

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

RoSPA's Response to the Law Commission and  
Scottish Law Commission's Consultation Paper

Response to Law Commission and Scottish Law Commission's Consultation Paper, Automated Vehicles: Consultation Paper 2 on Passenger Services and Public Transport

## Introduction

The Centre for Connected and Automated Vehicles (CCAV) has asked the Law Commission of England and Wales and the Scottish Law Commission to examine options for regulating automated road vehicles.

The consultation considers vehicles which can drive themselves for whole journeys (probably on limited routes or within a particular geographical area). This means that these vehicles will not need to have a driver or other person qualified and fit to drive in the vehicle. These vehicles may travel empty or with people who are passengers. These vehicles are referred to as "passenger-only" vehicles. The consultation focuses on how passenger-only vehicles might be used to supply passenger transport services to the public.

The aim is to ensure that these new services are safe. Therefore, it must be considered how these services should be regulated and how they can be integrated with other forms of public transport. The consultation also considers who would be responsible for passenger-only vehicles that are privately-owned.

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Law Commission and Scottish Law Commission's consultation on automated vehicles, passenger services and public transport. It has been produced following consultation with RoSPA's National Road Safety Committee.



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## About you

### What is your name?

Rebecca Needham.

### What is the name of your organisation?

The Royal Society for the Prevention of Accidents (RoSPA).

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

On behalf of RoSPA. This response has been produced following consultation with RoSPA's National Road Safety Committee.

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Response to Law Commission and Scottish Law Commission's Consultation Paper, Automated Vehicles: Consultation Paper 2 on Passenger Services and Public Transport

## Operator Licensing: A Single National System

### Question 1

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

### RoSPA Response

RoSPA agree that there should be a new single system to license HARPS operators. This would need to be in addition to the automated driving system entity (ADSE). The ADSE is the entity which takes responsibility for the automated driving system and must ensure that the design is safe. The HARPS operator is the entity which runs the vehicles and must ensure that the operation is safe. They may be the same body or different bodies, depending on how the technology is brought to market.

Traditionally, road passenger services have been divided into taxis, private hire vehicles, public service vehicles and rental cars, with separate regulatory systems applying to each. At one stage, these separate categories corresponded to clearly recognised market divisions: people understood the difference between a taxi, minicab, bus, coach or car hire. However, these divisions are becoming blurred and may disappear altogether in an automated world.

HARPS must be operated safely. The law should identify the person or organisation responsible for updating, insuring and maintaining the vehicles and for guarding against cyber-attacks. Regulation should then make sure that these responsibilities are carried out effectively. For efficiency, there is also a need to keep traffic flowing. This suggests that HARPS vehicles will need to be supervised so that they do not stop for too long in inappropriate places and that broken-down vehicles are removed. A single national system would also avoid arbitrary distinctions based on number of passengers or fare structures.

### Question 2

**Do you agree that there should be a national scheme of basic safety standards for operating a HARPS?**

### RoSPA Response

RoSPA agree that there should be a national scheme of basic safety standards for operating a HARPS, regardless of where in the country it operates. The main reason for licensing HARPS operators is to ensure that HARPS are operated safely, especially for issues related to updating, maintenance, insurance, cyber-security and remote supervision.

A national scheme of basic standards is vital to avoid the risk of differences between authorities leading to 'regulatory shopping' (allowing operators to choose authorities with lower or more relaxed safety standards).



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## Operator Licensing: Scope and Content

### Question 3

**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 the services of a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle)?**

### RoSPA Response

RoSPA agree that a HARPS operator licence should be required by any business which carries passengers for hire or reward, using highly automated vehicles on a road without a human driver or user-in-charge in the vehicle (or in line of sight of the vehicle).

### Question 4

**Is the concept of "carrying passengers for hire or reward" sufficiently clear?**

### RoSPA Response

RoSPA agree that this concept is sufficiently clear in the majority of circumstances. We understand that carrying passengers for hire or reward means any trip in which a payment is made. If payment is made, it does not matter who made or received the payment. Nor does it matter if payment also covered other matters (such as a concert or shopping trip). Therefore, the definition could include a "free" hotel minibus if the minibus service is included within the general payment for hotel accommodation.

The test used to determine what trips fall under hire or reward has the advantage of familiarity. It would also cover a wide variety of business models, such as where an employer provides a bus to employees and their families, or a shopping centre provides "free" transport to those using the shops. These models all raise similar concerns about road safety. Although the test is not entirely certain, RoSPA are not in a position to comment on how the concept may be made clearer.

### Question 5

**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.**

### RoSPA Response

RoSPA do not believe that there should be exemptions for community and other services that would otherwise be within the scope of HARPS licensing. Although exemptions would benefit community and other services, it is



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important to show that those operating such services abide by the highest standards of professional competence, and are able to ensure safe, well maintained services.

Safety is paramount and before exemptions are considered, it must be proven that these services do not raise safety concerns.

### Question 6

**We seek views on whether there should be statutory provisions to enable the Secretary of State to exempt specified trials from the needs for a HARPS operator licence (or to modify licence provisions for such trials).**

### RoSPA Response

There should be an explicit exception for organisations running trials with a limited number of vehicles, or in a limited area, and which are subject to a stringent safety case, as is the case with automated vehicle trials without fee-paying passengers. There are powers under section 44 of the Road Traffic Act 1988 to make "special vehicle orders". These powers allow the Secretary of State to authorise exceptions or modifications to regulations on construction and use where vehicles are constructed "either for special purposes or for tests and trials".

### 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?**

### RoSPA Response

RoSPA agree that applicants for a HARPS operator licence should show that they are of good repute. Applicants will not be considered of good repute if they have been convicted of a serious offence more than once or have been convicted of road transport offences. In the case of PSV licensing, the Senior Traffic Commissioner has issued detailed guidance and directions on how to apply these provisions, dealing, for example, with the effect of spent convictions and other old convictions. This could be applied in a similar way to those applying for a HARPS operator licence.

RoSPA is not in a position to comment on appropriate financial standing.

RoSPA also agree that operators must show that they have "an effective and stable establishment" in Great Britain in which they keep core business documents. These include documents relating to personnel management, driving time and safety inspections. In addition, the operator must have one or more operating centres in the relevant traffic area. These premises must allow the operator to conduct its operations effectively.



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Finally, we agree that HARPS operators should have a suitable transport manager to oversee operations. The Transport Manager's role is to manage the operator's transport activities continuously and effectively and they must be actively involved with the business. They may be an internal manager (such as an owner or employee) or an external manager (a consultant hired under a contract on a part-time basis). This person must demonstrate professional competence and be of good repute. However, as there will be new skills involved with the development of HARPS, it is difficult to determine how a transport manager would demonstrate professional competence in their role.

### Question 8

**How should a transport manager demonstrate professional competence in running an automated service?**

#### RoSPA Response

RoSPA has no further comment.

### 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"?**

#### RoSPA Response

RoSPA agree that as is the case with PSV operators, applicants for HARPS operator's licences must satisfy the Traffic Commissioner that they have "adequate facilities or arrangements" for maintaining vehicles "in a fit and serviceable condition". They must also be under a legal obligation to ensure roadworthiness.

Operators must conduct regular safety inspections. For PSV operators, inspection frequencies normally range between 4 and 13 weeks, depending on: the age and use of the vehicle; the manufacturer's recommendation; the terrain covered, and the distance over which and speeds at which it travels. However, some components of the vehicle must be checked more often. The person undertaking safety inspections must be technically competent. The operator must also provide suitable facilities for inspections. However, improved automated on-board diagnostic systems may reduce the need for some routine safety inspections.

As there is no human user-in-charge to detect problems, operators will need to ensure that maps and systems are updated in a timely fashion. They will also need to check that systems are running correctly following an update.



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### 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?**

#### RoSPA Response

RoSPA agree that it would be helpful to clarify that HARPS operators are also users for the purposes of these offences, as is with the case with PSV operators.

### 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?**

#### RoSPA Response

RoSPA agree that HARPS operators must have a legal duty to insure vehicles and believe that this could work in the same way as the existing PSV operator system.

The different potential legal obligations for HARPS will also need to be considered. As there will be no user-in-charge, HARPS operators must remotely supervise their vehicles and intervene by making choices for the vehicle where necessary. RoSPA are concerned about connectivity as a loss of contact with the vehicle could prove at the very least disruptive or in some situations, dangerous. Therefore, staff should be trained to respond safely to any connectivity or control issues. Cyber-security must also be considered, and the way in which vehicles are connected to allow them to be remotely supervised must be resilient to cyber-attacks.

Another issue to consider in terms of the supervision of the vehicles is staff. The staff remotely supervising the vehicles must be fit for work and should not be affected by fatigue, as they may be making safety critical decisions. This may be difficult in an environment where staff have a passive role for the majority of the time, interspersed with safety critical situations where they must be alert to make a decision for the vehicle. However, at this stage, it is difficult to know how often vehicles will require those remotely supervising them to make safety critical decisions. Staff will also need to be trained in how to deal with situations in which the vehicle brings itself to a stop to mitigate risk, such as providing assistance to passengers and in some cases, contacting the emergency services.

Operators should know where their vehicles are and if they are stopped in inappropriate places, should remove them. In the event of vehicle failure, those remotely supervising the vehicle will need to reassure passengers and other road users.

As is the system with drivers of privately owned vehicles and PSV operators, HARPS operators must report accidents. With new automated technology, it will also be useful to report near misses, as these events can act



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as learning opportunities as technology develops. Reporting accidents and near misses will be an essential part of any strategy to ensure the safe deployment of automated vehicles.

Finally, RoSPA agree that reasonable steps should be taken to safeguard passengers from assault, abuse or harassment, as it is unlikely that the public would accept the use of these services if not. This will be particularly important for vulnerable groups, such as unaccompanied children, the disabled and the elderly. This could include employing humans in the vehicle to act as "stewards". If this is the case, these stewards must undergo criminal record checks before being alone with passengers in these vehicles. In the absence of stewards, CCTV could also be installed in vehicles.

### 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)?**

#### RoSPA Response

RoSPA agree that untoward events should be recorded, together with background information about miles travelled. The Department for Transport publish annual reported road casualty statistics and use miles travelled to calculate an accident rate. It may be helpful if those operating automated mobility services also reported miles travelled without untoward events or accidents, to allow the number of collisions reported to be put into context. This would allow regulators to interpret the data they receive to see how automated driving systems compare to human drivers, or if particular types of automated driving or operators cause more problems than others.

### Question 13

**Do you agree that the legislation should set out broad duties, with a power to issue statutory guidance to supplement these obligations?**

#### RoSPA Response

RoSPA agree that the legislation should include a list of broad duties with powers to issue statutory guidance to supplement these broad principles. This could work in a similar way to the current PSV operating system.



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#### **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?**
- (2) withdraw the licence of an operator who failed to give price information?**

#### **RoSPA Response**

RoSPA is not in a position to comment.

#### **Question 15**

**Who should administer the system of HARPS operator licensing?**

#### **RoSPA Response**

RoSPA has no preference of who should administer the system. We can see equal merit of traffic commissioners with experience of administering the PSV scheme or the agency who will be responsible for authorising automated driving systems performing this role.

#### **Question 16**

**We welcome observations on how far our provisional proposals may be relevant to transport of freight.**

#### **RoSPA Response**

RoSPA is not in a position to comment.



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## Privately-owned Passenger-only Vehicles

### 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?**

### RoSPA Response

RoSPA 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. Currently, rental companies providing conventional vehicles for short term hire are regulated relatively lightly. However, the absence of a responsible person in a passenger-only vehicle, together with the sophistication and safety-critical features of the vehicle, justify a more rigorous regulatory regime.

### Question 18

**Do you agree that where a vehicle which is not operated by a HARPS licence-holder is authorised for use without a user-in-charge, the registered keeper 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?**

### RoSPA Response

RoSPA agree that these duties should be placed on the person who keeps the vehicle. The keeper should be responsible for insuring their vehicle, keeping it in a roadworthy condition; installing safety-critical updates; reporting accidents; and removing the vehicle if it causes an obstruction or is left in a prohibited place.

### Question 19

**Do you agree that there should be a statutory presumption that the registered keeper is the person who keeps the vehicle?**

### RoSPA Response

RoSPA is not in a position to comment.



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### 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?**

### RoSPA Response

RoSPA agrees with the above. Some leasing companies may wish to be registered as the keeper while devolving these responsibilities to the lessee. Alternatively, lessees may wish to contract for the services with another supplier. There should be a procedure for transferring the obligations to lessees, if, for example, the duties are clearly explained to them at the time and they sign a statement accepting liability. Leasing companies that arrange for the lessee to be the registered keeper should also be under an obligation to inform their lessees of their obligations.

