

Law Commission

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**Automated Vehicles: Consultation Paper 2 on Passenger Services and Public
Transport**

Dear Sir or Madam,

Thank you for inviting us to respond to the 'Automated Vehicles: Consultation Paper 2 on Passenger Services and Public Transport'. This response represents the technical view (and does not constitute a formal policy position) of Transport for West Midlands (TfWM) - the transport arm of the West Midlands Combined Authority.

TfWM is investing in local and regional transport connectivity in the West Midlands to create a healthier, happier, better connected and more prosperous region. TfWM aims to deliver a world-class integrated transport system, helping to decrease reliance on single-occupancy car journeys and connect people to new opportunities.

The West Midlands is a recognised centre of excellence in transport innovation and has been selected as the UK's first Future Mobility Zone. There are also numerous AV projects as part of a wide ranging innovation programme in the West Midlands, including Midlands Future Mobility, a 250km real world testbed for CAVs.

HARPS present potential opportunities to further improve public transport accessibility and connectivity in the future; it is positive that engagement is already underway to help set the legislative environment for HARPS and autonomous vehicles, which will help to enable the opportunities they present, whilst minimising any risks.

TfWM is happy to be involved in additional discussions on HARPS licensing, and we are keen to engage with further phases of the Commission's work. We look forward to continuing to work together throughout the running of this project.

Yours faithfully,

Mike Waters
Director of Policy, Strategy and Innovation

Consultation Question Responses

Chapter 3: Operator Licensing – A Single National System

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

TfWM agrees that HARPS should be subject to a single national system of operator licensing. Safety, security and remote supervision are critical elements for ensuring these types of vehicle operate effectively, irrespective of how many passengers can be carried. For this reason, it seems reasonable to consider HARPS under a single national framework with national minimum standards. Doing this will help to remove discrepancies across areas and across types of service. Whilst national minimum standards are important, in order to fulfil the DfT's Future of Mobility objectives, TfWM believes that operator licensing should be administered and determined locally/regionally. It is imperative that any national standards do not compromise innovation potential and that local regions are able to ultimately have autonomy over licensing standards to respond to local demand and meet local objectives.

Consultation Question 2: Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?

The language and approach for safety standards needs to be consistent nationally. As HARPS have highly technical requirements, there should not be regional deviation on safety standards, especially to reduce any negative impacts of cross-border operation which has already proven problematic for the private hire sector. With this new mode we have an opportunity to ensure that consistency is introduced from the beginning. This may help to minimise the need for specialist resources at local authorities, to deal with new technology. TfWM believes that whilst safety standards should be consistent nationally, there is a need for administration and determination locally/regionally to fulfil the DfT's Future of Mobility objectives.

Chapter 4: Operator Licensing – Scope and Content

Consultation Question 3: Do you agree that a HARPS operator license 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, the criteria above seems reasonable to define businesses requiring HARPS operator licenses. As we highlighted in our response to Consultation Paper 1, there may be a case for an 'operator-in-charge' definition, for vehicles which carry passengers, but where passengers are unable to take control – i.e. HARPS. This would potentially help convey responsibility for operation, maintenance and safety.

Consultation Question 4: Is the concept of 'carrying passengers for hire or reward' sufficiently clear?

The criteria seems sufficiently clear as it is based on existing practice. However there should be consideration of alternative operating models that may exist in the future, including peer-to-peer carsharing.

Consultation Question 5: We seek the views on whether there should be exemptions for community or other services which would otherwise be within the scope of HARPS operator licensing

Whilst it is unlikely that community or similar services will be in a position to operate HARPS vehicles in the initial years of the implementation of this technology, mainly due to technological and financial barriers, HARPS could deliver opportunities to provide better value and more convenient services for these groups in the future. However, given the risks and specialist knowledge required for the safe operation of HARPS, we do not believe there should be exemptions for community or other services operating HARPS.

Furthermore, the role of community and other services may change in the future in response to the potential benefits of HARPS. Compared to conventional commercial services currently in operation, HARPS may be able to provide more convenient and more affordable journeys, potentially reducing the need for certain types of community services.

