Department for Transport
Rules on safe use of automated vehicles on GB roads

Response from AXA UK

1. AXA UK (AXA) is part of AXA Group is a worldwide leader in financial services operating in 54 countries with over 153,000 employees and 104 million customers worldwide. In the UK, AXA operates through a number of business units including, AXA Insurance and AXA Health, and employs around 8,000 employees. AXA has been involved in the automated vehicles space since 2014 and has partnered five Government-backed projects – FLOURISH, Capri, UK Autodrive, Robopilot and VENTURER.

Executive Summary

2. As a leading insurer supporting the development of Connected and Automated Mobility, AXA welcomes the opportunity to submit our feedback to this Call for Evidence on *Rules on safe use of automated vehicles on GB roads*. AXA is committed to finding and supporting ways to make our roads safer, more efficient and more accessible for those currently unable to drive. We firmly believe assisted driving technology and automated driving technology are transport innovations that can provide these societal benefits for the UK road network provided it is supported by a clear legal and regulatory framework.

3. AXA is keen to support, promote and enable the take-up of automated technology on UK roads, provided the deployment of the technology is underpinned by a clear legal and regulatory framework which prioritises safety and is appropriate for the level of automation in development. Automated Lane Keeping Systems (ALKS) technology signals strong progress towards an automated future, but the current evidence base suggests the technology, as currently proposed, is not sophisticated enough to be treated as 'automated'. AXA, along with the wider insurance industry, have raised a number of technological and regulatory challenges which will need to be addressed before ALKS technology can be safely listed as a form of 'Automated Vehicle' under the Automated and Electric Vehicles Act. The priority for AXA is that safety and public trust is sufficiently established and that end users do not have unrealistic expectations of capabilities of new transport innovations.

4. While AXA agrees that it is necessary for changes to be made to The Highway Code in order to support the safe use of the automated vehicles, AXA has some concerns regarding the clarity of the changes proposed and the timeframe for implementing these changes. In light of this, AXA has proposed some changes to the amendments below and some additional general comments.

Questions

We ask whether respondents are satisfied that the proposed wording below achieves the outcomes articulated above for The Highway Code? And if not, why?
Do you have concerns about the impacts of the proposed changes to The Highway Code? Why?

5. While AXA agrees with the Department for Transport's intentions to amend The Highway Code as it will be necessary to properly accommodate for automated vehicles, AXA has some concerns regarding the clarity of the amendments proposed and the timeframe for these changes. In the following paragraphs, AXA has proposed some changes to the wording as currently drafted, as well as some general comments.

6. AXA would welcome further clarity on the phrase 'driving itself' which is referenced multiple times in the amendment. To ensure this phrase is not open to interpretation, AXA would urge

government to include a clear definition, in line with the Automated and Electric Vehicles Act, within the amendment. It is important that the amendment clearly delineates between the definition of 'automated driving' and the definition of 'assisted driving'. To support the understanding of end users, the wording should also specify where a driver can find the information needed to understand if their specific vehicle is classed as automated and outlines a user's responsibilities when using these types of vehicles. AXA strongly believes that the clarity around defining automation is fundamental for the success of automated vehicles as a new, safe form of transport innovation.

7. With regard to paragraph 1 of the amendments to The Highway Code, AXA would consider it appropriate to reference that automated vehicles can perform all of the 'mechanical, but not human decision-making tasks' involved in driving, in at least some situations. In making these changes the amendment would read:

    a. *"Automated vehicles can perform all the mechanical, but not human decision-making 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."*

8. AXA believes this small change is important to provide end users with realistic expectations of the capabilities of a vehicle driving itself and recognises that vehicles functioning in automated mode will operate differently to a human driver. It should also help to highlight to end users the importance of not entirely switching off as there will be occasions where the automated vehicle will request the 'user-in-charge' to take back control. AXA would also welcome further clarification on the phrase "you MUST stay in control of the vehicle", government should look to make this clearer by explaining what staying in control entails.

