Response ID ANON-6H2D-W6YB-V

Submitted to **Law Commissions' consultation on Automated Vehicles: A Preliminary Consultation Paper**
Submitted on **2019-02-07 14:13:07**

About you

What is your name?

Name:
Sarah Greenslade

What is the name of your organisation?

Enter the name of your organisation:
British Parking Association

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

Response on behalf of your organisation

Please provide any additional information::

What is your email address?

Email:
consultations@britishparking.co.uk

What is your telephone number?

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If you want the information that you provide in response to this consultation to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances.

Tell us why you regard the information as confidential:

Chapter 3: Human factors

Consultation Question 1: Do you agree that:

Not Answered

Please share your views below::

Not Answered

Please share your views below: :

Not Answered

Please share your views below: :

Consultation Question 2: We seek views on whether the label "user-in-charge" conveys its intended meaning.

Please share your views below::

Consultation Question 3: We seek views on whether it should be a criminal offence for a user-in-charge who is subjectively aware of a risk of serious injury to fail to take reasonable steps to avert that risk.

Not Answered

Please share your views below::

Consultation Question 4: We seek views on how automated driving systems can operate safely and effectively in the absence of a user-in-charge.

Please share your views below: :

Consultation Question 5: Do you agree that powers should be made available to approve automated vehicles as able to operate without a user-in-charge?

Not Answered

Please expand on your answer: :

Consultation Question 6: Under what circumstances should a driver be permitted to undertake secondary activities when an automated driving system is engaged?

Please share your views below: :

Consultation Question 7: Conditionally automated driving systems require a human driver to act as a fallback when the automated driving system is engaged. If such systems are authorised at an international level:

Not Answered

Please expand on your answer below::

Please share your views below: :

Chapter 4: Regulating vehicle standards pre-placement

Consultation Question 8: Do you agree that:

Not Answered

Please explain your answer: :

Not Answered

Please explain your answer: :

Not Answered

Please explain your answer::

Consultation Question 9: Do you agree that every automated driving system (ADS) should be backed by an entity (ADSE) which takes responsibility for the safety of the system?

Not Answered

Please explain your answer: :

Consultation Question 10: We seek views on how far should a new safety assurance system be based on accrediting the developers' own systems, and how far should it involve third party testing.

Please share your views below: :

Consultation Question 11: We seek views on how the safety assurance scheme could best work with local agencies to ensure that it is sensitive to local conditions.

Please share your views below: :

Chapter 5: Regulating safety on the roads

Consultation Question 12: If there is to be a new safety assurance scheme to authorise automated driving systems before they are allowed onto the roads, should the agency also have responsibilities for safety of these systems following deployment?

Not Answered

Please explain your answer::

Please explain your answer::

Not Answered

Please explain your answer: :

Consultation Question 13: Is there a need to provide drivers with additional training on advanced driver assistance systems?

Not Answered

Please explain your answer: :

Not Answered

Please explain you answer::

Consultation Question 14: We seek views on how accidents involving driving automation should be investigated.

Please share your views below::

Please share your views below: :

Consultation Question 15:

Not Answered

Please explain your answer: :

Not Answered

Please share your views below: :

Consultation Question 16:

Please share your views below: :

Please share your views below::

Chapter 9: "Machine Factors" - Adapting road rules for artificial intelligence decision-making

Consultation Question 38: We seek views on how regulators can best collaborate with developers to create road rules which are sufficiently determinate to be formulated in digital code.

Please share your views: :
We very much welcome this consultation as connected and automated vehicles require there to be new ways of producing, preparing and publishing Traffic Regulation Orders. The BPA is already collaborating with the Department for Transport, GeoPlace, and Ordnance Survey on the Traffic Regulation Order (TRO) Discovery Project to help make TROs fully digital and machine-readable.

The first stage is a survey which is being led by GeoPlace and aims to find out how TROs are made, how TRO data is made available and also how it is used across the country. This information will support the modernisation of how TROs are developed and managed and inform a clearer, more consistent traffic landscape for drivers and local authorities. The Project scope includes:

• engaging widely with experts, and with people and organisations who require TROs to understand who is reliant on TROs, how the process works for them and how we might look to improve it in the future.

• working with Local Highways Authorities to understand how they create TROs and manage their TRO data.