Equally it is important to acknowledge that driverless vehicles may be unable to deliver the same level of customer services that vulnerable and disabled passengers require, and there may therefore be a limit to how effective this mode becomes at replacing existing community transport. It may therefore be necessary to have a member of staff on board to offer assistance to vulnerable and disabled passengers when boarding and alighting the vehicle.

We also query whether for HARPS regulated under bus regulation – ENCTS pass holders should be eligible for free travel and if so this needs to be made clear to operators. There could be substantial fiscal implications if so as this may lead to a significant uptake in ENCTS use.

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 need for a HARPS operator licence (or to modify licence provisions for such trials).

Provided the Code of Practice is suitably updated to clearly place the burden of liability on the individual or organisation conducting the trial, TfWM believes that exemptions may be valid for trials of HARPS.

Such trials will be absolutely necessary throughout the implementation of this new mode to obtain data on how well this mode is integrating and any adverse effects it may have on the broader transport network. We believe that exemptions should be limited to existing designated testbed areas in order to allow informed and thorough monitoring and evaluation and benchmarking.

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?

TfWM agree with the above criteria for judging applicants for HARPS operator licenses. What is considered appropriate within each criterion will likely need to develop overtime as the technology develops. For example, the specific duties and responsibilities of a transport manager are likely unknown at this moment in time, so it would be difficult to suggest what 'suitable' would mean in practice. Similarly, what is considered 'appropriate financial standing' would likely be adjusted overtime as the technology develops and emerges. We believe that there should be an additional requirement to demonstrate suitable competence relating to technical matters including cyber-security, privacy and data management.

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

Professional competence requirements are likely to develop and change as a result of technological development and capabilities of HARPS. Professional competence requirements should develop to reflect the duties and responsibilities of transport managers when these become apparent.

It may be necessary to specify different competencies separately that may be performed by different roles. For example, the technical aspects of HARPS operation may require more complex competencies than for considerations such as fleet management/maintenance and service operation. Separate sets of competencies may therefore need to be defined for specific roles and responsibilities. Supplementary 'best practice' guidance may be useful to aid competency and training, which operators can then use to demonstrate if they meet or exceed benchmark requirements. Audits or inspections may be required to ensure competency.

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"?

Yes. The requirements and demands will likely develop over time as the technology is introduced and improved. On board diagnostics may help to address some maintenance and operation concerns, decreasing the need to perform some aspects of inspections, however the added technological complexity of the vehicles and 'connected' equipment may require more time to inspect.

It may be necessary to specifically reference the potential role of third-parties in this, i.e. whether a third-party is involved in maintenance, and associated responsibilities/ liabilities. This may prompt a requirement that third-parties need to prove competence in the maintenance of connected and autonomous vehicles.

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?

Whilst it does seem reasonable to clarify HARPS operators as 'users' for the purpose of insurance and roadworthiness offences, this may raise potential confusion against the term 'user-in-charge' used for other purposes. As mentioned in Question 3, we believe there may be a case for an 'operator-in-charge' definition for HARPS.

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?

TfWM agrees that HARPS operators should have a legal duty to perform the above duties. However, appropriate frameworks and standards will need to be developed to clarify what each duty means in practice. For example, an appropriate framework will need to set out the process for reporting accidents, and an adequate description of 'supervising vehicles' will be needed to demonstrate what HARPS operators need to do as a minimum.

We believe there should be specific duties to act in the event of traffic management incidents. This includes the removal of broken down vehicles, as well as route setting to avoid planned or unplanned incidents.

With regard to safeguarding passengers, we do not believe enough emphasis has been placed on the value of safety of passengers from other passengers. Whilst a driver or person of authority on board may reduce passenger concern of safety from other passengers, concern may be present if there is no person of authority on board at all. There is also concern that this may place considerable demands on local police services.

In addition, issues such as privacy concerns have not been addressed in this consultation; whilst there is reference to CCTV in the context of safe guarding (i.e. physical and verbal abuse) there is no reference to privacy abuse. Whilst information privacy may be addressed under GDPR and associated legislation, it does not cover surveillance privacy or self-determination/personal autonomy. As the nature of journeys by HARPS will likely be more flexible and subject to rerouting than for traditional bus services – informed consent may also be required.

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)?

HARPS operators should be required to report untoward events, along with additional background information where appropriate, to decrease risk of reoccurrence and improve capability. A culture of positive feedback would be beneficial, and issues and reports should be shared amongst operators of HARPS to improve safety and security. TfWM believes that operators should be obliged to share data such as hazards, with transport authorities.

Building on the Bus Services Act, TfWM also believes operators should be required to share aggregated and anonymised data on patronage and demand, on at least a quarterly basis.

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?

TfWM believes this approach is appropriate. As technology develops, obligations are likely to change in accordance. It is therefore appropriate to ensure there is a degree of flexibility in the regulatory regime and to allow statutory guidance to be produced and amended in response to technological development and real-world implementation.

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, and/or
- (2) withdraw the licence of an operator who failed to give price information?

It is recommended that HARPS operators should be required to provide price information about their services. It may be beneficial to have national minimum standards for the provision of price information to decrease considerable regional variation, however the licensing agency should be able to add region-specific requirements for HARPS operators where appropriate. For example, as part of its license, a HARPS operator may be required to

integrate pricing information into regional travel websites or local travel apps, helping to integrate HARPS with the existing public transport network in an area.

There is a risk however that certain groups may face barriers to accessing price information. It is therefore important to consider the way in which price information is made available (e.g. in print as well as online). This should be considered and addressed in licensing conditions.

In the consultation document, and specifically paragraph 4.130, it is inferred that HARPS services will be bookable, and therefore price information should be accessible in advance. There is not consideration of how price information relates to HARPS services operating in a manner similar to an existing taxi (i.e. hailed), or as a fixed-route bus. These different styles of operation may not be bookable, and therefore may be subject to different price information requirements.

For existing Private Hire services fares are not regulated but instead determined by demand and the markets. It is important to consider whether or not this should be the case for HARPS or whether pricing structures should be regulated across all operators.

TfWM believes that HARPS operators should be encouraged to work with transport authorities so that HARPS ticketing and fares are developed and integrated into the wider public transport network. Applications such as Mobility as a Service (MaaS) may provide a suitable platform for transparent fares information with comparisons across operators.

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

TfWM believes that administration of HARPS licenses should be done at a local/regional level. Whilst the language and approach for safety standards should be consistent nationally, local administration and determination is likely necessary to fulfil the DfT's Future of Mobility objectives, and to minimise any negative impacts of HARPS on the transport network.

Whilst the consultation suggests that the Traffic Commissioner may be appropriate for administering HARPS licensing, TfWM believes that Traffic Commissioner areas may be too large for effectively monitoring and managing HARPS services on a local scale. The Traffic Commissioner covering the West Midlands Combined Authority area also covers the wider West Midlands. This is a very large area with a wide range of rural and urban settings, each with local considerations. As a result, it might be difficult to effectively implement and monitor HARPS licensing across such a sizeable area, in a way that minimises localised impacts, especially on the mass transit network.

TfWM believes that administration of HARPS licenses would be best performed at a local/regional level, with local determination of non-safety critical elements of HARPS operation. We believe that the Traffic Commissioning areas are too coarse and will not minimise the likely disruption that HARPS may cause on a finer grain scale. Better localised knowledge is needed to manage HARPS, however there is a risk that local authorities may require specialised knowledge for HARPS operating license administration. Combined Authorities may present a suitable balance of knowledge and capacity to effectively administer licensing.

It is vital that the mistakes of the past are not repeated with regards to inconsistent standards across met regions – as is seen in the taxi and PHV sector. Local authority level regulation of licensing has its benefits but licensing authorities should also be encouraged to set common standards across the region to avoid unhelpful discrepancies in licensing standards.

The WMCA has recently created the Regional Transport Coordination Centre (RTCC) which provides strategic monitoring of transport within the West Midlands. This resource could be utilised in the future to monitor the performance of HARPS operators and compliance with

licenses. Where regional coordination centres are present it would be valuable, for network efficiency, to potentially have the supervising control centres embedded within these centres.

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

Freight licensing in the future may require similar considerations as HARPS licensing e.g. adequate responsibility for maintenance, insurance and operation, and a duty to supervise vehicles and respond appropriately to break-downs or collisions.