9. With regard to paragraph 2 of the amendment to The Highway Code, AXA would consider it appropriate to reiterate that there may be only certain areas where a vehicle 'driving itself' can be lawfully and appropriately used. For example, early forms of automated vehicles may only be capable of performing the driving task when on a motorway. The amendment could include the phrase "*while an automated vehicle is lawfully driving itself in an appropriate area*" to make this clearer. Furthermore, the phrase "*you do not need to pay attention to the road*" needs to be explained to avoid drivers disengaging from the driving task in a way that prevents them from responding to a transition demand. AXA believes these changes will emphasise to end users the importance of clarity on the areas where automated functions can be engaged and prevent any misunderstandings that could arise around when and how a driver should disengage from the driving task. In addition, AXA believes the use of the word 'must' should also be capitalised in paragraph 2 to be consistent with the other uses of this word in these amendments to The Highway Code.

10. Moreover, AXA strongly believes further work is needed by government to ensure manufacturers are aware of their responsibilities to educate drivers appropriately around how they should use and engage automated functions. It is particularly critical that marketing material provided by manufacturers clearly states the limitations of any form of assisted or automated driving systems and how the user will need to interact with the technology to use it safely. AXA believes government should look intently at this area given the importance of ensuring coherent messaging aligned with regulation and guidance, including The Highway Code.

11. With regard to paragraph 3 of the amendments to The Highway Code, AXA would consider it appropriate for the word in the second and third sentence to be changed from ‘should’ to ‘must’. In making these changes the amendment would read:

    a. *“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 MUST NOT move out of the driving seat. You MUST NOT be so distracted that you cannot take back control when prompted by the vehicle.”*

12. As outlined in paragraph 10, AXA believes emphasis must be placed on ensuring that drivers are clear on their responsibilities when operating in an automated vehicle. While AXA recognises that in a vehicle listed as an automated vehicle a driver will be able to undertake secondary tasks, it is fundamental that regulation and guidance prioritises safety by encouraging drivers to be in a position to take back control at short notice. This is particularly important in the formative years of this new technology where there are likely to be more scenarios in which a driver may need to retake control of a vehicle.

13. In addition, AXA believes that government and manufacturers will have a responsibility for raising awareness of the vehicles that are listed as an automated vehicle by the Secretary of State. Throughout the roll-out of self-driving technologies, measures should be in place to prevent drivers from being given unrealistic expectations about a system’s capabilities.

14. Similarly, one of the challenges related to The Highway Code is public awareness, it is a rulebook drivers will engage with when learning to drive but will often largely forget within 2-3 years of passing their test. Considering an automated vehicle could be purchased by an individual who has been driving for decades, government should consider a broader communication programme for potential end-users of automated vehicles to ensure there is better awareness of the rules the users of self-driving technologies should follow.

15. While AXA welcomes the inclusion of the user’s responsibility to ensure the vehicle has a current MOT test certificate and is taxed, insured and roadworthy, the amendment does not qualify what constitutes a roadworthy condition in the context of automated vehicles. As this will likely be quite different from a conventional vehicle and include responsibilities such as ensuring safety critical updates are installed, government should take steps to ensure end-users are aware of these changes.

16. AXA would also welcome further clarity on the Government’s approach to legally supporting the rulebook with official traffic laws. AXA recognises that the Government and the Law Commission are assessing the regulatory framework to underpin the safe deployment of automated vehicles. It will be crucial to align amendments to The Highway Code with the outputs of the Law Commission’s regulatory review. Establishing the necessary UK regulatory conditions for Automated Vehicles should take place before vehicles are listed as an automated vehicle by the Secretary of State. This will ensure safety and consumer trust is prioritised during this process.

17. As AXA has highlighted through other Department for Transport consultations, ALKS vehicles as currently proposed by government are not automated because they rely on the driver to take back control. There are a number of specific safety challenges that need to be addressed including the ability to change lanes, the ability to seek safe harbour in the event of an incident and the provisions for data sharing to ensure insurers can meet their obligations under the Automated and Electric Vehicles Act. Considering the need to ensure safety and

trust is sufficiently established it may be more appropriate for Government to enact these changes to The Highway Code following the outputs of the Law Commission's regulatory review and when the aforementioned challenges have been addressed.

If you need to get in touch regarding the information in this submission, please get in touch with AXA's Public Affairs Team at ukpublicaffairs@axa-uk.co.uk.