

Centre for Connected and Autonomous Vehicles
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

28 May, 2021

Direct Dial: 01494 545716
Email: gerry@bvrla.co.uk

RULES ON SAFE USE OF AUTOMATED VEHICLES ON GB ROADS

British Vehicle Rental and Leasing Association (BVRLA) members represent the demand-side of the automotive industry, buying around 50% of new vehicles, including over 80% of those manufactured and sold in the UK. In doing so, they support almost 500,000 jobs, add £7.6bn in tax revenues and contribute £49bn to the UK economy each year.

Consumer protection and the safety and security of vehicles is of paramount importance to BVRLA members. The BVRLA has worked closely with the Law Commission as it has considered what is needed to ensure the safe introduction of Autonomous Vehicles and previously responded to the call for evidence on the Safe Use of Automated Lane Keeping System (ALKS). We therefore welcome the opportunity to provide feedback on changes to the Highway Code and rules for the safe use of automated vehicles on GB roads.

The Highway Code – a new section for Automated Vehicles

We continue to have reservations about ALKS vehicles being automatically considered to be an automated vehicle under the Automated and Electric Vehicles Act (AEVA).

Some of the wording within the new section would warrant further explanation for example, the difference between assisted and autonomous driving. The wording around what the driver Must and Should do is also ambiguous and should be made clearer, particularly in relation to the driving task and whether it is assisted or autonomous.

Any definitions should be in line with the Automated and Electric Vehicles Act (AEVA) 2018 and make clear what is permitted and where. For example, ALKS can only be used at certain speeds and on certain roads but is not reflected within the code changes. There is also potential for confusion between terms such as assisted and automated lane keeping which are quite similar but have significant differences when it comes to liability and what the driver can and cannot do. We do not think the current changes make this distinction clear enough and are concerned about drivers interpreting the code wrongly and therefore posing a risk to themselves and to other road users.

The reference to 'an automated vehicle driving itself' and that the driver does 'not need to pay attention to the road' are of particular concern when referring to ALKS where the driver does need to remain in control, particularly beyond certain speeds and will need to retain control within 10 seconds. The word 'should' ('you should not move out of the driving seat'. 'You should not be so distracted that you cannot take back control when prompted by the vehicle') needs to be avoided and replaced instead with 'must' – this would provide much needed clarity to the driver of what they can and cannot do.

The introduction of semi-autonomous features, such as ALKS, being defined as autonomous is a significant change for drivers. Many drivers will not fully understand the features and therefore what their responsibilities are. The need for clear and consistent language is therefore imperative as too is driver education.

British Vehicle Rental and Leasing Association

River Lodge, Badminton Court, Amersham, Bucks HP7 0DD
tel: 01494 434747 fax: 01494 434499 e-mail: info@bvrla.co.uk web: www.bvrla.co.uk

Driver education

It is vital that drivers are informed about the abilities and limitations of the system to ensure it is used safely. However, significant questions remain about who is responsible for educating drivers about autonomous features in vehicles and confirming that these features are understood. BVRLA members are not best placed to provide this education when they are not experts on the technology, how to describe it and due to the fact that increasingly handover is done remotely not face to face. This needs to be given careful consideration across a range of different vehicle use cases and business models, including leasing, rental and car club.

Some form of verifiable training will be a key part of assisting adoption of autonomous vehicles and reducing any risks. One suggestion is that there is a new category of driver licence that shows that people have been trained and understand their responsibilities when it comes to autonomous vehicles and their responsibility as the User in Charge. This could support BVRLA members to ensure a vehicle has a qualified User in Charge which otherwise will be exceptionally difficult to assess.

Data Access

The ability to access data remains an important issue for members of the BVRLA. We are concerned that, as vehicles become more connected and autonomous, this may start to hinder vehicle owner's ability to access in-vehicle data and could mean that the owners of the data will have an unfair advantage as new mobility business models emerge. Limiting access to data will stifle innovation and affect customer choice in how and where they get their vehicles repaired, serviced and access in-vehicle services.

It could also have an impact on our members ability to intervene if a vehicle has been recalled, is overdue for a service or needs essential maintenance.

While we welcome the Law Commission's work in this area, we are concerned that their and CCAV's focus on data has been too narrow. Access to vehicle data should not be restricted to insurance or police use cases but opened to incentivise development of new technology, services and to promote competition.

This is an area in urgent need for a further review and we would welcome a further discussion with CCAV and Government more broadly to ensure these concerns are addressed at the earliest opportunity.

Thank you for this opportunity to provide feedback. We look forward to speaking further as this work continues.

Yours sincerely,



Gerry Keane
Chief Executive

About the BVRLA

British Vehicle Rental and Leasing Association

River Lodge, Badminton Court, Amersham, Bucks HP7 0DD

tel: 01494 434747 fax: 01494 434499 e-mail: info@bvrla.co.uk web: www.bvrla.co.uk

- The BVRLA represents over 970 companies engaged in vehicle rental, leasing and fleet management. Our membership is responsible for a combined fleet of four million cars, vans and trucks – one-in-ten of all vehicles on UK roads.
- BVRLA members represent the demand-side of the automotive industry, buying around 50% of new vehicles, including over 80% of those manufactured and sold in the UK. In doing so, they support almost 500,000 jobs, add £7.6bn in tax revenues and contribute £49bn to the UK economy each year.
- Together with our members, the association works with policymakers, public sector agencies, regulators, and other key stakeholders to ensure that road transport delivers environmental, social and economic benefits to everyone. BVRLA members are leading the charge to decarbonise road transport and are set to register 400,000 new battery electric cars and vans per year by 2025.
- BVRLA membership provides customers with the reassurance that the company they are dealing with adheres to the highest standards of professionalism and fairness.
- The association achieves this by reinforcing industry standards and regulatory compliance via its mandatory Codes of Conduct, inspection regime, government-approved Alternative Dispute Resolution service and an extensive range of learning and development programmes.

British Vehicle Rental and Leasing Association

River Lodge, Badminton Court, Amersham, Bucks HP7 0DD

tel: 01494 434747 fax: 01494 434499 e-mail: info@bvrla.co.uk web: www.bvrla.co.uk