

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 or call 020 3334 0200.

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What is the name of your organisation?

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:

A single national system of operator licensing provides consistency of standards for HARPS, which may incur cross-border journeys. Legislation should therefore be based on a UK basis similar to existing major Road Traffic laws.

This is further supported by evidence provided at 3.2, which covers the growing complications and inadequacies of the current licensing system for bus, taxi and private hire vehicles.

Although there would undoubtedly be challenges in integrating current operators to move to a new system, incentives could be made available to encourage migrating towards HARPS.

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:

A common level of safety checks across the country will ensure vehicle examiners are checking/testing vehicles to the same standard.

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:

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:

As is currently the case, this definition makes a clear distinction between running these vehicles as a business, as opposed to private use.

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:

It may be prudent to consider in the early stages of HARPS development that all such vehicles are licensed, even if this purpose serves only to monitor, regulate, inspect and advise on all aspects of this type of autonomous vehicle.

This would allow for learning through practical experience of their use, addressing any identified issues and making improvements as required, to make sure such services are safe and workable prior to raising questions about exemptions.

Once HARPS vehicles have become an accepted and established form of transport, it may be worthy of reconsideration as to whether such exemptions could be introduced.

However, in order to encourage greater use of HARPS and continue to strive towards green targets, other incentives may have to be considered, as many community groups could find the costs of licencing prohibitive. For example, although a group would still have to be licenced, the fee could be reduced or waived. Legislation would need to be sufficiently flexible to allow for changes as these areas evolved.

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:

Trials will have to form part of the learning for the Operators licensing process, so no exemptions should be given. Given the developing nature of the technology involved and the need to build evidence that such services can be operated safely, it would seem sensible to keep all trials within the HARPS licensing regime.

However, cost exemptions could be offered to encourage operators to conduct trials of the use of HARPS.

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:

It would seem prudent, in the interests of public safety, to maintain these requirements and not relax or alter them simply because the technology has changed.

However, as previously mentioned, to encourage community use legislation would need to be written in such a way that it can categorise/differentiate between commercial and community use.

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

Please share your views:

HARPS transport managers will need to demonstrate the same level of competence as required at present for non-automated services, with specific provisions added to address the nuances that arise from running an automated service.

A system of training and accreditation should be implemented to ensure transport managers are provided with the correct knowledge to run an automated service. It is reasonable to assume that computer-based technologies, simulators and interactive devices will allow transport managers to gain competence in a safe learning environment prior to receiving accreditation to run a "live" system.

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:

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:

In the absence of a driver, it is necessary that the onus of responsibility should fall back to the Operator.

Rather than amending the current legislation, however, it would seem more advantageous to implement new legislation.

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:

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:

In order to improve on safety and to gauge how well the new technology works, it will be necessary, when an incident occurs, to record in-depth details of the circumstances as well as environmental details at the time of the incident.

In addition, records of incident-free journeys – mileage, routes, times, etc. - should be maintained in order to form a full, clear picture of the safety, or otherwise, of the vehicle technology and software.

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:

N/A for Police Scotland.

(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:

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

Please share your views:

The current method of Operator licensing, and the existing staff who already possess the expertise in dealing with such applications, renewals, etc., could be trained to add HARPS licensing to their existing skill-set.

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

Please share your views:

The provisional proposals focus on the concept of autonomous vehicles with the “load” being passengers. It would not be too dissimilar to discuss freight carriage rather than people.

The concerns with this mode of transport lie with the autonomous concept and absence of driver attendance/control, rather than the purpose to which the vehicle is being put.

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:

N/A for Police Scotland.

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:

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:

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:

There should always be a transparent and auditable trail of responsibility, whether this remains with the lessor or transferred to the lessee, someone linked to the vehicle has to be legally responsible for its road worthiness and other matters relating to its operation.

This will ensure correct application of any legal proceedings rather than loop-holes on the presumption that either party had 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:

As per the previous question, there should always be a transparent and auditable trail of responsibility, whether this remains with the lessor or transferred to the lessee.

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:

If this is in place it will reduce incidences of vehicles in a dangerous condition and improve road safety.

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:

The regulations need to take account of every possible circumstance so that there is never any dubiety over who is legally responsible for the vehicle and its operation.

The legislation will have to be 'tight' enough to avoid creating loopholes, whilst remaining flexible enough to adapt to lessons learnt.

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:

N/A for Police Scotland.

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:

N/A for Police Scotland.

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:

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:

(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:

Those monitoring the operation of services should be accessible via on board communications to address such issues.

(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:

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:

N/A for Police Scotland.

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:

Ideally mechanisms should be in place for passengers with protected characteristics to report any difficulties or challenges they encounter.

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:

This question refers to TRO's and congestion rather than road safety.

However, in general terms, it would seem sensible to identify any gaps in the law as HARPS trials progress then develop and feed this into any wider review of TRO legislation.

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:

N/A for Police Scotland.

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:

N/A for Police Scotland.

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:

N/A for Police Scotland.

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:

Consultation Question 34: Do you agree that there should be no powers to impose quantity 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:

A licensing authority should maintain oversight and decision making powers in terms of all aspects of HARPS, particularly when these vehicles are introduced to the road network and their quantity and interaction with other road users is understood.

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:

N/A for Police Scotland.

(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:

N/A for Police Scotland.

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:

N/A for Police Scotland.

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:

N/A for Police Scotland.

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: