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RoSPA Response to

“Remote Control Parking and Motorway Assist: Proposals for Amending Regulations and the Highway Code”

A Department for Transport Consultation Paper

2 February 2018



Response to “Remote Control Parking and Motorway Assist: Proposals for Amending Regulations and the Highway Code”
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Introduction

This is RoSPA’s response to the Department for Transport consultation paper “Remote Control Parking and Motorway Assist: Proposals for Amending Regulations and the Highway Code”. It has been produced following consultation with RoSPA’s National Road Safety Committee.

There will be a transitional period in the arrival of new vehicle technology where we will have a shifting mixture of conventional cars, cars with increasingly sophisticated advanced driver assistance systems (ADAS) such as adaptive cruise control, and ultimately, fully automated vehicles. Therefore, it is important that we continue developing policy and making appropriate regulatory changes to facilitate the safe use of this technology in a responsive and evidence-based manner.

The Department for Transport previously consulted on these issues in “Pathway to Driverless Cars: Proposals to support advanced driver assistance systems and automated vehicle technologies”. RoSPA’s response to that consultation can be viewed on RoSPA’s website at <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/consultations/2016/pathway-to-driverless-cars.pdf>.

In this consultation, the Department for Transport is seeking views on proposals to changes the Highway Code and relevant regulations to allow the use of remote control parking on British roads, and allow use of motorway assistance technology.

RoSPA Responses to Questions in this Consultation

Personal details

Your name:

Kevin Clinton, Head of Road Safety, RoSPA

Your email

kclinton@rospa.com

Do you live in: England? Scotland? Wales? Other? Where?

England

Are you responding on behalf of: Yourself? An organisation?

An organisation.

(If responding on behalf of an organisation) What is the name of your organisation?

RoSPA, the Royal society for the Prevention of Accidents

How large is your organisation?

RoSPA employs around 120 staff, plus contractors, such as driver trainers, driving examiners, and health and safety trainers and consultants, and around 4,000 members, including organisations and individuals. RoSPA has a number of national safety committees, including the National Road Safety Committee, that help to advise us on policy issues and priorities.



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Construction and Use Regulations Remote control parking

Remote control parking enables the driver to get out of the vehicle and use a mobile device (such as a dedicated remote control or a smart phone) to command the vehicle to automatically drive itself into, or out of, a parking space. The vehicle will manoeuvre automatically at very low speed while monitoring its surroundings for pedestrians, other road users or any other hazards. If it detects a person or hazard, the vehicle will come to an immediate stop. The system will not function if the driver is outside a certain range.

The United Nations Economic Commission for Europe (UNECE) Regulation 79 (as amended) contains provisions for the construction, fitting and performance requirements of the remote control parking function at speeds above 10kmph (6.2mph) and its control device. Vehicles type approved after 1 April 2018 will have to comply with these new standards.

The current wording in Regulation 110 of the UK’s Construction and Use Regulations prohibits the use of a hand-held mobile communications device (such as a phone or tablet) while driving. Therefore, enforcement authorities or Courts could interpret the use of a hand-held device to park the vehicle as unlawful. To avoid uncertainty the Government seeks agreement on the draft statutory instrument and proposed changes to the Highway Code (specifically rules 149, 150, 160 and 239) to facilitate the use of remote parking and provide clarity to drivers within Great Britain; relevant legislation for Northern Ireland is referenced where appropriate.

These changes will remove the barrier to uptake of these innovative, internationally approved new vehicle technologies.

Question 1

Are you content with the draft amendments to Regulation 110 (not using hand-held mobile phones while driving) to enable remote control parking? Yes No (If no) Why not?

RoSPA’s Response

Yes

RoSPA agrees with the proposed amendment to Regulation 110 to insert paragraph 5A:

(5A) A person does not contravene a provision of this regulation if, at the time of the alleged contravention—

(a) the person is using a hand-held mobile telephone or other hand-held device only to perform a remote controlled parking function of the vehicle; and

(b) the hand-held device only enables the car to move if:

- (i) there is continuous activation of the device’s remote control application by the driver*
- (ii) the signal between the vehicle and device is maintained; and*
- (iii) the distance between the vehicle and device is not more than 6 metres.*

The proposed amendment is clear that it only applies when the driver is using the device to park the vehicle, and not to normal driving. This was a point we made in our response to the earlier consultation, [Pathway to Driverless Cars](#).



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The proposed amendment also requires remote control parking devices to operate only if it is activated within 6 metres of the vehicle, and if the device is continuously activated throughout the full manoeuvre (for example, by a ‘dead man’s switch’).

