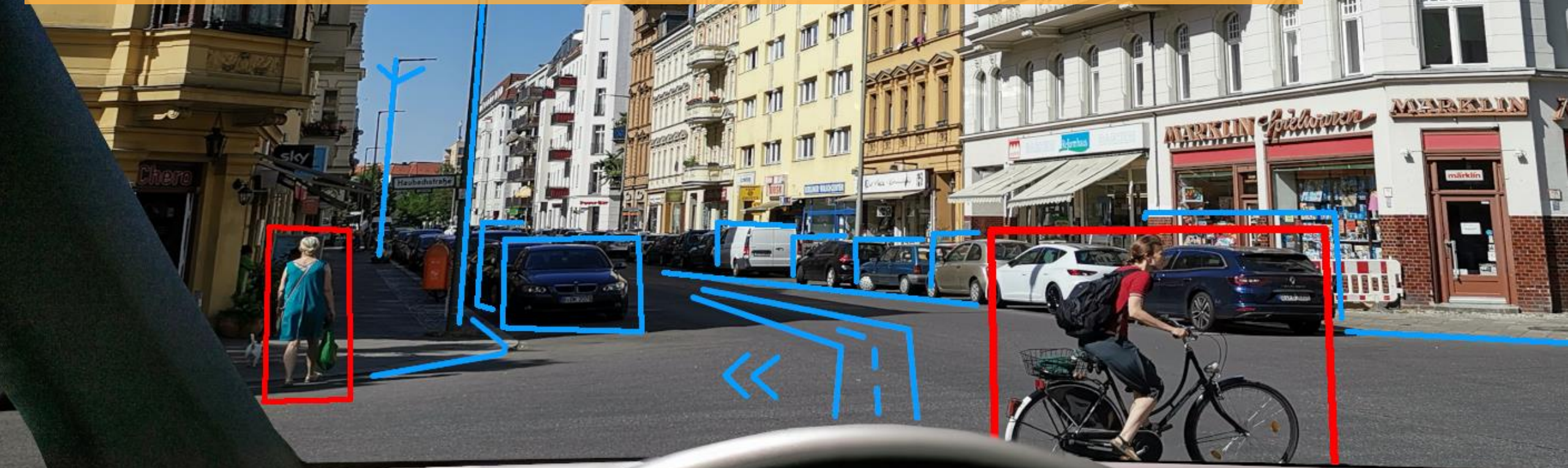


Autonomous vehicles and active travel: How can the co-exist?



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About Cycling UK



70,000+ members, founded 1878.

Mission: “To enable millions more people to cycle”.

Campaigning nationally and locally.

Cycling development e.g. cycle training, projects for under-represented / disadvantaged groups.

Cycling activities, membership services (legal, insurance, magazine).



Automated vehicles: key points

AVs could either be wonderful, or terrible, for sustainable transport and road safety - especially for non-motorised users.

Main benefits achieved only with fully-autonomous vehicles – problems during the transition.

AVs likely to surpass humans at avoiding collisions with other motor vehicles before they do so for non-motorised users.



Cycling UK member Fred Heppell, 80, killed by a semi-autonomous car in 2017 (not known if it was in autonomous mode)

Key principles

Advent of AVs must lead to a transformation in road safety for ALL road users - not just a marginal improvement for some users.

AVs to be authorised for public use on motorways and other controlled environments well before urban streets, rural lanes etc.

A fair framework for apportioning liability for injury and other damages.



Safety standard

Definitions of “safely” and legally”

Clause 1(7) defines a vehicle travelling autonomously as travelling

- “*Safely*” if it travels “*to an acceptably safe standard*”; and
- “*Legally*” if it travels “*with an acceptably low risk of traffic infraction*”.

Should be “*to a high standard of safety*” and “*with a very low risk of committing a traffic infraction*”.

Statement of Safety Principles (1)

Clause 2 requires SoS to consult on and publish the principles by which s/he will assess whether an AV can travel *“autonomously and safely”*.

The Statement of Safety Principles must aim to ensure that AVs *“will achieve a level of safety equivalent to, or higher than, that of careful and competent human drivers”*.

Government says this is *“a much higher standard than the average driver”*.

Commons Transport Committee said this was *“too weak and too vague”*. We agree...