A separate consultation may be necessary to investigate freight licensing and automated vehicles, due to the specificity of the area.

Chapter 5: Privately-Owned Passenger-Only Vehicles

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?

Whilst chapter 5 makes a distinction between rental and leased vehicles, there may be certain situations where the guidelines are more ambiguous. Where several people may share a leased vehicle it may be confusing deciding the liability in certain situations. For example when the vehicle is used by those who are not named on the leasing agreement. This is particular relevant with the introduction of car clubs and it is likely that these services may be used in a similar way.

The issue of utilising these vehicles to transport children is also referred to, but it needs to be explicitly stated at what age a child can go unaccompanied in these vehicles to ensure that child safety standards are upheld.

Consultation Question 18: 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?

TfWM supports the proposed responsibilities but it is also imperative that manufacturers provide the consumer with clear unambiguous expectations and guidelines when a vehicle is purchased. It is likely that safety-critical updates will make alerts to the user necessary and the onus for these alerts should be put onto the manufacturer to ensure that safety is not undermined and people are not confused about what is expected of them. Better still would be placing responsibility on manufacturers to provide automatic updates when a vehicle is not being used.

Consultation Question 19: Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

This is a complicated issue as this will depend on whether the vehicle is privately owned or run by an operator as part of a larger fleet. More clarity over the definition of the ‘user in charge’ and the responsibilities of the owner of a vehicle is required.

It is likely that the convenience of this new mode may lead to an enhanced shared mobility culture where private ownership is concerned. It is important that legislation does not discourage this type of model as a means to reduce single vehicle occupancy and congestion.

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.

(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?

Whilst the suggestions sound reasonable enough, it is important that any leasing contract ensures that the lessee is made fully aware of their responsibilities. This will be necessary to avoid ambiguity which could potentially undermine safety standards. TfWM therefore agrees with statement 2 that the lessor ought to provide a clear explanation of the duties that will transfer 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?

In order to ensure that the full benefits are drawn from this technology, it is important that vehicles can be used in a way that is convenient to as many users as possible in a way that doesn't leave users unable to go about their everyday lives. On the other hand it is imperative that vehicles are somewhat supervised at all times for safety reasons. Therefore the option to have a contract with a licensed provider who could take on this role when a vehicle is running empty could work well.

We have concerns however that if this is optional, keepers may be incentivised to instead park vehicles and use them in a more single occupancy basis. This could pose certain risks as follows:

1. Increased parking which may make roads and pavements less safe and inaccessible for other users and even cause accidents.
2. Congestion and environmental/air quality concerns by under-utilisation making 1 vehicle per household insufficient.

As a climate emergency has been declared on a local and national level, it is imperative that we move towards greater vehicle capacity and efficiency, along with an emphasis on sharing in order to decrease the impact of transport on the environment.

Consultation Question 22: We welcome views on whether peer-to-peer lending and group arrangements relating to passenger-only vehicles might create any loopholes in our proposed system of regulation.

Whilst this is not specifically a loophole as such, clarification is needed about the extent to which co-owners or lenders are responsible for offences as a result of one of the other co-owners. For example, if a co-owner fails to respond correctly to a requirement for intervention and as a result breaks the law – to what extent will their co-owners also be liable? There is a need to address ambiguity and provide a mechanism to make group ownership simple and attractive, in order to deliver positive transport and land use outcomes. User and consumer advice necessary may also need to be reconsidered so that co-owners and lenders are fully aware of their roles and responsibilities.

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.

TfWM feels that the safety assurance agency is inappropriate for the task of giving cost related information and that from the description in Consultation 1, this agency is more of a body responsible for providing safety data and statistics and monitoring the vehicles for safety.

Whilst the costs associated with owning a vehicle should be discussed when one purchases a vehicle, we would suggest that the merchant should have the responsibility of providing this information to the consumer before a contract is signed. We see this role as separate from the role of the Safety Assurance Agency.

Since the merchant may have vested interests in under playing the charges that are likely to accrue however, it may be more sensible for this information to be a legal requirement when a contract is signed between merchant and consumer.

Despite our agreement that this would be a useful additional measure, we also query why this would be expected for autonomous vehicles when there is no expectation of existing vehicle merchants to inform customers of the likely costs of upkeep – but rather it is assumed that customers are already fully aware.

This suggestion may perhaps be best dealt with under supplementary policy guidance and consumer advice than license or statute, which would also be more flexible and open to innovation in consumer offer.

Chapter 6: Accessibility

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.

The accessibility section of the consultation document is very thorough and has been well researched. TfWM is supportive of the considerations raised and welcomes the mention of the importance of support for the whole journey. We feel that it is important that users can easily access this mode as both the sole mode and as part of a more complex, mixed modal journey with ease and the relevant information is available.

We strongly suggest that the existing standards should also be applied to HARPS in addition to taxis, private hire and PSV services unless there is a specific reason why the regulation is incompatible with the technology in question. An example may be where certain types of autonomous vehicle do not act on a basis that is comparable to current taxis or bus services. HARPS have the potential to bring many benefits to those with disabilities and who do not drive and as these groups may become reliant on these modes in the future it is important to ensure that legislation reflects promoting their inclusion. In addition, diversity of autonomous vehicles made available is important in catering for different groups within the community. It is thus imperative that whilst accessibility is broadly considered, that innovation is not confined by rigid legislation.

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?

TfWM supports ensuring protections against discrimination and duties to make reasonable adjustments. Due to the nature of these vehicles being 'self-driving' and potentially having no

members of staff we agree that much thought needs to be given to how reasonable adjustments will be implemented in the absence of a human interface.

Section 6.6 does a good job of stressing the roles of the driver aside from driving and the importance of this for disabled people. We suggest that as reasonable adjustments are highly dependent on the human interface that finding a different approach for HARPS that does not discriminate will be challenging. There is no one size fits all approach for supporting disabled people due to the breadth of different types of disability.

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?
- (2) Requiring reassurance when there is disruption and accessible information?
- (3) Expansion of support at designated points of departure and arrival?

Many of our community's most vulnerable users of public transport are heavily reliant on support from a human interface to aid them and give them the confidence to plan their journey. The human interface can also be an integral feature of the public transport experience to prevent social isolation.

In addition to point (1) about ensuring passengers can board and alight vehicles, it is important to consider the support required for different types of disability including those with upper body limitations and mental/sensory disabilities which may affect spatial awareness for example.

TfWM supports ensuring that disruption and accessible information is available prior to travel but also ensuring that adequate prior warning is given to announce stops along the journey as well as clear information of how and when to alight. This should be audio and visual to ensure that those with sensory disabilities are not excluded.

Consultation Question 27: We seek views on whether national minimum standards of accessibility for HARPS should be developed and what such standards should cover.

TfWM would support the development of national minimum standards reflecting the suggestions made previously. These should also include recommendations for whether/when a conductor should be on board the vehicle.

Also as HARPS vehicles carrying over 8 passengers will be subject to bus legislation, clarification is needed as to whether this will include free travel for those carrying an ENCTS (English National Concessionary Travel Scheme) pass. The ENCTS pass provides independence to many elderly and disabled people, and should bus routes be replaced with HARPS it is vital that those currently benefitting do not lose out.

TfWM supports the mention in paragraph 6.107 of keeping vehicles as consistent in design type as possible to a certain extent. Familiarity is all the more important for passengers with disabilities who may struggle to access the vehicle, be unfamiliar with previously unseen technology and finding where to sit etc.

On the other hand, it is important that such consistency does not result in unnecessary constraints which may hold back innovation and improving design. This will be particularly important in the early intervention stages of rolling out HARPS. We suggest rather than legislation per se – that design guidance is offered to ensure accessibility standards are upheld.

We would also reiterate the standardisation of the booking system and it may be necessary to ensure that operators offer an alternative to an app-based booking interface to ensure that those with disabilities or from the elderly population are not socially isolated.

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.

TfWM would support this as a means to understand how well-utilised this new mode is by these groups. This information could then be used to advise manufacturers about whether it may be necessary to adapt vehicle design and developers about whether access and infrastructure needs to be adapted.