### 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?**

### RoSPA Response

RoSPA agree that the legislation should include a regulation-making power that would apply to passenger-only vehicles which are not operated by HARPS licence holder. This could be used to require all registered keepers to contract with a licensed provider for supervision and maintenance services for the vehicle. It is likely that the provider would either be a HARPS operator or would be subject to similar licensing requirements in organising maintenance and supervision. This is because individuals may find it difficult to keep up with the technical challenges in updating vehicles and guarding against cyber-attacks and responding to requests for intervention from the vehicle. It may therefore be ideal for consumers to "buy" supervision and maintenance services from a licensed provider.



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### **Question 22**

**We welcome views on whether peer-to-peer lending and group arrangements relating to highly automated passenger-only vehicles might create any loopholes in our proposed system of regulation.**

### **RoSPA Response**

It is possible that a consumer who owns a "passenger-only" vehicle will place it on websites for "peer-to-peer lending". This would allow other people to use the vehicle for individual journeys or a series of journeys. In the majority of cases, peer-to-peer lending services will fall under the definition of HARPS.

However, in the case that a group of people buy one or more passenger only automated vehicles jointly, a HARPS licence may not be required. We do not believe that there would be a loophole in the system of regulation because the registered keeper would assume responsibilities for insurance, maintenance, installation and reporting accidents. If required, the group would then hire the services of a licensed third-party provider to provide technical skills and supervision.

### **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.**

### **RoSPA Response**

RoSPA is not in a position to comment.



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## Accessibility

### 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.**

### RoSPA Response

One of the main benefits of HARPS could be to help give disabled people the same access to transport as everyone else. However, there are challenges that could arise when vehicles transporting passengers no-longer have a human driver.

Technologies that can perform the entirety of the dynamic driving task and solely carry passengers who have no responsibility for the driving task have great potential to enhance the mobility and independence of people who are unable or unwilling to drive.

It is critical that as HARPS are developed, designed and introduced, the interests of disabled and older people are taken into account from the start and that the whole journey, from point of departure to destination, is considered.

Professional drivers of transport services do much more than the driving task itself, such as helping passengers on and off vehicles, or providing reassurance and information. To ensure that these services are accessible to all, some HARPS could have staff on board with non-driving responsibilities, focussing on customer care for example. Some HARPS operators may instead provide human assistance at the pick up or drop off point, or provide technological solutions. HARPS must also be designed to accommodate all users, such as being the correct dimensions to transport wheelchair users.

### 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?**

### RoSPA Response

The Equality Act creates a duty not to discriminate, harass or victimise in providing a service, and imposes a duty to make reasonable adjustments for people with disabilities. The range of services covered is very broad and it is irrelevant whether the service is provided by a private, voluntary or public body and whether payment is taken. However, these duties only apply to land transport if the vehicle used falls into one of the categories in the relevant statutory lists. The list expressly include public service vehicles, taxis, private hire services and hire-vehicles. RoSPA agree that the list should be amended to include HARPS.



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### 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?**

### RoSPA Response

Designers of transport services need to think carefully about the “whole journey”, from point of departure to the destination.

RoSPA agree that HARPS must ensure older and disabled people can get into and out of the vehicle safely and with reasonable ease and comfort. For example, HARPS will need to provide ramps or lifts, ensure that entrances are wide enough for wheelchair access, and make sure that the floors and steps are slip resistant. As there will be no driver and in some cases, no staff present, it will need to be ensured that pick-up and drop-off points are safe and that any obstacles are pointed out to users so they may avoid them.

RoSPA also agree that appropriate support and alternative services should be provided to disabled and older people when things go wrong or have to change. Accessible information (not just in a digital format) should also be provided.

Support at points of departure and arrival are also important. Some HARPS will continue to rely on human staff on board or at stopping points for example, who can provide support to passengers. For these services, the emphasis on staff training to provide appropriate support to disabled passengers should continue. These staff would need accessibility awareness training to guarantee a consistent and reliable service to all. People who provide assistance remotely through a technological interface, such as via video link or on the phone, should also be trained to assist people with disabilities. In some cases, human machine interfaces may be used. It is vital that human-machine interface is designed to be inclusive and that it can deliver the necessary capabilities effectively and be dependable. For example, it should be possible for the human-machine interface to communicate both visually and aurally so as to cater for both vision-impaired and hearing-impaired passengers.

It may be daunting for some first-time users of HARPS to know how to organise their journey and pay for a ticket, and so travel training will be especially important when HARPS become publicly available. Current programmes could be extended to travel training for HARPS.



