

Mobility and Access Committee
for Scotland (MACS)
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Scottish Law Commission

automatedvehicles@lawcommission.gov.uk

Our Ref: 2021_01

29 April 2021

Dear Sirs,

**MACS Response to the Automated Vehicles: Consultation Paper 3 –
A regulatory framework for automated vehicles**

Please find attached MACS response to the Consultation, prepared by
Susan Fulton, MACS Roads, Infrastructure and Active Travel
Workstream.

Yours sincerely

Maureen Olliffe
MACS Secretariat

The Mobility and Access Committee for Scotland (MACS) welcomes the opportunity to comment on specific questions in relation to the Automated Vehicles: Consultation Paper 3 – A regulatory framework for automated vehicles. The questions are detailed below together with our response.

Question 2.

We welcome views on whether self-driving features should be designed to ensure that they can be used by people with hearing loss.

Currently in the UK, drivers do not have to inform DVLA if they are deaf to obtain a car or motorcycle licence. It is not clear from the DVLA website if there is a distinction between individuals who are deafened as they go through their lives or individuals who are profoundly Deaf. In terms of the transition demand, a person who is deaf or Deaf may have to have additional features installed within the vehicles.

MACS believes that self-driving vehicles should not be limited to non-disabled drivers and would welcome legislation that allows for current disabled drivers to still have the opportunity to drive automated vehicles. However, there is an understanding that an activated system will need to transition back control to the driver at any given moment in the journey for a number of reasons.

Consideration would need to be given to disabled drivers who have adaptations for their vehicles e.g. steering wheel adaptations and or the ability to drive using only hand controls or while seated in their own wheelchairs. We note that there is a question relating to an accessibility panel and we feel that this panel would be able to provide more specific advice and lived experience in this area.

Question 6.

We welcome practical suggestions for how AV regulators can fulfil their public sector equality duty.

Fulfilling the public sector equality duty is not only a legal requirement of the Equality Act 2010 but is an important element of engaging with people from different Protected Characteristics and noting importantly how any negative impact will be mitigated. If Equality Impact Assessments (EqIAs) are carried out correctly, they are a robust process and provide an audit trail of who has been involved in the process. It is

also a live document from the very beginning (concept stage) of the process right through until the end. Robust EqlAs can help inform any policy, strategy, design etc with continual engagement as the policy / process develops.

Question 40.

We provisionally propose that, irrespective of the nature of the vehicle, a licenced operator should be under a duty to:

- (1) supervise the vehicle;**
- (2) maintain the vehicle;**
- (3) insure the vehicle;**
- (4) install safety-critical updates and maintain cybersecurity; and**
- (5) report accidents and untoward events (as defined by the regulator)**

Do you agree?

MACS agrees that irrespective of the nature of the vehicle, any licenced operator should be under a duty to carry out all of the above tasks.

Question 42.

We welcome views on how accessibility standards for Highly Automated Road Passenger Services (HARPS) might be developed.

We provisionally propose that:

- (1) an accessibility advisory panel should be formed to include:**
 - (a) the Equalities and Human Rights Commission; and**
 - (b) representative groups for disabled and older persons;**
- (2) the Secretary of State should be obliged to consult with the accessibility advisory panel prior to setting any national minimum standards on HARPS;**
- (3) there should be a duty to periodically re-consult the accessibility advisory panel at set intervals to ensure requirements keep pace with developing evidence of technical feasibility and changing needs.**

Do you agree?

We welcome views on what the set interval for periodically re-consulting the accessibility advisory panel should be.

MACS welcomes the introduction of an accessibility advisory panel which should include Disabled People's Organisations (DPOs) who will be able to bring lived experiences and scenarios to the table. It is understandable that disabled and older people may benefit more from Automated Vehicles, however there may be issues with HARPS (Highly Automated road Passenger Services) and hence the reason older people should be represented on these groups.

There may be concerns about HARPS without a human driver – who will be there to answer questions and assist disabled passengers, will there be automated barrier free exit and entry? Other concerns exist around communications in relation to the system and the infrastructure itself; however it is acknowledged that this consultation is not focussed on the latter. Nevertheless, the correct infrastructure needs to support disabled members of society e.g. physically accessible bus stops with technology that supports different communication preferences e.g. audio and visual announcements.

Sadly, hate crime does occur in our society and often these incidents take place on public transport. Not particularly associated with the vehicles, but how will disabled passengers be protected from hate crime with no human driver on board? Will the ticketing system installed on the vehicle be accessible; will it be linked to smart phone technology? Not everyone has a smart phone and not every app is accessible.