

7. We ask whether respondents are satisfied that the proposed wording below achieves the outcomes articulated above for The Highway Code? And if not, why?

CIHT do not feel that the wording sufficiently clarifies the role of the driver when using a vehicle with driver-assistance features which would not fall into the category of automated driving.

The text states: *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.

It may be unclear to an individual who has purchased a car claiming to have, for example, 'auto-pilot' or 'full self-drive' or similar manufacturer wording, that these are not automated vehicles and the driver is responsible for the vehicle at all times on all roads. Stating that the vehicle is 'listed by the Secretary of State' does not help an owner/driver to determine whether their car is 'driver-assist' or 'autonomous' – and even in latter state, it may not be clear in which conditions/on which roads the autonomous features may be deployed. For example, on a motorway where some technology may normally be enabled, would temporary traffic management require full monitoring or full manual control?

We therefore propose that the suggested wording could benefit from noting the warning before the detail e.g.

- *"Drivers are responsible for knowing what technology systems and capabilities are present on any vehicle they drive, and on which roads and in which conditions those technologies may be activated.*
- *Automated driving mode must only be engaged in conditions defined by the manufacturer; its use in other situations is unlawful.*
- *When you are travelling in automated mode, you may be required to take back control due to unforeseen conditions on your route, or when turning off onto a lower-standard route.*
- *If you fail to take back control of the vehicle when instructed to do so, you will be legally responsible for any collision occurring after the instruction to take back control as a result".*

The proposed wording in paragraph three "If the vehicle is designed to require you to resume driving after being prompted to, you MUST remain in a position to be able to take control." suggests that some vehicles will be able to drive without any driver intervention at any point during a trip using any public road. This is what is often referred to as level five autonomy, which is far from being a reality at present. This

paragraph should make it clear that every vehicle and every trip taken in an autonomous vehicle, in the way we understand that they will operate now, will require human intervention.

It should also be made explicit that going to sleep, using drugs or alcohol including driving while impaired by antihistamines or opioids is illegal while driving any car including those with driver-assist and partial autonomy technology. In addition, research shows that the cognitive load of having to monitor driving as opposed to driving yourself is higher. Proposed wording to add:

"If you become drowsy while driving and fail to notice an instruction to regain control of the vehicle, you are likely to be responsible for any collision that occurs.

You must also not be impaired by drugs (prescription or proscribed substances) or alcohol at any time because the vehicle may require you to regain control of the vehicle and at that point, normal driving rules about impaired driving apply."

8. Do you have concerns about the impacts of the proposed changes to The Highway Code? Why?

We feel that there is currently poor level of public understanding of the technologies in place and becoming available, what the technology can and cannot do, and on which roads they will be permitted to use these technology features. The Highway Code, and associated comprehensive public information, must address this shortfall before any changes to vehicle technology use are permitted. This must include addressing the use of the UK network by drivers from other countries who may also fail to understand the technology and its application. Signing will need to address language barriers associated with this unfamiliarity.