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### **Question 27**

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

#### **RoSPA Response**

RoSPA agree that there should be national minimum standards of accessibility for HARPS. It would be helpful for all users, and particularly those who are disabled, if some aspects of journeys are standardised. For example, if the layout of the vehicles is the same, it may give a blind person confidence that they will be able to board the vehicle since they have boarded similar vehicles before. The booking system could also be standardised.

### **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.**

#### **RoSPA Response**

RoSPA is not in a position to comment.



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## Regulatory Tools to Control Congestion and Cruising

### Question 29

**We seek views on whether the law on traffic regulation orders needs specific changes to respond to the challenges of HARPS.**

#### RoSPA Response

RoSPA recognise that a digital and less cumbersome process to implement TROs would be beneficial. However, we have no further comment to make and await the results of the Discovery Project. The Discovery Project aims to produce "a draft Data Model for TROs", which will act as a standard model for a TRO in digital form.

### 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 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?**

#### RoSPA Response

RoSPA recognise that if the cost of parking is higher than the cost of driving, HARPS could be under pressure to "cruise empty". For electric vehicles with relatively low fuel costs that are travelling at low speeds, the cost of fuel on its own may be less than the cost of parking. One answer to the problem of empty cruising would be to charge more for cruising than parking. This would involve a major change in current practice, as far more money is currently collected from parking charges than from road pricing.

We believe that the existing legislation provides flexible powers to introduce the required changes, such as charging less for HARPS than for residents' parking, or increasing charges for privately-owned vehicles to encourage more shared use.

### Question 31

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

#### RoSPA Response

RoSPA is not in a position to comment.



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### 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.

### RoSPA Response

RoSPA is not in a position to comment.

### 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? If so, how long should the period be?**

### RoSPA Response

RoSPA agree with this approach for safety reasons. At first, manufacturers would provide regulators with evidence from their own trials, gained from track-based tests, virtual testing and road-trials with safety drivers. On this basis, the regulator would allow a small number of vehicles to be deployed commercially, on the condition that the deployment was used to gather data. Once safety had been demonstrated, the number of vehicles would be increased. This approach would maximise safety and minimise risk. We agree that the agency charged with licensing operators should have flexible powers to limit the number of vehicles any given operator can use within a given operational design domain for the first few years.

### Question 34

**Do you agree that there should be no powers to impose quality restrictions on the total number of HARPS operating in a given area?**

### RoSPA Response

RoSPA agree with the advice of the Competition and Markets Authority, which states that "Quantity restrictions may cause harm to passengers through reduced availability, increased waiting times, reduced scope for downward competitive pressure on fares and reduced choice. They also may increase the risk to passenger safety if they encourage the use of illegal, unlicensed drivers and vehicles."

Quality restrictions could also offset the benefits of innovation. For automated services, it is important to encourage competition. The first developer will not necessarily be the best. If the first one or two operators flood the market, an arbitrary cap would then prevent another competitor from entering the market. This is true even if the new operators are able to offer a better, safer or more innovative service. It is also difficult to set a



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restriction in terms of new technology, as public acceptance of the service may increase and demand for the service could become higher over time.



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## **Integrating HARPS with Public Transport**

### **Question 35**

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

### **RoSPA Response**

We agree that that a HARPS should only be subject to bus regulation if it can transport more than eight passengers at a time and charges separate fares. We also agree that a HARPS would not be a local bus service if it fell within the current exemptions applying to group arrangements, school buses, rail replacement bus services, excursions or community groups.

### **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.**

### **RoSPA Response**

Although some HARPS may run in a similar way to traditional buses, some may be more flexible. RoSPA believe that it is difficult to register routes and apply punctuality provisions to services which do not run to routes and timetables.

### **Question 37**

**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.**

### **RoSPA Response**

We agree that bus regulation should only apply if the service runs a route with at least two fixed points with some degree of regularity. This is because it is difficult to register routes and apply punctuality provisions to services which do not run to routes and timetables.



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### Question 38

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

### RoSPA Response

RoSPA can see the benefit of operators being required to participate in a Mobility as a Service (MaaS) scheme, by making information available, allowing booking through a single app and co-operating over ticketing. This might include joint promotions of services; using a standard set of zones; or following standard ticket rules (such as standard age-related concessions).

RoSPA has no comments to make on the consultation process, other than to thank the Law Commission and Scottish Law Commission for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.





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