It may also be useful to survey users as well as non-user control groups regularly to learn what works well on the vehicles and what doesn't. Although unlike the previous paragraph, this would perhaps be suggested in guidance as opposed to minimum standards.

Occupancy data may also be important – particularly in the early stages as a means to optimise the utilisation of vehicles as much as possible and to ensure that those with disabilities are not excluded from using these services.

Chapter 7: Regulatory Tools to Control Congestion and Cruising

Consultation Question 29: We seek views on whether the law on traffic regulation orders needs specific changes to respond to the challenges of HARPS.

It is necessary for the law on Traffic Regulation Orders (TROs) to change in response to HARPS. TROs are one of the likely mechanisms in which temporary and permanent orders can be created to restrict or enable the movement of HARPS in certain areas, helping to mitigate and manage any impacts. It is necessary for TROs to be fully digitised however so that regulations can be understood by HARPS vehicles. In addition, it is well recognised that TROs are expensive and time consuming to create and implement. A simplified and digitised procedure would be beneficial for having greater flexibility and control over HARPS operations.

TfWM is actively engaged in the topic of TRO digitisation and utilisation and have previously contributed to the TRO Discovery Project, commissioned by the DfT to examine user needs and issues with the current TRO framework. Within the final report, the link between TRO digitisation and Connected and Autonomous Vehicles was explicitly made.

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 122 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?

It is likely that a review will be required to account for HARPS and Highly Automated Vehicles, with adequate consideration of the risks that empty running may have on congestion and parking.

Consultation Question 31: We seek views on the appropriate balance between road pricing and parking charges to ensure the successful deployment of HARPS.

It is likely that the appropriate balance will be determined on a local basis to account for local circumstances and usage of HARPS vehicles. The use of road pricing and parking charges as the mechanism for ensuring the successful deployment of HARPS does imply that certain benefits of HARPS vehicles may not be realised however, i.e. reclaiming car parking spaces for other purposes, or decreasing on-road congestion. HARPS may improve one, but worsen another.

In addition, TfWM believes that the topic of road pricing and parking charges is on the premise of HARPS services acting in the same fashion of PHVs at present. There is not adequate consideration of the operation of HARPS as fixed-route buses, or taxi-style services that may require a taxi-rank. The impact of road pricing and parking charges on these style of services will need to be considered.

If climate change is to be tackled it is imperative that the whole topic of pricing is considered differently and it may be necessary to implement a coherent national strategy outlining dynamic pricing and charging strategies operating to unified national standards (e.g. ITSO).

Consultation Question 32: Should transport authorities have new statutory powers to establish road pricing schemes specifically for HARPS? 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.

Transport authorities already have statutory powers to establish road pricing schemes, however the majority of UK cities have yet to implement them. It is also difficult to comment on how a scheme could work and be permitted specifically for HARPS without having a better understanding of the likely operating model and journey purposes of HARPS. For example, the impact of a 'bus' style service may be different to a 'PHV' style service.

Measures should be in place to ensure that HARPS can be seamlessly integrated into local and regional pricing strategies, but with a national framework and standards set.

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 for an initial period? If so, how long should the period be?

For an initial period, limiting the number of vehicles any given operator can use within a given operational design domain may be useful as a way of understanding and managing supply and demand, and to ensure safety and security issues are observed and managed. In addition, limiting the number of vehicles any given operator can use within a given operational design domain may also help ensure adequate competition is available, and to stop a dominant operator gaining a monopoly of an area, or areas.

On the other hand early arbitrary limits and targets in the initial stages of testing and implementation may be short sighted as we will not yet have the adequate evidence to set such limits sensibly. A level of flexibility and agility may be necessary so we can adapt to the data as we obtain it.

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?

TfWM do not agree with this statement. Whilst the consultation implies that road pricing and parking pricing will be mechanisms to ensure the right equilibrium of supply and demand, and thus naturally manage the number of HARPS vehicles in use, this may not work in practice. Whilst imposing quantity restrictions may limit technological innovation or competition, it should not wholly be discounted as unnecessary until the real-world impacts of HARPS are understood, especially in terms of managing potential adverse impacts on the mass-transit network.