• Producing a guide to help Local Authorities understand how they can work within the limits of current legislation based on best practice in the current landscape.

• Development of a draft Data Model for TROs, a free resource for all. It will be compatible with Connected and Automated Vehicles (CAVs) and the international TRO landscape. This will support the move towards TROs being easily accessible to the public whether using apps or driving connected vehicles.
The work commenced in November 2018, with the aim of completing our Discovery work in April 2019, and report in May 2019.

We welcomed the opportunity to meet with yourselves in January and would welcome meeting with you again to talk about the next stage of the consultation process which focuses on the usability of CAVs and how our TRO work will support this.

Consultation Question 39: We seek views on whether a highly automated vehicle should be programmed so as to allow it to mount the pavement if necessary:

Please tick any box that you think applies and explain your reasoning below::
We are campaigning currently alongside Guide Dogs, Living Streets and other organisations for the government (DfT) to review and propose how a new law to end unsafe pavement parking would work.

We believe pavement parked cars force people into the road to face oncoming traffic, which is dangerous for many, especially those who are partially sighted, blind, parents with pushchairs and young children, wheelchair users and others who use mobility aids. Pedestrians should be able to rely on pavements being clear and safe whether there are AVs or non-AV's on the streets.

In December 2015, a Private Member's Bill on pavement parking, which would have made pavement parking an offence in England and Wales, was withdrawn on

the basis that the Government promised to research how a new law on pavement parking would work. We helped DfT to survey views of local authorities on this issue in the Autumn of last year. We recommend you contact the DfT directly on this matter as they are expected to make an announcement soon.

Consultation Question 40: We seek views on whether it would be acceptable for a highly automated vehicle to be programmed never to mount the pavement.

Please share your views: :
See our response to Q39. We do not support AVs being programmed to edge through pedestrians.

Consultation Question 41: We seek views on whether there are any circumstances in which an automated driving system should be permitted to exceed the speed limit within current accepted tolerances.

Please share your views: :

Consultation Question 42: We seek views on whether it would ever be acceptable for a highly automated vehicle to be programmed to "edge through" pedestrians, so that a pedestrian who does not move faces some chance of being injured. If so, what could be done to ensure that this is done only in appropriate circumstances?

Please share your views::

Consultation Question 43: To reduce the risk of bias in the behaviours of automated driving systems, should there be audits of datasets used to train automated driving systems?

Not Answered

Please explain your answer: :

Consultation Question 44: We seek views on whether there should be a requirement for developers to publish their ethics policies (including any value allocated to human lives)?

Not Answered

Please explain your answer: :
We recommend developers are required to publish their ethics policies, including any value allocated to human lives.

Consultation Question 45: What other information should be made available?

Please share your views: :
We recommend you consider making it a requirement to publish the algorithms that calculate risk (E.g to avoid hitting humans, structures, pavements) when AVs are in motion.

Consultation Question 46: Is there any other issue within our terms of reference which we should be considering in the course of this review?

Please alert us to any other issues that we should consider: :
We recommend we stay in contact so we can update you on the Traffic Regulation Order Discovery Project. The progress of this project is crucial to making TROs fully digital and machine-readable for connected and automated vehicles, as presently they are not.

There have been hundreds of responses to the first research phase and we are now commencing user research for the project, which includes doing in-depth research interviews and 'deep dives' with organisations identified as having particularly important perspectives to learn from.

We also look forward to responding to your next consultation.

Who are we?

The British Parking Association is a not for profit organisation, representing, promoting and influencing the parking and traffic management profession throughout the UK and Europe. Our membership of more than 750 organisations and individuals includes local authorities, car park operators, retail parks, healthcare facilities, universities, railway stations, technology providers, trainers and consultants. We work with our partners to support growth for our communities, improve compliance by those managing and using parking facilities, and encourage fairness to achieve our vision of excellence in parking for all. Any surplus income arising from our work is reinvested back into activities to support our members or put into a reserve fund to ensure we can continue to raise standards and encourage professionalism.

In Summary
We work closely with government, especially the Department for Transport and the Ministry of Housing, Communities and Local Government, as well as recently with the Department of Food and Rural Affairs and yourselves, to develop parking policy and traffic management. We are happy to assist you with any further information in relation to this very important area of public policy.