

Weighing the Federal Autonomous Vehicles Bills: Legal and Policy Implications

IMLA Annual Meeting

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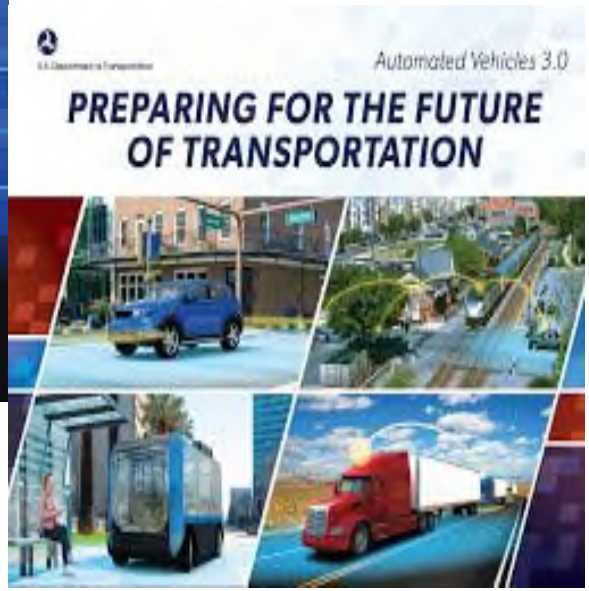
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WHERE IS USDOT/NHTSA?







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WHAT ABOUT THE "P" WORD?

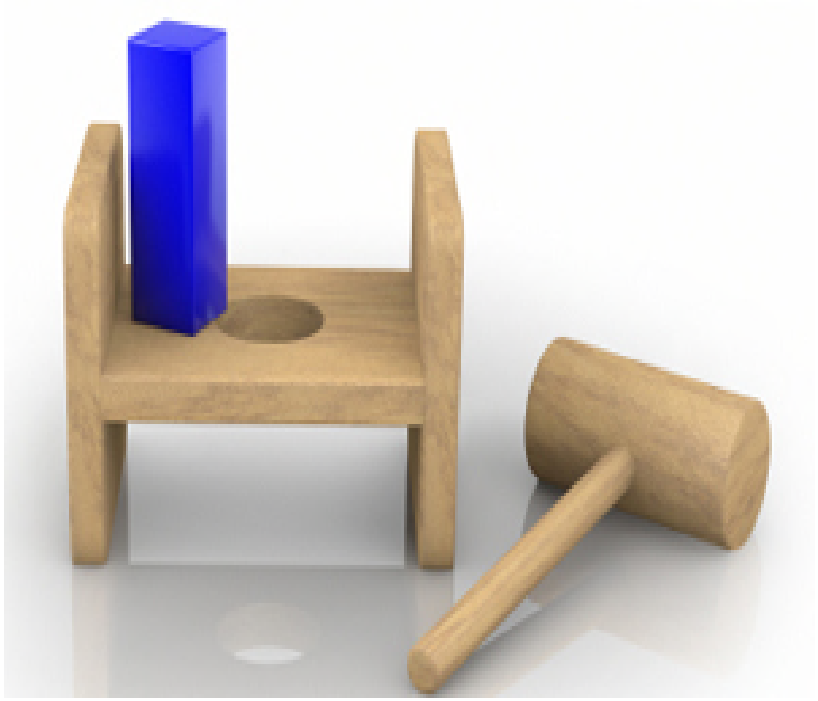
- H.R. 3388: "…unless the law or regulation is an unreasonable restriction on the design, construction, or **performance** of highly automated vehicles, automated driving systems, or components..."
- S. 1885: more narrow and connected to safety evaluation report subject areas, which include "system safety," "data recording," and accounting of applicable "**traffic laws**"
- **But**, local governments still have contracting powers and "police" powers…for now?



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STATE AND LOCAL LAWS?

- Where to start?
  - Review and Update vs. Start Over
  - Some “simple” issues:
    - Definition of **“driver”**
    - Definition of “tailgating”
    - “Design immunity” protections
    - Public records exemptions
  - **More complicated**:
    - “Dynamic Driving Task?”
    - Insurance
    - Impact Fees
    - Consumer Rights / Data Ownership



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CHALLENGING ISSUES FOR DISCUSSION

- **Safe Integration** – What is safe enough?
- **Preemption**
- Regulation of Right-of-Way
  - Connection to broadband deployment
  - **Interoperability**
- **Tax and Revenue**
  - Paying for infrastructure
- **Privacy and Data Sharing**
- **Terms of Use** (i.e. mandatory arbitration)
- TNC Regulations
- Equity
- **Public Trust / Adoption**



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EDUCATION AND TRUST



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MAKE YOUR VOICES HEARD

- Ongoing comment opportunities:
  - Impact of AV Technologies on Workforce – **Due Nov. 5**
  - ANPRM for AV Pilot Programs – **Due Nov. 23**
  - AV 3.0 – **Due Dec. 7**
- Comment opportunities “down the road”:
  - Streamlining FMVSS exemption process
  - Automated Driving Systems and Commercial Trucks
  - Update to Uniform Traffic Control Devices Manual



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