In the initial phases of implementation, imposing a quantity restriction may be necessary to understand and manage any initial impacts before HARPS are adopted at a much wider scale.

Chapter 8: Integrating HARPS with Public Transport

TfWM is very keen to integrate the transport network and believes it is important to utilise the implementation of new modes such as HARPS to embed this principle. We support the statement that mass transit must remain fundamental – particularly in the West Midlands which is a large predominantly urban conurbation.

During the early implementation of HARPS, the existing issues with increased taxi use and the decline of bus use should be considered – and if possible limited or avoided. This may be achieved by setting standards on ticket and fare pricing – to ensure that the larger (8+) HARPS will remain an attractive option financially. It is also important that the user experience meets minimum overall service level requirements and sets a clear role in accessibility standards. This will play an important role in ensuring that vehicles are not running empty and that single occupancy is discouraged.

Perhaps lacking from this section however is reference to environmental and public health concerns and ensuring that people in the community are not deterred from undertaking physical activity but rather assisted in partaking in active travel modes such as walking and cycling. This may be by ensuring that infrastructure along routes allows HARPS to be accessed easily by a number of modes. Guidance could be provided to local authorities about how best to accommodate this. For example, this could include the provision of cycle parking, tactile paving surfaces etc. There may also be scope to accommodate those with a bike to encourage modal splitting for those who simply cannot cycle all the way.

Consultation Question 35: Do you agree that a HARPS vehicle should only be subject to bus regulation:

(1) if it can transport more than eight passengers at a time and charges separate fares; and

(2) does not fall within an exemption applying to group arrangements, school buses, rail replacement bus services, excursions or community groups?

It is important that there is no preferential legislation when operating in the same manner as a local bus service or those under condition 2. In addition, it is important that vehicles have an awareness and understanding that when they are not under bus regulation (i.e. if operating as a taxi service on a particular day) they are not permitted to use bus infrastructure such as bus stops and shelters (and where relevant, bus only lanes) which may have detrimental impacts on bus services.

It is important to acknowledge however that there may be a broad range of vehicle types which fall under HARPS and not all will be comparable to either taxi or bus services. As we move towards a more demand responsive or sharing economy model of service, HARPS may operate on a more flexible basis whereby specific bus stops along a route are no longer appropriate. As HARPS have a lot of potential to make transport more convenient and space efficient, it is important that any legislation is not constraining.

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.

If bus regulation is applied to HARPS which transport more than eight passengers, there potentially needs to be some thought on whether HARPS operators may choose to operate in a different manner in response (i.e. introduce many 7-seated vehicles), and potentially disrupt the planned bus network.

In addition, with current bus legislation encouraging competition, there could be a risk that HARPS may discourage integration between modes other than bus, which could both increase congestion and decrease patronage on other mass-transit systems (e.g. trains).

Consultation Question 37: We welcome views on whether a HARPS 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?**

There are a number of services operating in the UK that only run to certain locations on the route if passengers on board request it to; these examples are most prevalent on late night services with heavy demand from one location. We would therefore question whether these routes - which may in the future be operated by HARPS type vehicles - would be treated as a local bus service if condition 1 were to apply.

We would ask you to further define the meaning of a 'degree of regularity' in condition 2.

Consultation Question 38: We seek views on a new statutory scheme by which a transport authority that provides facilities for HARPS could place requirements on operators to participate in joint marketing, ticketing and information platforms.

Regardless of whether transport authorities provide facilities, HARPS operators should be required to participate in joint marketing, ticketing and information platforms, to help integrate the services as part of the public transport network, and minimise risks relating to lack of information sharing or impacts on the mass transit network. Without this, there is a risk to the establishment of a MaaS style product.

TfWM is a part of the Bus Alliance in the West Midlands. The Bus Alliance brings together bus operators, local councils and other partners to drive forward investment in bus services and deliver high levels of passenger satisfaction. Similar arrangements could be appropriate with HARPS, as partnership working could help maximise benefits for passengers in the region, potentially guided by HARPS-specific values and key deliverables.

We believe it may be beneficial for HARPS operators to engage with transport authorities and enter into voluntary partnerships where appropriate, with objectives potentially linking into the DfT's Future of Mobility objectives.