

Nicholas Paines QC
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Law Commission
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Our ref *SW/NP*
Your ref *NP/SW*

5th February 2020

Dear Mr Paines

Automated Vehicles Consultation Paper 2 – TfGM response

We welcome the Law Commission's forward-looking approach to assessing how autonomous vehicles can be safely deployed in the UK. With regards to the second consultation, we share and fully endorse the views set out in the response submitted by Rebecca Fuller, Assistant Director of the Urban Transport Group. This letter builds on the UTG's response and further emphasises the concerns of TfGM, which are centred on two key issues:

- We have significant experience of the detrimental impact that a fragmented and inefficient transport network can have and we are concerned that the basic principles outlined in the paper do not adequately account for the impact that HARPS may have on wider transport networks.
- The regulatory tools for local HARPS management referred to in the paper are too outdated and too reactive to bring HARPS into alignment with our wider priorities. Licensing of HARPS should be devolved to combined authorities.

Over the past 20 years, Greater Manchester has been successful in repositioning its economic proposition, so as to respond to the opportunity for regeneration through agglomeration; new models of urban living; and the development and retention of a strong skills base, which has been supported by a public transport-led investment programme. We have developed a new 2040 Transport Strategy, which places transport investment, innovation and integration at the centre of a sustainable economic growth model for the city region. Our Strategy has been designed to respond to the real challenge of supporting population and housing growth (with Greater Manchester set to exceed 3 million residents over the next 15-20 years),

whilst addressing the climate emergency and supporting a broader urban regeneration framework.

We have articulated this challenge through a clear vision for the “Right Mix” for future travel in Greater Manchester, which will require us to be able to accommodate at least one million additional trips per day by modes other than the car by 2040. And, we regard future transport solutions, coordinated through a coherent model of Mobility As A Service, as having significant potential to promote fluid mobility across transport modes to this end, supported by a robust regulatory framework to realise and harness this potential in practice as part of an integrated travel system.

Therefore, we are concerned that Consultation Paper 2 does not - to the extent needed - consider the interaction between HARPS and other forms of transport, including existing modes such as bus, rail, walking and cycling, or new and emerging modes such as e-scooters and e-bikes. The paper references our plans for an integrated transport network set out in the GM Transport Strategy 2040, as well as those of other combined and city authorities, however, **the paper advocates for the provision of a relatively weak set of reactionary regulatory tools for local transport authorities**. We want to see HARPS aligned with our long-term priorities and strategies for the city region, such as our ‘Right Mix’ vision. This vision is the product of significant research to ensure that we aim for an appropriate modal split that maximises the wellbeing of our residents. **The paper does not show sufficient analysis of how existing transport strategies like this may be impacted by the introduction of HARPS**. We would welcome further investigation as the Law Commission continues its regulatory review, with a more evidenced comparison of the impacts that local or national licensing may have on this.

As we do not yet know exactly how HARPS will be deployed, **setting the licensing (and conditions of licensing) at the city-region level would allow us to be more dynamic in our regulation of HARPS and ensure that they represent genuine social value for our residents**. It would allow us to avoid ‘locking in’ a fixed national regulatory position on HARPS when the technology is relatively early stage and deployment and commercial strategies are not yet clear.

As an example, many of our residents are reliant on the affordability, accessibility and regularity offered by scheduled, fixed-route bus services, however, GM like many areas of the UK, is experiencing declining patronage on our bus networks, leaving a number of routes in a fragile state. Through the Bus Reform process, we are exploring measures to strengthen the network and reverse declining patronage and loss of key routes, however, **a lack of adequate local level regulatory tools to manage the introduction of a HARPS fleet could seriously undermine these efforts**. If commercial operators choose to flood the market with vehicles operating at temporarily discounted fares in order to achieve long-term market dominance, a lack

of local power to intervene could result in the disbandment of essential, fixed-route services that serve some of the most marginalised user groups of our transport system.

Chapter 7 details the potential suite of regulatory tools available to manage HARPS. TROs have historically been a central device for local management of streets, however, they are a reactive and imprecise form of regulation. **TROs do not fit the criteria needed to keep pace with commercial and private deployment of HARPS;** they are time consuming and expensive to implement and have yet to be digitised to the extent that they may become a more feasible regulatory option for increasingly complex, multi-use street environments. Similarly, other regulatory options mentioned, including reduced parking charges and road user pricing are also largely reactive and inefficient regulatory measures that can only be implemented once HARPS are on the road.

We welcome a future with HARPS on our streets, but only if provision is aligned with our wider ambitions for the city-region. Clear regulation is needed throughout the UK based on an understanding of how HARPS need to contribute towards national transport policy, however, within this framework, **additional and direct control over licensing conditions at the city-region level is needed.** This would allow us to specify minimum standards and criteria that are adapted to work in our local context, such as maximum fleet quotas or obligation to participate in integrated ticketing systems. We note, however, that whereas city-regions have the necessary skills and resources to set their own standards for HARPS, the same may not be true of small, unitary authorities outside city-regions. They may benefit from nationally-defined regulations on HARPS and we suggest the perspective of such authorities are fully captured as part of this consultation.

These points are intended to be a constructive addition to the investigations carried out by the Law Commission and to help to place the outcome of the work in the context of the challenges and opportunities that we face here to support national economic and environmental policy objectives through the application of future mobility. We are committed to working with the new mobility sector and the regulatory policy environment to ensure that future transport can flourish as a UK growth sector, whilst also underpinning the wider Industrial Strategy; and we remain open and keen to engage in further dialogue as the regulatory review progresses.

Yours sincerely



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