



**Response of the Road Haulage Association to
the Law Commission.**

**“Automated Vehicles: Summary of Consultation Paper 2
on Passenger Services and Public Transport”.**

3rd February 2020

Summary of the Consultation

1. The Law Commission is consulting on a three-year review to prepare legislation for automated vehicles in passenger transport in order to create the correct legislation applicable to these vehicles. Question 16 in this consultation refers to road freight.

Background about the RHA

2. The RHA is the leading trade association representing road haulage and distribution companies, which operate HGVs as profit centres. Our 7,200 members, operating near to 250,000 HGVs out of 10,000 Operating Centres, these range from single-truck firms to those with thousands of vehicles. These companies provide essential services on which the people and businesses of the UK depend.
3. We proactively encourage a spirit of entrepreneurship, compliance, profitability, safety and social responsibility. We do so through a range of advice, representation and services, including training.
4. We would like to thank Law Commission for the consultation and the opportunity to comment on the issues raised.

General Comments

5. We are responding in detail to Question 16 relating to road freight and others more briefly where we see clear cross over of application.

Responses to the Questions

Question 1. (Paragraph 3.82): Do you agree that Highly Automated Road Passenger Services (HARPS) should be subject to a single national system of operator licensing?

Yes, where vehicles are travelling nationally there must be one consistent standard. That standard must be set by Central Government.

Question 2. (Paragraph 3.86): Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

Yes, we must avoid potentially different standards created by Local Authorities.

Question 3. (Paragraph 4.33): 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 a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?**

Yes.

Questions 4 and 5 No comment.

Question 6. (Paragraph 4.54): We seek views on whether there should be statutory provisions to enable the Secretary of State to exempt specified trials from the need for a HARPS operator licence (or to modify licence provisions for such trials).

Yes, with the provision that there is no commercial advantage.

Question 7. (Paragraph 4.72): 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?**

Yes.

Question 8. (Paragraph 4.73): How should a transport manager demonstrate professional competence in running an automated service?

This needs careful consideration and collaboration with trade associations, the operator licensing authority, together with operators before decisions are made.

Question 9. (Paragraph 4.89): 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”?**

Yes.

Question 10 No comment.

Question 11. (Paragraph 4.124): 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?**

Yes.

Questions 12, 13, 14 and 15

No Comment.

Question 16. (Paragraph 4.140) We welcome observations on how far our provisional proposals may be relevant to transport of freight.

Department for Transport statistics show there are 159,000 Buses and Coaches, whilst there are more than 528,000 Heavy Goods Vehicles. We consider that Heavy Goods Vehicles will be considerably more difficult to operate autonomously and legislate for than Buses and Coaches due to the higher number of locations of collection / delivery sites and the need to monitor the safety of loads carried.

We consider that matters relating to Operator Licensing are relevant.

We do not envisage Heavy Goods Vehicles being Autonomous, until the loading and unloading of goods is automated or operated in such a way to provide total assurance of safety on road too. Whatever solutions are developed, they must be safe and seen to be safe for those vehicles which will not be using advanced autonomous technology.

Question 17 No Comment.

Question 18. (Paragraph 5.40): 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?**

Yes.

Question 19 to 38 No Comment.



The Road Haulage Association

Final Comments

We ask that when the legislation concerning Heavy Goods Vehicles is being considered that the Law Commission re-engage with the RHA and other freight stakeholders at an early stage so that the creation of future legislation can be properly considered.

3rd February 2020

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