TransportPlanningSociety

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Dear Sir/Madame,

**TPS Response: Future of Transport Regulatory Review**

Please see below a general response to the Future of Transport Regulatory Review, followed by specific answers to the questions in the call for evidence.

# General response

## Micromobility vehicles

Micromobility vehicles (MMVs) have become mobility options in many cities worldwide. Small MMVs, such as electric scooters and segways, are popular in the UK, even though they are not permitted to be used on roads and pavements.

Most MMVs are not regulated specifically, so are classified as motor vehicles by default. Existing regulations focus more on the form of the vehicle, than the function. We believe MMVs should be subject to the same regulations as electrically-assisted pedal cycles (EAPC). Grouping MMVs with EAPCs recognises they have similar top speeds, provide a similar level of protection to the user and pose similar risks to others, even if they take different forms.

MMVs will need to be managed when adopted at scale to ensure they both complement existing mobility options and align with an overall strategy to promote active and sustainable transport. Part of this management includes guidance for safe and considerate storage and operation.

## Flexible bus services

Flexible bus services can provide an essential mobility service to rural communities. Therefore, services, especially those deployed to cover underserved regions of a local authority area, should be governed by the same punctuality and reliability rules as regular bus services. These rules are separate from the requirement to register stops and a timetable.

Importantly, flexible bus services cannot compensate fully the lack of comprehensive bus service coverage in many local authority areas because of deregulation.

Therefore, conventional and flexible bus service operators should be compelled to work, both with each other and with local authorities, to ensure cost-effective, comfortable and convenient bus services are provided throughout their areas.

### Mobility as a Service

DfT defines MaaS as the integration of various modes of transport along with information and payment functions into a single mobility service. Existing transport modes and integrator platforms, such as Expedia, are subject to regulations on the use and storage of personal data and the protection of consumer rights. We expect MaaS to be a natural evolution of integrator websites such that existing regulations remain fit for purpose.

Transport planning principles which promote active and sustainable modes over the private vehicle are just as important in a MaaS future to ensure walking, cycling and public transport are the most attractive options to satisfy our mobility needs. However, MaaS platforms cannot create either transport modes or infrastructure; nor can MaaS compensate a poor and unattractive public transport offering. Therefore, central and local government can support MaaS development through the delivery of infrastructure and services required by active and sustainable modes.

## Responses to the call for evidence

### 2.1 Do you think micromobility vehicles (such as those in Figure B) should be permitted on the road? Please explain why.

Yes, because micromobility vehicles of any configuration, except mobility scooters, move too quickly to be on the pavement with pedestrians.

### 2.2 If you can, please provide evidence to demonstrate the potential:

- Benefits of micromobility vehicle use

Micromobility vehicles may complement walking and cycling for those wishing to undertake short journeys (up to 1.5 km or so). They have low purchase and operating costs and are generally accessible for the able-bodied. Electrically-assisted pedal cycles (EAPCs) could be used for longer journeys and cargo bikes may be attractive where congestion levels are high and dedicated cycle lanes exist.

- Risks of micromobility vehicle use

Shared micromobility options pose the risk of street clutter and material waste because life cycles of bicycles and scooters are shorter for shared vehicles than ones owned by individuals. Camden has introduced a number of no-parking zones for dockless bikes to control clutter, while London Councils is working to draft a bylaw to control dockless bike parking.

2.3 If micromobility vehicles were permitted on roads, would you expect them to be used instead of:

The two parts of this question must be challenged. First, micromobility vehicles are being used on roads and pavements, regardless of the rules. Therefore, relaxing the rules of where they are permitted may not change how they are used, but might encourage more individuals to purchase and use them.

The second part of the question implies a structural mode shift towards micromobility vehicles. There is a broader question of whether the uptake of micromobility vehicles is consistent with the push to more active and sustainable travel. However, the low cost of these vehicles means an individual could own a car, a bicycle, a micromobility vehicle and have a season rail ticket. A mode is chosen based on the specific trip purpose, distance, cost, comfort, convenience and sometimes weather conditions. Therefore, it is difficult to quantify how many trips from one mode might be shifted to another.

2.4a In your opinion, which of the following micromobility vehicles should be permitted, if any, on roads, lower speed roads, and or cycle lanes and cycle tracks?

