consider it is too early to decide on a set of standards because we are not exactly sure how these vehicles will look like and operate, but note our response to Question 26.

**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:

We consider that although gathering data would be beneficial because it could help to improve regulation, there may be challenges in making it a requirement. There may be data protection issues regarding the collection and sharing of data of people with disabilities.

It might be more appropriate to survey disabled users and non-users of HARPS to gather information on the barriers to use HARPS and the user experience when using HARPS. By collecting information this way, it will be done on a voluntary basis and more



meaningful data can be collected.

## Regulatory tools to control congestion and cruising (Chapter 7)

**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:

The use of TROs could be a useful way of designating the types of vehicles or services which could use specific parts of the highway (including non-roads). The TRO process and usage should be reviewed and potentially expanded to all greater use cases (subject to sufficient safety cases or risk assessments being in place).

**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:

- **Signage:** without any road related decisions, regulations and changes being recorded in an appropriate digital way, signage (as we know it know) could be potentially problematic: would HARPS be able to identify CPZs if they are not recorded digitally or would they have access to information such as the different charges applicable depending on the time of day?
- By having different parking regimes and regulations between traditional cars and HARPS that would create a discriminatory system (similar to the case which covered the different regimes for cars and motorcycles).
- New charging schemes could be adopted for non-resident users of HARPS in the cities: if the same vehicle was parked within the same number of miles radius during peak hours throughout week for a significant proportion of time, they could be charged increasingly more. Such regimes could be implemented because such information could be gathered from HARPS, intelligent traffic cameras, etc. Such a

regime might dissuade people from travelling with their own cars all the time and might encourage them to use taxis/public transport instead

**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:

Charging more one way or another will have a direct effect on the alternative option. To that end, we consider priority should be given to one of them.

Road pricing might have more of a negative effect at first because there will not be a lot of individuals who afford to buy HARPS, which is going to be made even more difficult if they will have to pay an additional road tax as well. However, because of this, people might embrace car-sharing as an alternative.

As the number of HARPS vehicles increases the focus can shift on parking if that is an issue (at the moment we are assuming that parking will be an issue, but as we have seen, there has been a change in young adults' perceptions and views as regards cars).

**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:

We not necessarily think this is necessary until HARPS vehicles become more widely utilised at least. We consider revenues could and should be used for the same purposes as now (to invest back in the infrastructure or public transport for example).

**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:

To begin with, yes. The technology is largely untested and should be gradually introduced so we do not create a 'wild west' of HARPS vehicles flooding the road network. However, operators will need a number of vehicles for the same to be economically viable as well.

Although we understand there are concerns that the number of HARPS will increase congestion in urban areas, we do not believe the agency should be given such discretionary powers over the long term.

Some of the risks of imposing such limitations include:

- increased prices due to a lack of competition; and
- unfair competitive advantage if some operators will be allowed to have more vehicles than others or if they are allowed to enter the market first.

**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:

See above answer to Question 33. A regime may be necessary during testing phases but

any overbearing regime could stifle innovation.

## Integrating HARPS with public transport (Chapter 8)

**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:

This is the current way used to classify vehicles both in the UK and the EU. Although the UK will have left the EU by the time HARPS regulations are enforced, by remaining aligned to the EU standard, will make the UK an attractive market for international operators.

On the other hand, we believe HARPS might lead to a more diverse range of public transport offering, and because of this the eight people limit might either not be the most appropriate way to differentiate between them or it might lead to regulatory shopping (covered in the first three chapters of the Consultation Paper), which is something that HARPS regulators want to avoid.

As the way HARPS are used evolves (currently used for airport transport services predominantly), this definition may have to be updated to reflect the commercial realities as there could be HARPS shuttles that can carry 10-15 people which should fall outside current bus regulation.

(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:

There should be a range of use cases which fall outside bus regulations.

**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:

The stop at fix points and the regularity are the main characteristics of a bus service. Therefor a HARPS vehicle only should be considered as a local bus service if these criteria are met. The length of the journey could also enter into consideration, to exclude coaches.

**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:

## 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: