

**Response to Law Commissions' second consultation on Automated Vehicles
(Law Commission Consultation Paper 245; Scottish Law Commission Discussion Paper 169)**

Please note that this consultation response has been reproduced from information entered on the Citizen Space online portal.

Any personal email addresses and phone numbers have been excluded from this document.

Unanswered questions have been deleted from this document.

What is your name?

Jeff Hawke

What is the name of your organisation?

Wayve

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

[Respondents chose from the following options: Personal response; Response on behalf of your organisation; Other.]

Responding on behalf of organisation

CHAPTER 3: OPERATOR LICENSING – A SINGLE NATIONAL SYSTEM

A single national scheme

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

[Respondents chose from the following options: yes; no; other.]

Yes

We focus on the case of an automated passenger service without a user in charge. We view an automated passenger service with a user in charge as a subset of this primary use case, potentially as an intermediate step towards the ultimate goal.

The challenge of creating and regulating a system for autonomous operator licensing is significant given the need to review technical capabilities for autonomous systems.

A national system at a whole-of-UK level would minimise the barriers to technical developers to implement their autonomous passenger services across the country.

It is unlikely that a fragmented regional system for operator licensing would act as an appealing and conducive business environment for autonomous developers. This fragmentation would not achieve many of the goals in the current transport strategy, e.g., principle 7 of 'Future of Mobility: Urban Strategy': "the marketplace for mobility must be open to stimulate innovation." The technical complexities mean that regional authorities may struggle to effectively regulate

and license autonomous operators. This would likely mean we focussed efforts on major urban areas only, prior to seeking opportunities in wider Europe and beyond to compete with the wider AV industry.

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

[Respondents chose from the following options: yes; no; other.]

Yes

We believe a national safety standard scheme would be good for the consumer as well as autonomous system developers. This would ensure that all new transport modes are safe by design.

To ensure autonomous system developers have the ability to scale transport across urban and rural areas, we advocate for whole-of-UK approach to basic safety standards.

The UK would benefit by leading efforts to standardise this scheme internationally, through Europe at first, ensuring the UK remains internationally competitive with key global market leaders.

CHAPTER 4: OPERATOR LICENSING –SCOPE AND CONTENT

Scope of the new scheme

Consultation Question 3 (Paragraph 4.33): Do you agree that a HARPS operator licence should be required by any business which: (1) carries passengers for hire or reward; (2) using highly automated vehicles; (3) on a road; (4) without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 4 (Paragraph 4.34): Is the concept of “carrying passengers for hire or reward” sufficiently clear?

Yes

Exemptions

Consultation Question 5 (Paragraph 4.46): 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.

For the majority of cases we see autonomous operator licensing as having key common requirements for safety and accessibility for consumers. As part of the wider effort to improve accessibility of transport in rural (and other) areas, we see some merit for exemptions in select cases. However, this is more likely to be a political choice to subsidise uneconomical transport routes or areas, rather than a reduction in licensing standards.

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

Standardisation is helpful to ensure a competitive market. However, due to the scale of change and the level of immaturity in the technology today, it is not completely clear what these standards should be. To expedite the development and integration of autonomous vehicles into the UK's transport network, developers may need to seek exemptions from nationwide standards in order to both develop the maturity of the technology and reach a sustainable level of revenue. Examples of this could be a reduced licence to operate given geospatial or temporal constraints.

Operator requirements

Consultation Question 7 (Paragraph 4.72): Do you agree that applicants for a HARPS operator licence should show that they: (1) are of good repute; (2) have appropriate financial standing; (3) have suitable premises, including a stable establishment in Great Britain; and (4) have a suitable transport manager to oversee operations?

[Respondents chose from the following options: yes; no; other.]

No

We agree with items 1 to 3.

It is not clear how a 'suitable transport manager' would improve the ability of an operator to deliver autonomous transport reliably. Autonomous technology is extremely nascent with a high technical requirement. It is unlikely that existing transport managers would make a substantial impact given the shift in operating models and the need for deep technical understanding in the short-to-medium term. This requirement could be an unwelcome impediment for autonomous system developers, which may want (or need) to operate their technology. It is our view that developers must have the opportunity to present how they would guarantee transport reliability.

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

We are unsure at this stage of technical maturity, though we believe the technical requirements are high for this demonstration.

Adequate arrangements for maintenance

Consultation Question 9 (Paragraph 4.89): Do you agree that HARPS operators should: (1) be under a legal obligation to ensure roadworthiness; and (2) demonstrate "adequate facilities or arrangements" for maintaining vehicles and operating systems "in a fit and serviceable condition"?

[Respondents chose from the following options: yes; no; other.]

Yes

We agree with this position. Some consideration for franchised transport models might be needed. For example, a franchise transport business operating under an existing HARPS licence held by an autonomous systems developer. In this instance, would the licence holder

or the franchise be responsible for this obligation for legal roadworthiness and adequacy of facilities.

Compliance with the law

Consultation Question 11 (Paragraph 4.124): Do you agree that HARPS operators should have a legal duty to: (1) insure vehicles; (2) supervise vehicles; (3) report accidents; and (4) take reasonable steps to safeguard passengers from assault, abuse or harassment?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 12 (Paragraph 4.125): 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)?