Permission for micromobility vehicles to be on the roads should be a function of their operating speed, not their configuration. The SAE J3194 classifies powered micromobility vehicles as those with a top speed of less than 30 mph. By this definition, micromobility vehicles with speeds close to bicycles should be in cycle lanes because they are just as dangerous to a pedestrian as a bicycle.

2.4b Please explain your choices for using micromobility vehicles (or not) on roads and/or lower speed roads, providing evidence where possible.

See 2.4a

2.4c Please explain your choices for using micromobility vehicles (or not) in cycle lanes and tracks, providing evidence where possible.

See 2.4a

2.4d What impact do you think the use of micromobility vehicles on cycle lanes and cycle tracks would have on micromobility vehicle users or other road users?

Large uptake in micromobility vehicles may introduce more users to cycle lanes and may increase congestion there, particularly at intersections where all users come to a stop.

2.5 Mobility scooters and pedestrian operated street cleaning vehicles are already permitted on the footway. Should any other micromobility vehicles be permitted to use the pavement or pedestrian areas? If so, which types of devices should be permitted and in what circumstances?

No.

2.6a What do you think the minimum standards for micromobility vehicles should be?

Current regulations are focused too much on the form of the vehicle. The backstop position of classifying something that is not a mobility scooter or pedal cycle as a motor vehicle is outdated and not sensible.

Micromobility vehicles, such as electric skateboards, scooters, Segways and EAPCs have a similar upper speed limits of less than 30 mph and lack of protection to the rider. They are not dissimilar from bicycles and should not be subject to regulations which are disproportionate.

Indeed, requiring micromobility vehicles to obtain certifications at the level of motor vehicles will scuttle that industry in the UK – micromobility vehicles will become too expensive and obligations around licensing, insurance and so on will be onerous.

Minimum standards for micromobility vehicles should be similar to EAPCs – a manufacturer certified process for components and assembly, including for the electric drive. Guidance to private operators to promote safe and considerate use should be included with the purchase of micromobility vehicles. In 2018, TfL introduced a code of practice for operators of shared micromobility vehicles to ensure this mode complemented the city's public transport network.

### 2.6b Should different standards be set for different types of micromobility vehicle? Please provide evidence.

Standards should be flexible, adaptive and proportionate to risk and harm, complemented by guidance to promote safe and considerate use. For example, regulating bicycles and push-skateboards less than speed-limited electric bicycles and electric skateboards is inconsistent because they are not different substantially in the transport need they meet or the risk they pose both to the user and others.

### 2.7 Are there other vehicle design issues for micromobility that you think we should be considering? Please provide examples.

None we are aware of

### 2.8. In your opinion, what should the requirements be for micromobility users with regard to:

- Vehicle approval: like EAPC
- Vehicle registration and taxation: like EAPC (not required)
- Insurance: like EAPC (not required)
- Helmet use: like EAPC (not required, but recommended)
- Minimum age requirement: like EAPC (minimum 14 years old if in public spaces)
- Use on the road: like EAPC (may be used on the roads, but not pavements)
- Speed limits: maximum speed of 25 km/h

Micromobility vehicles should not be regulated in the same way as mopeds (and other motor vehicles (see 2.6a).

However, there should be a minimum age for their use in public given their motorised nature and our recommendation that they share the roadway. Likewise, they should be speed limited so they remain within the speed range of bicycles.

### 3.1 Should an updated regulatory framework for flexible bus services allow for each category of service to be regulated differently? If so, how do you think it should be regulated differently?

The regulations should be updated periodically when clauses, assumptions and phrasing to promote/restrict certain behaviours becomes unnecessary.

It is not obvious a clear distinction should be made between buses, taxis and PHVs. Regulations exist to cover driver licensing and insurance requirements for public service vehicles and vehicles operated on a commercial basis. However, flexible buses are closer to PHVs and taxis in their on-demand, no-fixed-route model. In that sense, service categories of 'many to many,' 'many to one' and 'one to many' seem unnecessary.

### 3.2 How do you think we should define the area of operation for a flexible bus service?

We do not believe the area of operation should be defined. Commercial considerations will limit naturally the frequency and area of operation. Firms should not be discouraged from aspiring to serve a larger area.

However, flexible bus services cannot compensate fully the lack of comprehensive bus service coverage in many local authority areas because of deregulation. Therefore, conventional and flexible bus service operators should be compelled to work, both with each other and with local authorities, to ensure cost-effective, comfortable and convenient bus services are provided throughout their areas. This is to ensure flexible bus services are deployed on a complementary, rather than competitive, basis.