We believe that remote control parking devices should only be permitted to aid parking of cars or small vans, and not for larger vehicles, such as large vans, trucks or passenger carrying vehicles. The new rule should only apply to remote control parking systems and mobile phone applications which have been developed or approved by the vehicle manufacturer and not include third-party devices or applications which may not have undergone the same testing procedures

The term “*a remote controlled parking function*” should be defined so that, for example, it does not include using the device to turn on the engine on a cold morning to defrost windows before driving off. While this may be a convenient function, it could increase the risk of theft if the driver waits indoors while the windows defrost.

The benefits of remote control parking include offering a convenient way of parking in confined spaces, reducing the time needed to find a suitable parking spot and making better use of road and parking space, especially given the increased size of vehicles and the rising number of vehicles. It could make parking easier for people with mobility impairments or Motability-equipped vehicles. It may also reduce the number of collisions when parking.

We agree that subsequent amendments to the regulations should take account of future remote control systems such as valet parking, where the vehicle could be out of the driver’s sight while it is being parked.

Question 2

In addition, should we make changes to the Highway Code to reflect this regulatory change? Yes No (If no, Why not?)

RoSPA’s Response

Yes.

RoSPA agrees that changes should be made to the Highway Code to reflect the amendment to Regulation 110.

Question 2A

Are you content with the text amendments of the Highway Code in a way that would clarify rule 149, related to use of use of a mobile phone and in-vehicle technology? Yes No (If no) Why not?

RoSPA’s Response

Yes.

RoSPA agrees with the proposed amendment to Rule 149 of the Highway Code, which inserts the sentence “*You can park your vehicle via remote control, using a legally compliant parking application or device in an appropriate way which does not endanger others.*”

The amendment makes it clear that a remote control parking device may only be used if it is legally compliant (ie, complies with paragraph 5A discussed above) and if it used in a way that does not endanger others. However, vehicle and device manufacturers should be required to provide clear guidance on the safe use of remote control parking.



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However, the amendment could do more to warn drivers about the need to be fully aware of their surroundings when operating the device and the risk of being hit by other vehicles if they stand in the road or carriageway when using the device, particularly in busy car parks or on-street parking areas.

Manufacturers should also be asked to include this type of advice in their handbooks.

Question 2B

Are you content with the text amendments of the Highway Code in a way that would clarify rule: 150, related to use of driver assistance systems and distraction? Yes No (If no) Why not?

RoSPA's Response

Yes.

RoSPA agrees with the proposed amendment to Rule 150 of the Highway Code, which inserts the following text (highlighted in red and italics):

Rule 150 of the Highway Code

There is a danger of driver distraction being caused by in-vehicle systems such as satellite navigation systems, congestion warning systems, PCs, multimedia, etc. You **MUST** exercise proper control of your vehicle at all times. Do not rely on driver assistance systems such as *motorway assist, lane departure warnings, or remote control parking*. They are available to assist but you should not reduce your concentration levels. Do not be distracted by maps or screen-based information (such as navigation or vehicle management systems) while driving or riding. If necessary find a safe place to stop.

If you are using advanced driver assistance systems, like motorway assist, or a remote control parking application or device, then you as the driver are still responsible for the vehicle and MUST exercise full control over these systems at all times.

The proposed amendments clarify the appropriate use of driver assist functions include remote control parking, lane departure warnings and motorway assist. Importantly it emphasises that drivers must use these systems responsibly, and must remain in full control of their vehicle at all times.

RoSPA believes that this is a crucial message that will require consistent publicity, not just including it in the Highway Code.

In addition, vehicle and device manufacturers should be required to provide clear guidance on the safe use of these functions.



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Question 2C

Are you content with the text amendments of the Highway Code in a way that would clarify rule: 160, relating to driving with both hands on the wheel? Yes No (If no) Why not?

RoSPA's Response

No. RoSPA does not agree with the proposed amendment to Rule 160 of the Highway Code, which inserts the following text (highlighted in red and italics):

Rule 160 of the Highway Code

Once moving, you should drive with both hands on the wheel where possible. This will help you to remain in full control of the vehicle at all times. *You may use advanced driver assistance systems, if used in accordance with the manufacturer's or developer's instructions.*

Although we agree that it is very important to amend this Rule, we do not believe the proposed wording is clear or specific enough. The amendment should include some examples of situations it may be permissible for drivers to take their hands off the steering wheel using driver assistance functions, for example when parking the vehicle remotely. Clearly, the Highway Code will need to be updated further as new technology is introduced.

The approval process for these devices should ensure that the devices and sensors work reliably where lane markings had faded or in poor weather and poor visibility.

Given that the proposed amendment requires the driver to know if they are using an ADAS function “*in accordance with the manufacturer's or developer's instructions*”, there should be a method for regulators and enforcement authorities to check that drivers are given clear and appropriate guidance about when it may be appropriate to take their hands off the steering wheel.

