



Chartered Institution of Highways & Transportation response to Department for Transport's consultation Future of Transport: Regulatory Review (July 2020)

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CIHT is a charity, learned society and membership body with over 14,000 members spread across 12 UK regions and four international groups. We represent and qualify professionals who plan, design, build, manage and operate transport and infrastructure networks. Our vision is for world-class transportation infrastructure and services. Our values are to be Professional, Inclusive, Collaborative and Progressive.

Introductory statement

CIHT welcomes the opportunity to comment on the Future of Transport Regulatory Review. CIHT believes that the technologies in question in the review can positively contribute to cleaner and greener transport if uptake of these technologies can be significant and if it causes people to switch to greener modes of transport. CIHT believes that a number of wider issues need to be addressed concurrently for the implementation of particularly micromobility vehicles to be successful.

Safety is key and the poor condition of the local highway network where the micromobility vehicles will primarily be travelling needs to be addressed. CIHT's report *Improving Local Highways (2020)*¹, based on extensive engagement with highways and transport professionals, confirms that local roads are indeed in poor condition and that this is linked to the generally low funding for local highway authorities which exacerbates the issue and in turn hinders uptake of active travel. *Improving Local Highways* sets out a four-point strategy to get that local network in to better shape to support this agenda.

Further to this point, what does new mobility vehicles on the highway mean for local highway authorities' duties. According to the Highways Act 1980 Section 41 local highway authorities are under a duty to:

"Duty to maintain highways maintain highways maintainable at public expense. (1) The authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty, subject to subsections (2) and (4) below, to maintain the highway."

If the nature of the permissible vehicles changes then what happens to the maintenance liability. CIHT would seek this review to address any lack of clear definition in this area.

Another precondition to ensure uptake of micromobility vehicles, along with walking and cycling, is to make sure that these are viable transport options for people. This means that planning needs to consider transport to make sure that we build places that are well connected and accessible via these transport modes. CIHT's report *Better Planning, Better Transport, Better Places*² addresses this and gives advice as to how this can be achieved.

¹ CIHT 'Improving Local Highways: the Route to a Better Future (2020) – available here: <https://www.ciht.org.uk/knowledge-resource-centre/resources/improving-local-highways/>

² CIHT 'Better Planning, better transport, better places' (2019) – available here: <https://www.ciht.org.uk/knowledge-resource-centre/resources/better-planning-better-transport-better-places/>

In terms of flexible bus services and Mobility as a Service CIHT believes that it is important that regulation is made more conducive towards delivering flexible passenger transport services that are suited to local needs. Local authorities should have the powers to design and develop services appropriate to the local community.

Micromobility

Question 2.1

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

Yes, micromobility vehicles should be permitted on the road and share road/cycle space.

Question 2.2

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

a. Benefits of micromobility vehicle use.

b. Risks of micromobility vehicle use.

Even if use of micromobility modes is not permitted on pavements, there will inevitably be instances of users flouting the rules. There is a big speed differential from pedestrians and micromobility modes. This poses safety risks for pedestrians on pavements.

Currently micromobility modes have a maximum power 250w mainly. Any scope for exceeding the maximum power limit increases the scope for serious harm and injuries.

Micromobility modes could exceed the average speed of cyclists. A mix of both micromobility modes and cyclist in cycle lanes could be more dangerous than cycle/cycle differential (inherently more stable vehicles).

Micromobility modes have small wheels which are vulnerable to sudden stops. In Denmark, where micromobility modes are more widespread, the injury rate (injury per distance travelled) has been seven to eight times that of cycling reflecting the instability of micromobility vehicles³.

Question 2.3

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

³ <https://www.fstyr.dk/da/Lister/Nyheder/Nyheder/2020/02/F%C3%B8rste-evaluering-af-fors%C3%B8gsordninger-for-sm%C3%A5-motoriserede-k%C3%B8ret%C3%B8jer>

There should be incentives to NOT switch from sustainable and active travel modes such as walking and cycling. CIHT recommends that changes in travel behaviour is monitored alongside trials of micromobility vehicles to help gain an understanding of how much the vehicles are being used.

In Denmark a study where 208 users of micromobility vehicles were asked what modes of transport they would have used if they had not been able to use micromobility vehicles the split was: 50% walking, 35% cycling, 25% public transport, 11% car, 3% would not have travelled, 1% taxi. These numbers are similar to other Northern European figures that show that out of the number of micromobility trips taken about 5-10% are replacing car journeys and in Southern Europe it's about 15-20%.⁴ It will be useful to obtain a similar understanding for the United Kingdom as the e-scooter trials are carried out.