### 3.3 In your opinion, does the 20 minute time window to arrive at each passenger pick-up remain appropriate? If not, how should the time window be altered?

Flexible bus services, especially those deployed to cover underserved regions of a local authority area, should be governed by the same punctuality and reliability rules as regular bus services. These rules are separate from the requirement to register stops and a timetable.

### 3.4 Do you think operators of flexible bus services should be required to provide real-time progress updates? Please provide evidence.

Live updates of bus location broadcast to the internet and mobile phone apps constitutes good customer service, but does not mitigate the impacts of poor punctuality on customers.

### 3.5 In your opinion, how could the carriage of more ad-hoc bus passengers be encouraged without impacting negatively on the service received by passengers who have booked in advance?

Flexible bus services, as with taxis and PHVs, are booked on a first-come, first-served basis. The time period for 'booked in advance' does not need to be specified – whether reserved a day in advance or within a few minutes of the desired journey, the booking system will indicate if a new reservation can be accommodated based on the route in place, capacity of the bus and rules on punctuality and reliability.

### 3.6 What sort of fare structure do you think should apply to flexible bus services?

Taxis use distance-based fares and PHVs operate demand-based fares. These fare structures may be appropriate where other transport options exist, including rail and bus. However, flexible bus services which are deployed in underserved regions as a public service need to have stable, affordable fares. Therefore, the structure should be closer to that of conventional buses, where the fare is fixed, regardless of demand.

Zoned fares, reflecting the costs of serving areas further away from the city centre, may be appropriate here.

### 3.7a Do you think there should be less rigid registration requirements around notice periods for flexible bus services?

The objective of the notice period is to give customers enough time to make new arrangements if the offering is downgraded in any way. Therefore, notice period should be maintained for flexible buses operating as public service.

Bus services should be better regulated in local authority areas to ensure appropriate frequency, connectivity, comfort and cost. Notification requirements would be different if local authorities held powers similar to those of TfL and some combined authorities.

### 3.7b Which elements of the registration requirements could be improved to enable flexible bus services?

A notice period may not be necessary for service upgrades, including expanded coverage areas, frequency or extended hours which do not require the customer to make alternate travel arrangements.

### 3.8 Do you think the Bus Service Operators Grant (BSOG) should be adjusted to accommodate the development of flexible bus services? If so, how?

### 3.9 Do you think record keeping requirements for flexible bus services are still appropriate? If not, what changes do you think should be made?

Record keeping requirements are appropriate for flexible bus services.

Companies operating bus services, conventional or flexible, need to demonstrate they adhered to punctuality and reliability rules and maintain passenger info in the event a claim is made for poor service.

Flexible bus services, like PHV providers, store user information, including names, addresses, telephone numbers and payment information to complete individual transactions. Storing this data for a longer period to satisfy record keeping requirements does not appear more onerous.

### 3.10 Do you think we could use flexible bus services to improve transport in rural areas? Please provide evidence to support your response.

Yes - flexible bus services may be best suited for improving transport in rural areas: advanced booking is a good match to the low population densities, while the smaller 15- and 20-passenger vehicles are appropriate to the demand and road network constraints.

With appropriate fare structures, flexible bus services could be viable where a conventional bus service would fail.

### 3.11 What do you think would be the correct requirement for Disclosure and Barring Service (DBS) checks on flexible bus services?

### 3.12a What areas of the bus, taxi and private hire vehicle (PHV) framework should we consider in future stages of the Future of Transport Regulatory Review?

3.12b How else, in your view, can the Government support innovation in the bus, taxi and PHV sectors?

4.1 In your opinion, in the development of Mobility as a Service platforms, what should be the role of local authorities, central government, or other transport authorities?

4.2a Can you provide evidence for further measures that are required for the standardisation and interoperability of data, for example the routing, ticketing and timetabling data, to deliver Mobility as a Service?

4.2b Who should lead these future measures (e.g. central government, local government, industry, or other?) Please explain why.

4.3 In your opinion, is the roll out of the integrated style of ticketing required to facilitate Mobility as a Service prevented by any regulatory or commercial barriers? If so, please provide details.
No – there are established precedents with paying for goods and services through single interface 'market place' websites, such as eBay and Expedia.

4.4 What competition concerns do you think Mobility as a Service might present that could be difficult to address through existing regulations?

