

Gear Up for Driverless Cars: Legal and Policy Considerations

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PRESENTED BY

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Warm-Up



"Speeding, officer? You'll have to ask the self-driving car."



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Foreseeable Issues

- Not a Regulatory Fit
- Land Use Planning
- Safety / Operational
- Privacy / Cybersecurity
- Insurance / Tort
- Ethics
- Muni Financial impacts
- Employment
- Preemption



Federal Preemption?

- How much regulation by Feds?
 - Current NHTSA steps:
 - Ongoing regulatory interpretations
 - Developing operational guidance
 - Model policies for states and local governments forthcoming
- NHTSA will release guidelines in July



Race to De-Regulate?



- Major questions:
 - Driver or no driver?
 - Separate license?
 - Insurance?
 - Privacy?
 - Cybersecurity?
 - Uniform signage?
- Kicking preemption can down the road?

Not a Perfect Regulatory Fit

- Crosses “legal borders”
 - Traffic
 - Safety
 - Insurance
 - Commercial
 - Taxes
- Separate Driverless Vehicle Code?
- How to reduce ambiguities and promote smart development and roll-out?



Privacy

- Battle for privacy has two fronts:
 - Data collection
 - Data retention
- Who gets to see where you go, how can they access it, and for how long is it available?
- Records Requests?
- Transparency!



Insurance

- Who will be liable?
 - Manufacturers?
 - Liability waivers?
 - Buyer beware?
 - Warranties?
- How are determinations of fault made?
 - Software review vs. investigation?
- Insurance industry disruption
 - Lower premiums?



The Path Ahead

- A MAJOR wild card:



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Local Governments – Opportunities

- Testing Areas
 - Innovative redevelopment
- Smart Transportation Partnerships
 - Do not forget public contracting requirements
 - Transparency
- Collaboration
- Leadership



Connections



Cybersecurity

- “Not all roses...”
- Examples:
 - Jeep Cherokee
- Not just cars:
 - Cities are becoming more connected
 - Traffic signals
 - Data, data, data
- Hot topic for elected officials



Vision

- Start Thinking and Planning
- Be Smart and Transparent
- Encourage Innovation
- Make Your Voice Heard Now
- Explore Opportunities
- Enjoy the Ride...



More Information

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