If an ADAS system allows the driver to release their hold on the steering wheel for short periods, the Highway Code should still advise drivers to keep their hands on the steering wheel, and not to undertake non-driving tasks that could distract them from being able to properly take control of the vehicle. Drivers need to be aware of the risk of the system suddenly deactivating and rapidly slowing the car down without warning, if the sensors failed.



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Question 2D

Are you content with the text amendments of the Highway Code in a way that would clarify rule 239, relating to parking technique? Yes No (If no) Why not?

RoSPA's Response

Yes. RoSPA agrees with the proposed amendment to Rule 239 of the Highway Code, which inserts the following text at the end of the rule:

"If you are using a handheld device to carry out a parking manoeuvre, then you must ensure that it is safe to do so before beginning the manoeuvre and should try to carry out the manoeuvre in the shortest, safest route possible.

When parking, as the driver you MUST remain in control of the vehicle at all times; you must not use the device for other functions or in such a way that would cause danger to other road users. You should act in accordance with the manufacturer's or developer's instructions."

The proposed amendment makes it clear that drivers must only use remote controlled parking function if it is safe to do so, and must remain when using the function and must not use it for other functions or in a way that causes danger. We suggest that the words "should try to" are deleted from the first sentence so it reads "... you must ensure that it is safe to do so before beginning the manoeuvre and carry out the manoeuvre in the shortest, safest route possible

However, we are concerned that some drivers may use the remote parking function from outside the vehicle while they have children in the vehicle, which means the children will be unattended. We are not clear whether this has been considered, but the Highway Code should provide advice to drivers about using the remote control parking function if they have children in the vehicle.

Drivers should also be reminded that they still need to stop in a safe and legal position before exiting the vehicle, not just double park or leave their vehicle in the middle of the road. As the driver will have to load an application on their mobile phone or start the device on the vehicle 'key', the delay in actually starting the reversing procedure could leave them in a vulnerable position.

Question 3

Should we include a recommendation within the Highway Code that vehicle operators confirm with the manufacturer if the remote-control device/app they plan to use is compliant with the international standard?

RoSPA's Response

RoSPA is not clear how vehicle operators (we assume this means drivers and owners) would be able to confirm with the manufacturer that the remote-control device/app they plan to use is compliant with the international standard. The responsibility to ensure that devices are compliant should rest with the vehicle or device manufacturer, who should also be required to provide clear guidance on the use of the device or function.



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Question 4

What other advanced driver assistance systems or automated vehicle technologies that are likely to come to the UK market in the next 2-4 years should we be considering? What are these systems?

RoSPA’s Response

RoSPA is not aware of any other systems or technologies likely to come to market in the next two to four years, but this is a rapidly developing field, so it is important that the DfT monitor it and respond quickly to changes. Although autonomous vehicle technology is developing rapidly, RoSPA believes that it is still too early to predict exactly how the technology will develop, nor the exact timeframe for the introduction of aspects of this technology. It is also likely that unforeseen issues will arise as this technology is developed and tested in the real world.

Therefore, it is sensible to keep the UK’s regulatory framework under review as particular aspects of this technology start to get close to being made available on the UK market. If some systems develop more quickly than currently anticipated, they should be incorporated into regulations as soon as necessary.

Question 5:

Any other comments?

RoSPA’s Response

The Government should take great care that the gradual introduction of driver assistance technology, and the regulatory changes and Highway Code changes that accompany them, do not cause further confusion about the importance of avoiding drive distraction.

Specific and clear advice about drivers understanding that they remain in full control of their vehicle when using such technology will be constantly needed. The Government will need to monitor the development of technology in this field, and respond accordingly as and when systems come to the market.

It is important to consider the implications of the regulatory reform on the use of UK vehicles overseas, and to liaise with other countries’ on their approach to these issues, as presumably in due course these vehicles will be used by people when working or holidaying overseas.

RoSPA thanks the Department for Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

Road Safety Department
RoSPA
28 Calthorpe Road
Birmingham B15 1RP
www.rospa.com



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RoSPA Head Office

28 Calthorpe Road
Birmingham
B15 1RP
☎ +44 (0)121 248 2000

RoSPA Scotland

43 Discovery Terrace
Livingstone House
Heriot-Watt University Research Park
Edinburgh
EH14 4AP
☎ +44 (0)131 449 9378/79

RoSPA Wales

2nd Floor
2 Cwrt-y-Parc
Parc Ty Glas
Cardiff Business Park
Llanishen
Cardiff
CF14 5GH
☎ +44 (0)2920 250600

General Enquiries

☎ +44 (0)121 248 2000
☎ +44 (0)121 248 2001
✉ help@rospa.com
🐦 twitter.com/rospa
📘 facebook.com/rospa
🌐 linkedin.com/rospa

www.rospa.com

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