

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:

Licencing of all vehicles and drivers should be consistent across the country to ensure passenger safety is ensured to the highest standard for all passengers.

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:

See above

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:

Businesses need to be held to account for passenger safety and maintain the conditions set by a licence to ensure safety standards are met.

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:

Carrying passengers as a paid service

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:

We can't imagine a case where such a vehicle should not be subject to the safety standards set out in licensing requirements.

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:

We would need more information about what the exemptions included. We would be concerned if an exemption in any way lessened the safety standards required by operators, even for the purposes of trials, which may still put passengers at risk.

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:

Applicants for a HARPS operator license should be subject to all the safety standards for drivers and operators set out in the report of the Task And Finish Group on Taxi and Private Hire Vehicle Licensing, namely national minimum standards. This is because vehicles could potentially be misused by operators intent on harm including, but not limited to, the control of passengers' whereabouts and access to their personal information. In addition, careful consideration should be given to all the potential personal safety risks

inherent in such a service and mitigations for each risk should be upheld in licensing requirements.

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

Please share your views:

We agree with the requirements set out in points 4.67 to 4.71. In addition, in order to demonstrate that they are 'of good repute', transport managers should be subject to all the enhanced DBS and criminal checks that the Task and Finish Group have stated that should be a requirement for drivers and operators. This is for the reasons set out above in Q.7 and the potential misuse of a position of trust.

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:

These steps are essential for better protecting passengers.

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:

Yes, as this would make the operator directly responsible for ensuring roadworthiness and insurance requirements.

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:

HARPS operators should be subject to all the safeguarding and licensing requirements set out the report of the Task and Finish Group, including legal requirements to safeguard passengers from assault, abuse or harassment.

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:

There needs to be a direct line of accountability for any incident or observation that may put passengers at risk.

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:

As clearly stated in the report of the Task and Finish Group, statutory guidelines are currently being ignored by many licensing authorities, operators and drivers, therefore legislation is what is required in order to ensure passenger safety and enable enforcement of any guidelines put in place.

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:

Clear pricing enables passengers to adequately budget and prepare for journeys, and prevents incidents where they might be left stranded or unable to travel safely due to budget constraints.

(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:

See above

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

Please share your views:

It would make sense that current licensing authorities take this on as part of their remit to ensure passenger safety and ensure consistency in the application of licensing requirements.

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:

This is to ensure a direct line of accountability to safeguard passenger safety.

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:

To ensure consistent oversight and responsibility for the vehicle and its use.

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:

This may help retain consistency of supervision and maintenance services if implemented by the same licensing provider for a licensing area.

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:

We recommend that an expert steering group is appointed to explore in detail all the potential safety risks posed by automate passenger-only vehicles to identity and resolve any potential loopholes.

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:

See above our answer to Q. 14.

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:

We support all the recommendations regarding accessibility of vehicles as set out in the report of the Task and Finish Group.

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:

Accessibility requirement should not be lessened in any way due to the absence of a driver.

(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:

Ensuring that passengers feel and are safe must remain a priority.

(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:

It would seem necessary to ensure that passengers could seek and receive support and advice at any point in their journey and not restrict this to designated points.

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 recommend the appointment of an expert steering group to identify these; such as the members of the Task and Finish Group.

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:

It will be important to know how these vehicles are being used, by whom and to regularly assess and safety concerns by passengers.

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:

Safety implications of this and all related aspects of aligning HARPS with public transport should be considered by an expert steering group to fully assess potential risks.

(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:

See above

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:

See answer to question 35.

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:

See answer to question 35

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:

See answer to question 35

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:

With regards to passenger safety, we would like clarity around whether such vehicles will be available for use as a ride-sharing choice for passengers, as this would pose personal safety risks of being in a locked vehicle with a stranger. We would also like clarity about how passengers will stop and/or get out of the vehicle mid-journey if they so choose, and how they will call for help and get support during a journey if in distress.

While the absence of a driver eliminates certain risks posed by the driver themselves (criminal convictions and propensity to violence and harassment etc) the absence of a driver or person responsible poses its own set of risks to passengers, such as how to respond to passengers who need assistance during a journey, passengers who change their mind and want to exit a vehicle mid-journey, potential access to personal information by owners/operators of HARPS, risks associated with ride-sharing etc. This is why we recommend a full assessment of all potential risks by an expert steering group, similar to the ministerial Task And Finish Group on Taxi and PHV Licensing.