4.5 In your opinion, does the current framework for consumer protection need to be expanded to include liability for multi-modal journeys? If yes, please provide evidence.
No - consumer protections exist for multi-leg rail journeys across multiple operators and which are booked through a single interface website, or through a single operator or in person at a station. The consumer protection and compensation principles allow a consumer to claim easily because industry compensation mechanisms are well understood.

Likewise, industry protections exist for consumers when purchasing flights and packaged holidays through travel agents, directly with airlines or through single interface websites.

4.6 Could Mobility as a Service present any particular accessibility and/or inclusivity concerns which might be difficult to address through existing regulations? If yes, please provide evidence.
No - MaaS platforms integrate transport services which have to comply with relevant legislation on accessibility and inclusion. The MaaS interface needs to allow customers to indicate accessibility requirements and ensure these details are passed to the service providers through the entire trip chain.

This happens now with travellers booking a journey which uses multiple train companies. Likewise, an air traveller with reduced mobility is provided with assistance from the time of arrival at the departures terminal to when they exit the arrivals terminal at their destination.

4.7a What actions could help to ensure all sectors of the population can access Mobility as a Service applications?

4.7b Who do you think should be responsible for delivering these actions (e.g. central government, local government, industry or other)? Please explain why.

4.7c What do you think government could do to encourage, incentivise or enforce delivery of these actions.

4.8 In your opinion, what further action is necessary, if any, to ensure that Mobility as a Service platforms provide:

- Safe and appropriate use of data?
- Protection of an individual's information?

None – the regulations for the handling of all types of personal information are well established and understood. MaaS platforms, like single interface 'marketplace' websites and the subscribing transport service provider will be responsible for the safekeeping of user information.

4.9a Can you provide any further evidence of the positive or negative impacts of MaaS on active travel and/or sustainable modes? Please provide examples.

MaaS platforms cannot create either transport modes or infrastructure where they do not exist. Therefore, a MaaS platform suggesting a customer should walk or cycle does not guarantee such modes will be used if there is no enabling infrastructure.

Additionally, integrating public transport options into a MaaS suggestion does not guarantee a customer will follow the suggestion if the buses/trains are crowded, expensive or uncomfortable.

Fundamentally, the innovation of MaaS to provide easier trip planning and booking options cannot compensate for a poor and unattractive public transport offering. Therefore, traditional transport planning principles which promote active and sustainable modes over the private vehicle are just as important in a MaaS future to ensure walking, cycling and public transport are the most attractive options to satisfy our mobility needs.

4.9b Can you provide evidence of measures that could be incorporated into MaaS platforms to encourage active travel and/or sustainable modes?

4.10 Do you think guidance or a Code of Practice for the Mobility as a Service industry would be useful? If so, what content do you believe would be beneficial to include in a Code of Practice?

MaaS providers are integrating the offerings of regulated firms across all transport modes. Therefore, industry agreements and regulations will drive a minimum standard in consumer protection.

5a.1 Can you provide evidence of how regulatory frameworks outside of the UK have explicitly sought to improve access to transport for people with protected characteristics?

5a.2 In your opinion, how can regulation of future transport technologies and services secure equitable access to transport for people with protected characteristics? Please provide examples.

Future transport technologies either fit within existing modes or act as an integrator of transport options. In both cases, firms providing transport services are governed by regulations and legislation to ensure inclusion across protected characteristics. Therefore, additional regulation may not be required.

5b.1 In your opinion, which specific areas of road traffic law might benefit from having a statutory exemption power included to help support safe trials of transport technologies? Why have you suggested these areas?

5b.2 In managing the risks of allowing exemptions to transport legislation for trials, what do you believe should be the role of:

- Local authorities
- Combined authorities of the Greater London Authority
- National government
- Trialling organisations
- Other

5c.1 With regard to managing new transport technologies and services, are there powers currently held by national government which you think should be devolved to local authorities, combined authorities or the Greater London Authority? If so, please provide evidence and examples.

5c.2 Where local transport authority and the local highway authority are separate local authorities (such as in London and the combined authority areas), what should be the balance of powers and responsibilities to maximise the benefits of future transport?

5c.3 In this context, what role might sub-national transport bodies most usefully play, in your opinion?

5c.4 In your opinion, could any non-regulatory measures help to empower local authorities, combined authorities or the Greater London Authority to manage transport innovation? Please provide examples.

We would be pleased to discuss these responses with you further.

Yours sincerely,

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