[Respondents chose from the following options: yes; no; other.]

No

We appreciate the need for positive reporting of autonomous transport. However, reporting metrics such as intervention rates (currently used by the California DMV) are poor indicators of performance, requiring significant context to interpret until these reach sufficient scale to be comparable with human-driven population statistics.

We welcome the opportunity to share and provide this type of data, though we would greatly value the freedom to choose what, when, and how we share this information with governments and the public.

Consultation Question 13 (Paragraph 4.128): Do you agree that the legislation should set out broad duties, with a power to issue statutory guidance to supplement these obligations?

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

Consultation Question 14 (Paragraph 4.133): 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?

[Respondents chose from the following options: yes; no; other.]

Yes

Transparent pricing at a trip level is good for the consumer and will improve market competitiveness. We see this as improving uptake of autonomous services. However, we value the ability to choose what and how we present this pricing information to a potential consumer. There should equally be a clear avenue for dispute resolution for pricing.

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

[Respondents chose from the following options: yes; no; other.]

Yes

Freight Transport

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

Standardisation between different autonomous transport services has value from the perspective of safety and network efficiency. However, we view freight services as having different demands than passenger services, primarily around the consumer experience. At this level, these should be considered separately.

CHAPTER 5: PRIVATELY-OWNED PASSENGER-ONLY VEHICLES

Setting a boundary between HARPS and private leasing

Consultation Question 17 (Paragraph 5.12): 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?

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

This seems reasonable, though it is unclear what an appropriate lessee period should be given the current stage of maturity in the technology, or if this would indeed be a viable business model.

Allocating responsibility for a privately-owned passenger-only vehicle: placing responsibilities on keepers

Consultation Question 18 (Paragraph 5.40): Do you agree that where a passenger-only vehicle is not operated as a HARPS, the person who keeps the vehicle should be responsible for: (1) insuring the vehicle; (2) keeping the vehicle roadworthy; (3) installing safety-critical updates; (4) reporting accidents; and (5) removing the vehicle if it causes an obstruction or is left in a prohibited place?

[Respondents chose from the following options: yes; no; other.]

Yes

Consultation Question 19 (Paragraph 5.41): Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?

Yes

Will consumers require technical help?

Consultation Question 21 (Paragraph 5.47): 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?

Yes

Peer-to-peer lending

Consultation Question 22 (Paragraph 5.53): 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.

No

Provided there is clear ownership on the registered keeper we do not see clear loopholes in this model. Alternatively, the user of the vehicle would need to assume the duties of the registered keeper while under their use.

Protecting consumers from high ongoing costs

Consultation Question 23 (Paragraph 5.60): 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.

Yes.

CHAPTER 6: ACCESSIBILITY

Developing national minimum accessibility standards for HARPS

Consultation Question 27 (Paragraph 6.109): We seek views on whether national minimum standards of accessibility for HARPS should be developed and what such standards should cover.

We are broadly supportive of national standardisation, though we are unclear what these standards should cover at this stage.

CHAPTER 7: REGULATORY TOOLS TO CONTROL CONGESTION AND CRUISING

Regulating use of the kerbside

Consultation Question 30 (Paragraph 7.59): 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?

[Respondents chose from the following options: yes; no; other.]

Yes

This is likely to require consideration for door-to-door services, both for passengers and freight services (e.g., parcel delivery). Parking regulation is widely flouted by human-driven vehicles (lorries, vans, and cars), hence we see a need for approved drop-off for transport services in parking and non-parking areas. Due to centralisation and scale, large autonomous fleet operators may be subject to parking penalties in ways that existing human drivers are not.

Quantity restrictions

Consultation Question 33 (Paragraph 7.97): 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?

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

From the perspective of congestion and public health, there is merit in this as a statutory power. However, there is a significant commercial incentive as transport fleet operator to have the minimum vehicles on-road needed to satisfy demand. Similarly, an autonomous fleet used in passenger services will inherently have precise demand figures and be able to respond quickly to these. This is different to the current incentives for taxis and ride-hailing services, given these vehicles tend to be independently operated. As a result, we would value flexibility in the number of vehicles in operation at any point in time.

Consultation Question 34 (Paragraph 7.120): Do you agree that there should be no powers to impose quality restrictions on the total number of HARPS operating in a given area?

[Respondents chose from the following options: yes; no; other.]

Yes

We assume that this is a typographical error, meaning 'quantity' rather than 'quality'.

CHAPTER 8: INTEGRATING HARPS WITH PUBLIC TRANSPORT

The current system of bus regulation: HARPS as mass transit

Consultation Question 35 (Paragraph 8.92): 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?

[Respondents chose from the following options: yes; no; other.]

Yes

It is unclear at this stage of technical maturity whether the definition should be based on eight passengers, or some other size.

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

[Respondents chose from the following options: yes; no; other.]

Do not know / not answering

Consultation Question 37 (Paragraph 8.95): 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.

Yes, assuming the strict definition of HARPS as being a passenger carrying vehicle (as opposed to a freight-only vehicle).