Question 2.4

- a. 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?**
- b. Please explain your choices for using micromobility vehicles (or not) on roads and/or only lower speed roads, providing evidence where possible.**
- c. Please explain your choices for using micromobility vehicles (or not) on cycle lanes and tracks, providing evidence where possible.**
- d. What impact do you think the use of micromobility vehicles on cycle lines and cycle tracks would have on micromobility vehicle users or other road users?**

Question 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 additional micromobility modes should be permitted on pavements as micromobility modes should be separated from pedestrians. Micromobility modes pose risks to the safety of pedestrians, particularly more vulnerable groups such as those with disabilities, the elderly and young children. Allowing micromobility modes on pavements disproportionately affects these groups.

Question 2.6

- a. What do you think the minimum standards for micromobility vehicles should be?**

⁴ <https://www.fstyt.dk/da/Lister/Nyheder/Nyheder/2020/02/F%C3%B8rste-evaluering-af-fors%C3%B8gsordninger-for-sm%C3%A5-motoriserede-k%C3%B8ret%C3%B8jer>

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

Question 2.7

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

Question 2.8

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

User requirements	Like EAPCs	Like mopeds	Other requirements (please provide details)
Vehicle approval			
Vehicle registration and taxation	x		
Periodic vehicle testing	x		
User driving licence	x		
Insurance	x		
Helmet use	x		
Minimum age	x		
Speed limits	x		

Micromobility modes should be treated similarly to EAPCs so a bicycle helmet should be recommended. Micromobility modes should be exempt from vehicle registration and licencing. If these exemptions were not granted, costs from providers would be increased, increasing the cost for users which would make them less viable.

Micromobility should not be exempt from type approval requirements. There needs to be a basic examination of each type of e-scooter, its design and features, such as brakes, to avoid the market being flooded with low grade machines that are not produced to a standard suitable for rental use. Low grade machines can put riders at

risk. They also have a shorter lifespan as parts cannot be replaced making e-scooters less sustainable.

3. Buses, taxis and private hire vehicles

CIHT recognise that there are major benefits in digitalising bus services. When referring to flexible bus services it is important to think about *digital* flexible bus services. Digital flexible bus services refer to a service fully on-demand i.e. you can book on-the-go. The difference is that analogue Demand Responsive Transport (DRT) has less flexibility and requires advanced booking and scheduling. A downside of analogue DRT is that it is less flexible as it requires more advanced booking and scheduling, usually via a phone call to the operator, as opposed to a digital service that can also take phone calls, but can also take bookings via an app and website making it more convenient for many.

There is a need for consistency of terminology - what is meant by flexible bus services: is that the same as dial-a-ride, is it spatial, temporal or a demographic flexibility, does it partly operate to a timetable but flex to other locations if there is demand? Different designs have their own merits and the regulation needs to allow for different kinds of flexible services and also allow them to work in tandem with regular/scheduled bus services.

The thinking about bus services is very traditional and not flexible, e.g. bus routes have remained the same in London for 50 years, so in thinking about the regulatory regime, a more flexible approach is required. This will give local authorities greater regulatory freedom in providing flexible services that are suited to their local contexts.

The development of flexible bus services must have a wide-ranging appeal – it must work for older people as well as younger people and must be inclusive for people with disabilities. If the flexible bus service is supported by an app then it must work across geographies.

Question 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?

There needs to be a real shift in the move to flexible bus services and the regulatory framework therefore needs to release the potential of this within the UK.

Local authorities should have the powers to design, develop and operate services appropriate to the local community. This could mean, for instance, replacing scheduled bus services with flexible bus services where there is insufficient demand.

CIHT would recommend looking at the regulatory approach in continental Europe that enables relatively easier deployment of demand responsive bus services. The regulatory environment must look at the current competition/procurement

frameworks i.e. to allow local authorities to provide/operate their own fleet to run flexible bus services – whether they make profit or not.

The regulatory environment needs to be modernised to enable better utilisation of vehicles and reduce costs. For example, through digital apps, one vehicle could run a scheduled bus service during peaks and flexible service (pick-up and drop-off anywhere within a pre-determined area of operation) during off-peak. This model could provide an enhanced level of service for passengers and potentially an increase in demand for the service.

The licensing of drivers (e.g. for minibuses) is also an element that requires consideration in the review of the regulatory framework.

The regulatory framework must not exclude people e.g. if you have a digital flexible bus service then bookings must be able to be made over the phone as well as over the internet: this will help overcome issues such as digital exclusion.

Question 3.2

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

The area could be run through corridors or across an area. The decision could be data led, it could be developed in consultation with the community, but in essence these decisions need more thinking and not be repetitions of what has been done historically. CIHT guidance: [Buses in Urban Developments \(2018\)](#)⁵ has some key recommendations around new developments to be designed to support bus services, this is important for flexible bus services.

Question 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?

Question 3.4

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

CIHT would encourage digital flexible bus services that would allow customers to receive updates in real-time.

Question 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?