“Careful and competent human drivers”

Extensive case law on “careless” and “dangerous” driving (i.e. driving which falls “below” and “far below” what would be “expected of a competent and careful driver”) implies that:

- Causing death while driving well over speed limit falls just “below” this standard (even though it can result in a 5 year prison sentence).
- Driving into the back a cyclist (e.g. due to bright sunlight, confusing street lights or lorry ‘blind spots’), resulting in their death, falls within this standard.

Our suggested alternative:

- A “careful and competent human driver” consistently drives to a standard that, if they drove in that way during a driving test, they would pass with no faults recorded by the examiner.



Roger Parris, killed by “careless” 52-58mph unlicensed driver on 40mph road



El Len Tham. Lorry driver who failed to see her in bus / cycle lane not guilty of her death

Statement of Safety Principles (2)

Statement of Safety Principles must also aim to ensure that *“road safety in Great Britain will be better as a result of the use of authorised automated vehicles on roads than it would otherwise be”*.

We want this to say *“significantly safer for all road users”* ...

... and to reflect the full range of situations for which the AV is proposed to be authorised.



Proving that an AV was “driving itself” and “caused” a collision



s2 of Automated and Electric Vehicles Act 2018 says that an AV insurer is liable for injury or property damage due to an “*accident*” that is “*caused by an automated vehicle when driving itself...*”

But who has to prove that the vehicle was “*driving itself*” and “*caused*” the collision?

- The vehicle’s insurer (with access to the AV’s data, lawyers etc), or
- A child who has been maimed?

We call for a reverse burden of proof.

Concluding reflections

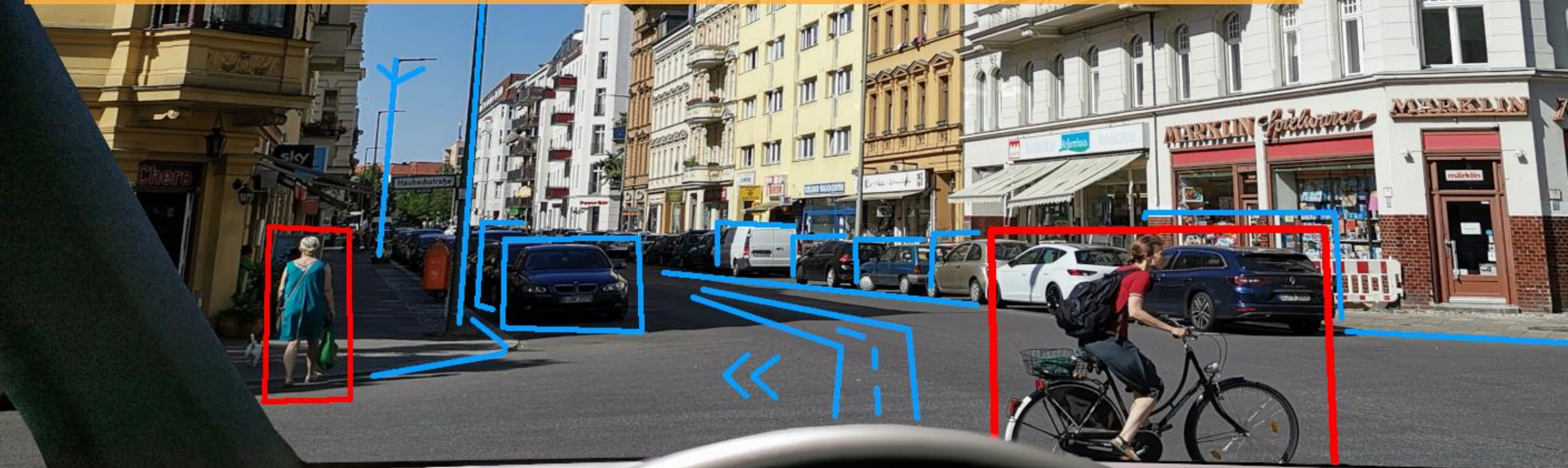
Cycling UK (then the “Cyclists’ Touring Club”) got it wrong in 1930s when we opposed cycle tracks, due to justified fears of losing our right to ride on the roads.

Failed to anticipate how much car use would grow, hence need to clarify distinction between excellent cycle tracks and awful ones.

This time, I hope we are anticipating cyclists’ future safety needs correctly!



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