



**Department for Transport
Great Minster House
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Proposed Highway Code Amendments –New section for Automated Vehicles

FBHVC Response

INTRODUCTION

In August 2020, the Department for Transport (DfT) sought views through a call for evidence (the Document) on proposals to allow the use of vehicles equipped with an Automated Lane Keeping System (ALKS) on UK roads.¹ The Federation of British Historic Vehicle Clubs (the Federation) responded to that invitation on 26th October 2020.² The role and scope of the Federation was set out in that response and previous submissions to the Department on a wide range of topics. However in summary the Federation represents over 500 member clubs with a total membership of a quarter of a million historic vehicle owners and enthusiasts. Interest in historic vehicles sustains economic activity worth £7.2 billion annually to the UK economy and supports the employment of nearly 35,000 people.

The Federation was pleased that some of the concerns and observations expressed in its response were acknowledged by the Department. It noted that the Government is intent on proceeding to the next stage subject to the conclusions of a Law Commission review of driving legislation to enable the safe deployment of automated vehicles on our roads and a further public consultation on proposals to amend the Highway Code.³

It is in relation to the latter consultation that the Federation responds in his paper. It recalls that in its previous response, it agreed that as a minimum safe use of Automated Vehicles would require a revision of the Highway Code and therefore it supports the revision while suggesting revised contents. Whilst not utilising the specific form available for download, this response aims to follow its outline including dealing with the principal question and providing rationale for any suggested amendments.

The Department's proposals are rehearsed at Annex A to this response and the Federation's suggested amended version and supporting reasons are at Annex B.

¹ Call for Evidence on Safe Use of Automated Lane Keeping Systems (ALKS) August 2020

² Federation of Historical Vehicle Clubs (FBHVC) Response to Call for Evidence On Safe Use of Automated Lane Keeping Systems (ALKS)

³ Safe Use of Automated Lane Keeping System (ALKS) Summary of Responses and Next Steps April 2021

Annex A

DEPARTMENT PROPOSED AMENDMENT

Automated vehicles can perform all the tasks involved in driving, in at least some situations. They differ from vehicles fitted with assisted driving features (like cruise control and lane-keeping assistance), which carry out some tasks, but where the driver is still responsible for driving. If you are driving a vehicle with assisted driving features, you **MUST** stay in control of the vehicle.

Automated vehicles are vehicles that are listed by the Secretary of State for Transport. While an automated vehicle is driving itself, you are not responsible for how it drives, and you do not need to pay attention to the road. But you must follow the manufacturer's instructions about when it is appropriate to engage the self-driving function.

If the vehicle is designed to require you to resume driving after being prompted to, while the vehicle is driving itself, you **MUST** remain in a position to be able to take control. For example, 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.

You are still responsible for the vehicle being in a roadworthy condition, having a current MOT test certificate if applicable, and being taxed and insured.

These proposed changes to The Highway Code have the following legal basis:

Section 3, Road Traffic Act 1988.

Section 1, Automated and Electric Vehicles Act 2018.

Regulation 104, The Road Vehicles (Construction and Use) Regulations 1986

Annex B

FBHVC REVISED WORDING

Q The Department asks whether respondents are satisfied that the proposed wording [above] achieves the outcomes articulated above for The Highway Code? And if not, why?

A The Federation submits the following redraft of the proposed wording

Automated Vehicles

Automated Vehicles Automated vehicles are vehicles that (are listed as such by the Secretary of State for Transport at www.gov.uk.) Automated vehicles can perform all the tasks involved in driving, in at least some situations.

Comment: This revised structure uses the existing wording but placed in an order that is more coherent with the current wording of the Highway Code. If it is deemed necessary that there is reference to the S of S listing, there should be a website link to the approved list. However given that the intention is that the vehicle will be registered with the DVLA as an AV, we question whether the reference is required.

Advanced Driver Assistance Systems (ADAS) Automated vehicles differ from vehicles fitted with advanced driver assistance systems (like cruise control and lane-keeping assistance), which carry out some tasks, but where the driver is still responsible for driving. If you are driving a vehicle with assisted driving features, you **MUST** stay in control of the vehicle.

Comment: It is right that assisted driver systems are mentioned and contrasted but the existing wording does not sufficiently highlight it and does not use the terms already used in the Department's own documents.

While an automated vehicle is driving itself, you are not responsible for how it drives, and you do not need to pay attention to the road. However you **MUST** follow the manufacturer's instructions about when it is appropriate to engage the self-driving function.

You **MUST** remain in a position to be able to take control when prompted to by the vehicle.

You **MUST** not move out of the driving seat.

Comment: Although the technical requirements of the system should prevent the engagement of the self-driving function unless the driver is physically in the seat, this must be expressed as a mandate rather than a “should”. The mandate is surely secured by s3, Road Traffic Act

You **MUST** not be so distracted that you cannot take back control when prompted by the vehicle.

All motor vehicle documentation requirements in Annex 3 apply to Automated Vehicles.

Comment: The existing wording is repeating what is already in an Annex to the Code

Section 3, Road Traffic Act 1988.

Section 1, Automated and Electric Vehicles Act 2018.

Regulation 104, The Road Vehicles (Construction and Use)

Regulations 1986