



AUTOMATED VEHICLES - STATEMENT OF SAFETY PRINCIPLES

A response to the consultation from Transport Action Network

Q1: Do you agree or disagree with the safety standard for automated vehicles being set at equivalent to careful and competent human drivers?

Q2: Why do you think this, and, if relevant, what alternatives would you prefer?

We do not support the safety standard for Automated Vehicles (AVs) being defined as being “equivalent to careful and competent human drivers”. We acknowledge the Department for Transport’s (DfT’s) assertion that this term is intended to mean that AVs should be safer than the average driver. However we do not believe it is sufficiently clear to be useful.

The term is also problematic given the way it is used in the statutory definitions of ‘dangerous’ and ‘careless’ driving offences (n.b. whilst these definitions refer to a “competent and careful driver”, there is no suggestion that the reversed word order is intended to have a different meaning). Human drivers are regularly acquitted of even ‘careless’ (let alone ‘dangerous’) driving charges in situations where, on the face of it, their driving caused ‘danger’ (including serious or even fatal injuries) that should have been “obvious to a competent and careful driver” (this being part of the [definition of ‘dangerous driving’](#)). In short, the term has been seriously debased by its inconsistent use and frequent mis-use in criminal cases - see for instance [this report by Cycling UK](#).

We prefer the concept of an ‘ideal human driver’. This is consistent with a logical interpretation of a ‘competent and careful driver’. If ‘careless driving’ is “[driving which falls below what would be expected of a competent and careful driver](#)”, then logically a ‘competent and careful driver’ is a notional driver who never commits the offence of ‘careless driving’. This approach would be much more satisfactory.

Better still though would be a definition that relates to the standard that human drivers are expected to adhere to in their driving test. For instance, the safety standard could require automated vehicles to reliably avoid any error which, if committed by a human driver during their driving test, would be recorded by the examiner as even a minor (let alone a major) fail.

Q3: Do you agree or disagree with using behaviours as the basis for developing the principles within the statement of safety principles?

Q4: Why do you think this, and, if relevant, what alternatives would you prefer?

We are unsure whether using behaviours is the best approach for the Statement of Safety Principles to adopt. We would in principle prefer the safety standard to be based on demonstrable evidence-based safety thresholds that can be assessed quantitatively, as these would be less open to subjective interpretation (and potentially legal argument).

However we also recognise that, for a new model of automated vehicle, it may take time to gather the data needed to adopt purely quantifiable safety indicators - though such indicators could potentially be adopted for the longer-term process of reviewing whether particular models of AV are maintaining or (preferably) improving their safety performance over time.

Our response to Qs 5-7 nonetheless comments on the potential behaviours discussed in the consultation, given that something like this may in fact get adopted (at least initially).

Q5: Do you agree or disagree with the identified behaviours of:

- vehicle control
- hazard anticipation, perception and reaction
- obeying traffic rules
- interaction with other road users
- adaptability to road conditions

Q6: Why do you think this?

Q7: In your view, if any, what behaviours do you think are missing and why?

If the behaviours identified in Q5 are to form the basis of the AV standard, we would suggest amending the 3rd and 4th bullet-points above as follows:

- obeying traffic rules, and Highway Code rules whenever relevant
- safe interaction with all other road users

We think it is important that AVs are compliant not just with road traffic law but also with Highway Code rules in all situations where compliance with them is necessary to avoid inconveniencing, let alone endangering, other road users. It also needs to be clear that what is required is *safe* interaction with *all* road users, particularly pedestrians, cyclists and others who are not enclosed within a motor vehicle, in accordance with Principles 6 and 7 of the Safety Principles (but with Principle 6 amended as proposed in our response to Q25).

Q8: Do you agree or disagree that the proposed principles on improving road safety for all and interacting safely with other road users provide sufficient protection for all road users?

Q9: Why do you think this, and, if relevant, what alternatives would you prefer?

We support the principles requiring that AVs must ensure that:

- “road safety is improved for all and that risks are minimised to all road users” (Principle 6); and that
- “AVs interact safely with all road users, particularly those most at risk of collision” (Principle 7).

However we call for the addition of the word “significantly” before “improved” in Principle 6.

The fatality risk per mile travelled by road is [20 times higher than on the rail network](#).

Meanwhile the [Government’s Road Safety Strategy](#) sets out targets to reduce the number of

fatal and serious road injuries by 65% by 2035 (compared with a 2022-24 baseline), and by 70% in the case of fatal or serious injuries to children (aged under 16). The introduction of AVs must be seen as an opportunity for a step-change reduction in the risks of road injury (and particularly for children and other groups who face disproportionate risks of road injury), not just a marginal one.

We welcome the recognition of the importance of equalities and fairness in framing these principles. It is particularly important for AVs at minimum to avoid compromising the safety of those most at risk of collisions, and preferably to reduce the risks they face. The safety standard must support the Government's wider aims to boost walking, wheeling and cycling (for a whole range of economic, environmental, health, social inclusion and quality of life reasons). The same goes for avoiding and reducing the risks faced by children and others who may be harder for AVs to recognise and/or whose movements may be harder to predict. See also our comments on Q16 and Q25 below.

Qs 10-29 on the 10 Safety Principles

We wholeheartedly support the [10 Safety Principles](#), particularly Principle 7, with one exception, namely the wording of Principle 6 (see response to Q25 below).

In answer to [Q16](#), we particularly support Principle 7, given the extra protection it provides for people participating in active travel (i.e. walking, wheeling or cycling), as well as younger, older or disabled people. The Government wishes to see increased use of active travel, given the range of economic, environmental, health, social inclusion and quality of life benefits it provides.

Meanwhile the equality principle needs to be proactively applied to maintaining and (preferably) improving safety for those with protected characteristics - e.g. younger, older or disabled people, but also for instance pregnant women or people with different skin colours. However we also note research from Kings College London, suggesting that AVs' operating systems are [worse at detecting children and darker-skinned pedestrians](#). It is vital that the Safety Principles protect against the potentially discriminatory impact of any such failings, particularly where people with protected characteristics are engaging in active travel (e.g. older or disabled pedestrians, or child cyclists).

Therefore, in answer to [Q25](#), we seek two amendments to Principle 6, as follows:

- We propose the addition of "significantly" before "improve road safety". As noted in our response to Q9, the risks of injury are substantially higher on the roads than on the rail network, while the Government's Road Safety Strategy sets targets to significantly reduce fatal and serious road injuries, particularly for children. The introduction of AVs must be seized as an opportunity for a step-change reduction in road risk, not just a marginal one.
- We propose the deletion of "disproportionate" before "increase in risk to any group of road users." To accord with the principles of equality and fairness referenced in the consultation document, we do not think any group of road users (including but not limited to those listed in answer to Q16 above) should face increased risks due to AVs. If a qualifying word is deemed to be necessary (which we do not believe is the case), we suggest "appreciable" would be a more acceptable alternative. However our preference would be simply to delete it, particularly given our view that the AV Safety Principles should be aiming for a step-change improvement in road safety, not just a marginal one.

Q30: In your view, should any currently excluded areas be included in the statement of safety principles?

Q31: Which areas should be included? Why do you think they should be included?

We note with some concern the proposed exclusion of the following:

- ensuring that software updates are undertaken
- participating fully in incident investigations
- learning from incidents is shared and improvements made

However we also note the explanation that these are covered in other areas of the AV regulatory regime, though we are unaware of how this is proposed to work. Hence we simply record our concern that these issues must be properly covered.

Transport Action Network
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