



## RESPONSE TO: AUTOMATED VEHICLES: Consultation Paper 3

From: Anna Zee, April 6<sup>th</sup> 2021

On behalf of: British Motorcyclists Federation  
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Thank you for the opportunity to comment on the proposals.

**CQ1** Yes

**CQ2** Yes

The simple answer is yes they should. Expanding on that, any vehicle with self-driving features must be designed so that no-one currently permitted to drive is excluded from using an ADS.

**CQ3** Yes

**CQ4**

Ideally a).

If generally an ADS is 'safer' than the average human driver (not a very high bar) that should benefit road safety but there should be no added dangers, e.g. no motorcyclist should get knocked off their machine by an ADS which doesn't see them or register the collision. An ADS is essentially a computer system. A computer system has an advantage over humans in not getting tired and exhibiting more consistent behaviour, which is good if the consistent behaviour is good. However if an ADS cannot 'see' cyclists or motorcyclists or does not notice low impact collisions it will always not see or not notice and that is unacceptable.

**CQ5** Testing testing testing and more testing.

**CQ6** No comment

**CQ7**

The safety case approach described in Section 7 could lead to what might be a good long term goal of a software simulation and testing tool for testing an ADS. Ideally the tests would include scenarios for all types of roads, all weather conditions, all types of traffic, urban versus rural etc etc. It would be necessary to give feedback to the ADS such as simulating the different effects of wet or icy roads on the vehicle tyres and so on. A form of the same tool could actually be used for training the ADS, reducing the need to train an AI in real world situations. Critical scenarios could be tested in real life

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to validate the simulations. It could also be used to test performance when hardware or sensors are compromised

The existence of such a system would be very useful in regression testing, i.e. testing to ensure that software upgrades do not adversely affect any parts of the system which is not intended to be changed.

**CQ8** Scenario databases can be fairly limited in scope and generally do not include data on near misses or merely dangerous driving practices. Road user groups, especially vulnerable road users, will be able to supply many examples of near misses and risky behaviour to fill out the picture.

**CQ9** Yes

**CQ10**

While UNECE regulations are generally recognised by the member states they are usually incorporated into state regulation and possibly enhanced. Indeed the enhancements may be adopted by UNECE. Currently UNECE does not have an approval body though I understand that might be a possibility in the future.

- 1) yes. At the moment there is no alternative.
- 2) no. Even if UNECE approval were a possibility ADSs should be validated for compliance with UK rules of the road and UK style signs and signalling.
- 3) yes, provided the rest of the vehicle already has type approval

**CQ11** yes

**CQ12** no comment

**CQ13** Yes

**CQ14** Yes

**CQ15** No comment

**CQ16**

In the longer term this might be necessary only for radical innovation. At this stage in development initial limited deployment is the only way to go.

**CQ17** Yes

**CA18**

(3)a) It must also be shown that the software update does not alter any part of the system it is not intended to alter. Regression testing is essential.

Otherwise yes.

**CQ19**

- 1) If the software update is required to comply with changes to UK traffic law where no update would compromise safety then yes.

**CQ20**

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Separate bodies for type approval and in-use monitoring. Though it is possible that both bodies can use the same testing tools when necessary.

**CQ21** No comment

**CQ22** Yes

**CQ23** Yes

**CQ24** Yes

**CQ25**

Yes. If, as has been proposed already elsewhere, a road incident investigation body is set up on a par with rail and air investigation bodies then an AV specific unit can be included within that body.

**CQ26**

That could be done. An ADS can perform the dynamic driving task instead of a human. Would it not be appropriate for an ADS to effectively take a driving test? This would demonstrate that the ADS is capable of driving and obeying local rules of the road. It could also make ADSs more acceptable to the general public.

**CQ27** no comment

**CQ28**

The UIC should not be liable for offences caused by the ADS, but that should not necessarily include parking offences. Also, the inclusion of parking tickets here appears to conflict with section 5.28 in the Summary document.

**CQ29** Yes

**CQ30** ONLY if accompanied by a qualified driving instructor with dual controls.

**CQ31** Yes

**CQ32** Yes

**CQ33**

Exemptions on these grounds might be applicable if the majority of vehicles on the road are autonomous. Until then, no.

**CQ34** Agree, yes

**CQ35**

UIC is not necessarily responsible for the insurance or roadworthiness, e.g. if the vehicle is hired or if the UIC is an employee of the vehicle owner or registered keeper. Otherwise agree UIC should be liable for the other items listed.

**CQ36** Yes

**CQ37** Agree, yes. If that means a change to the Act then change it.

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**Q38**

- 1) Yes, agree
- 2) If it is possible for a private owner to be the operator then yes.
- 3) Yes

These proposals imply that any user of a NUIC vehicle would be obliged to have a contract with an operator. Is enough known yet about how potential users (ordinary car users for example) feel about this? I do note the section on Operator duties Tier 1.

**CQ39** Or, in the case of a private owner, demonstrate responsibility.

**CQ40** Yes

**CQ41** Yes

**CQ42** Yes

**CQ43** DVSA perhaps

**CQ44** Yes

**CQ45/46** It should be incumbent on the ADSE to be explicit and accurate about what the ADS can and cannot do in plain English. These are computer systems which can be directly responsible for injury and fatalities of humans. Failure to be honest about their capabilities must incur penalties.

**CQ47** A possible future scenario is of software developers providing alternative software to that originally installed. In the case of replacing parts on current vehicles this may be an upgrade, and so could software be. Is tampering defined as detrimental or dangerous?

**CQ48** External infrastructure can be reasonably expected to be the responsibility of a public body, such as a highway authority. In which case alteration by any other party should be regarded as tampering.

**CQ49** Yes

**CQ50** Yes

**CQ51** No comment

**CQ52** Yes

**CQ53** Yes

**CQ54** Yes

**CQ55** Yes

**CQ56** Yes

**CA57** Yes

**CQ58** Yes

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