

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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Under the General Data Protection Regulation (May 2018), the Law Commissions must state the lawful bases for processing personal data. The Commissions have a statutory function, stated in the 1965 Act, to receive and consider any proposals for the reform of the law which may be made or referred to us. This need to consult widely requires us to process personal data in order for us to meet our statutory functions as well as to perform a task, namely reform of the law, which is in the public interest. We therefore rely on the following lawful bases:

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(e) Public task: processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

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About you

What is your name?

Lorrie Walker

What is the name of your organisation?

Safe Kids Worldwide

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?

If you want the information that you provide in response to this consultation to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances.

No

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:

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:

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:

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:

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:

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:

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

Please share your views:

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:

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:

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:

(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:

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

Please share your views:

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:

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:

(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:

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:

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:



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:

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:

(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:

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:

Please consider child occupants as vulnerable users.

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:

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:

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:

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:

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 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:

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:

(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:

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: Safe Kids Worldwide Children In Autonomous Vehicles Consortium

Safe Kids Worldwide is a non-profit organization with three decades of real-world experience in keeping kids safe in and around cars. We are the certifying body for 43,000 certified child passenger safety technicians (CPSTs) who will mobilize to provide education and guidance to the public as new technology replaces currently available vehicle features. CPSTs represent large numbers of workers from law enforcement, first responders, health and safety professionals, vehicle and child restraint manufacturers as well as advocates from a variety of fields. Since 1998 when the CPST program was initiated, Safe Kids has certified more than 180,000 CPSTs and, through our 400 coalitions has inspected more than 2.5 million car seats in communities throughout the United States. We are a trusted name with families and child care providers in the USA.

Autonomous vehicles (AVs) offer great potential to reduce injuries and save lives as well as enhance mobility for diverse and vulnerable occupants. Safe Kids wants to ensure that children, as vulnerable occupants, are considered as the field develops. To that end, Safe Kids convened a Blue Ribbon Panel in 2018 comprised of top-level child safety and transportation experts to make recommendations on specific actions, anticipating what children will need and what caregivers must know to keep kids safe in highly automated and autonomous vehicles. The Panel issued five Calls to Action to developers as well. In 2019, Safe Kids announced its commitment to lead and develop child-specific guidance via its international Children in AVs Consortium, comprised of experts who are helping implement seven Blue Ribbon Panel recommendations. Safe Kids will continue to lead the efforts for transporting children safely in varying types of autonomous vehicles as research, products, consumer education, public policy and best practices are developed.

Our colleague and Safe Kids Worldwide *Children in AVs Consortium* member, Dinos Visvikis, has assisted us to better understand the UK-specific needs where we share an interest. They are presented here:

In the UK, it is the driver's responsibility to ensure children are restrained appropriately. Depending on their age and/or height, this might mean in a dedicated child restraint system approved to UN regulations. This raises a number of questions for the deployment of automated vehicles. Firstly, how will the driver be identified, particularly in vehicles that are capable of full autonomy? The legislation could pass responsibility to the user in charge of the vehicle, which might be the parent or carer of the child. This approach might work well for privately-owned vehicles; however, if private car ownership is reduced in favour of shared services, further provisions might be needed. For example, will the service provider bear any responsibility for ensuring that a child occupant is restrained, or will their parent or carer be solely responsible?

At present, the legislation allows a number of exemptions for taxis and minicabs and for unexpected journeys, etc. This recognises the difficulty in providing child restraint systems on demand in vehicles used by a range of people. If automated vehicles reduce private ownership significantly, the number of situations in which children are exempt from using a child restraint might increase. It may be necessary, therefore, to legislate for the provision, as well as the use, of a child restraint in such vehicles to avoid detrimental effects on child casualty statistics.

Finally, UK law doesn't say an age when a child can be left on their own, but it's an offence to leave a child alone if it places them at risk. The potential absence of a driver in vehicles capable of full autonomy might tempt some parents to allow children to travel unattended. They might perceive this to be safer than using conventional taxis or other public transport. It may be necessary, therefore, to legislate for conditions under which this is allowed. Responsibility would need to be assigned for safeguarding the child in the vehicle and the nature that might take (e.g. monitoring and communication), as well as restraint use, as discussed above.

Thank you for allowing Safe Kids Worldwide the opportunity to share with you our efforts to ensure that children are an ever-present consideration and not an afterthought. Please feel free to follow our work (www.safekids.org/kids-autonomous-vehicles), assist us with our challenges and be part of our global community as we all strive to do what's best for children and families in this transportation paradigm shift.