⁵ CIHT ‘Buses in Urban Developments (2018) – available here: https://www.ciht.org.uk/media/4459/buses_ua_tp_full_version_v5.pdf

Question 3.6

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

Question 3.7

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

There should be less rigid registration requirements as technology (apps, algorithms) allow flexible bus services to be modified very quickly by the personnel who oversee the digital platform. So even if we can easily modify flexible bus routes, for example to enlarge a DRT scheme, the surrounding regulatory environment is slow to adapt, thus curtailing the benefits of digital flexible bus services.

It takes weeks to amend a scheduled bus service. If digital flexible bus services were enabled, users could, in theory, receive a notification that the service area has increased or that there are more vehicles serving their area.

Operators might want to increase/decrease the hours of service based on customer take-up. A potential downside of changing schedules, that will need to be managed, is that people also plan journeys in advance and changes to schedules can disrupt their journey planning.

b. Which elements of the registration requirements do you think could be improved to enable flexible bus services?

Question 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?

BSOG should be adjusted to enable the viability and sustainability of flexible bus services. The pump-priming is important to enable the services to continue to operate. It might operate as an economic subsidy but the social inclusion benefits particularly in rural areas through flexible bus provision make this financial mechanism valuable.

Question 3.9

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

Question 3.10

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

The design and data-led approach is important, but there is an opportunity for improving transport in rural areas. In rural areas you must design flexible services to be either complimentary to scheduled bus services OR to replace them.

The question of density must be looked at in terms of a data-led approach and also from the social cost-benefit approach i.e. the cost of social isolation and the benefits of social inclusion.

There are many DRT services operating in Scotland, Essex County and Wales that should provide some lessons of what works.

Question 3.11

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

Question 3.12

a. 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?

The regulatory review should enable all of these actors to run flexible services. All services within the PHV framework should be considered in the Review, the main reason being that they all have features based on a rigid approach to providing services and therefore they all would benefit from a more flexible approach to Regulations to reflect advancements in technology and social changes.

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

4. Mobility as a Service

Question 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?

Successful Mobility as a Service platforms must be underpinned by good and integrated transport services and options. Current systems of transport planning do not fully consider how transport is integrated between modes and into every element of society and therefore underestimates the affect it has on the national economy, families and individuals

Mobility as a Service should be market-led.

To the extent that flexible bus services can compliment scheduled bus services CIHT see this as a potential for Mobility as a Service to be enabled by local authorities.

The role of local authorities in MaaS might be around getting digital flexible bus services integrated with an app. This could be one element for moving MaaS forward in the sense of the wider development and integration of other services. A fully-integrated multi-modal planning application is an ideal approach to integrate a full range of travel service options.

Question 4.2

a. 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?

Ticketing is one element that CIHT would argue is essential to making MaaS effective for ease of customer use. There are issues such as how the actors within the infrastructure eco-system deal with payments for services but integrating this into single platforms would be attractive to users.

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

Question 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.

Question 4.4

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

Question 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.

Question 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.

There are potential issues around digital-only services. If new services are entirely reliant on apps and constant connectivity elderly people, the disabled and those not confident with or with limited access to technology may be unable to use the computerised systems required. This needs to be thought into solutions.

On the other hand, the opportunity to combine buses, trains, car club, shared use of taxi/private hire and community transport could provide real benefits in providing services to isolated communities, or enabling people temporary access to more capable vehicles for leisure purposes.

It will be insufficient to leave decisions about accessibility for disabled people, low-income people or isolated communities entirely to individual service providers. To ensure these communities are not left behind their needs must be integrated into national strategies to enable them to fully participate in society.

Question 4.7

- a. What actions could help to ensure all sectors of the population can access Mobility as a Service applications?**
- b. Who do you think should be responsible for delivering these actions (e.g. central government, local government, industry, or other)? Please explain why.**
- c. What do you think government could do to encourage, incentivise or enforce the delivery of these actions?**

Question 4.8

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

- a. Safe and appropriate use of data?**
- b. Protection of an individual's information?**

Question 4.9

- a. Can you provide any further evidence of the positive or negative impacts of MaaS on active travel and/or sustainable modes? Please provide examples.**
- b. Can you provide evidence of measures that could be incorporated into MaaS platforms to encourage active travel and/or sustainable modes?**

Question 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?

5. Wider issues

Question 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?

Question 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.

The nine protected characteristics under the Equality Act 2010 are: age, disability, race, religion or belief, sex, sexual orientation, pregnancy and maternity, gender reassignment and marriage and civil partnership.

Question 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?

Question 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 or the Greater London Authority?**
- **National government?**
- **Trialling organisations?**
- **Other?**

Question 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.

Question 5c.2

Where the 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?

Question 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.

Question 5d.1

Are there any specific, urgent areas of the regulatory framework that you feel we are not addressing through the eight workstreams already announced for the Future of Transport Regulatory Review? Please provide evidence.