

White House and US Department of Transportation Release Latest Report On Autonomous Vehicles

On Wednesday, January 8, 2020, at the annual Consumer Electronics Show (CES) in Las Vegas, Nevada, US Secretary of Transportation Elaine Chao revealed “Ensuring American Leadership in Automated Vehicle Technologies: Automated Vehicles 4.0” (AV 4.0).

AV 4.0 is the US government’s most recent report on autonomous vehicles (AVs), developed by the US Department of Transportation (DOT) and the White House, and builds upon “Preparing for the Future of Transportation: Automated Vehicles 3.0” (AV 3.0), which was released on October 4, 2018.

AV 4.0 is not intended to be a thorough collection of all federal efforts relating to AVs. Instead, the purpose of the report is to provide an outline of past and current efforts, along with a compilation of resources for AV innovators and entrepreneurs. Ongoing efforts are being made by the US government to help support AV growth and collaboration. Although consumer safety continues to be a main priority, the report makes it clear that the US government is dedicated to making sure that the US leads the world in AV technology.

The report focuses on the following three core interests and corresponding sub-interests:

I. Protect Users and Communities

- Prioritize Safety
- Emphasize Security and Cybersecurity
- Ensure Privacy and Data Security
- Enhance Mobility and Accessibility

II. Promote Efficient Markets

- Remain Technology Neutral
- Protect American Innovation and Creativity
- Modernize Regulations

III. Facilitate Coordinated Efforts

- Promote Consistent Standards and Policies
- Ensure a Consistent Federal Approach
- Improve Transportation System-Level Efforts

Key highlights from these sections are discussed next.

Protect Users and Communities

In general, this core interest emphasizes that the US government will enforce existing laws against AV entities to protect the public from any deceptive or misleading claims relating to AV capabilities. For example, the Department of Justice (DOJ) and Federal Trade Commission (FTC) will continue to enforce antitrust laws and consumer protection laws. The US government is aware of data privacy and cybersecurity concerns and will strive to safeguard data of drivers, passengers and passive third parties (i.e., pedestrians). In addition, crimes and security threats being made against individuals and AV entities will be investigated by the US government, such as the DOJ.

Promote Efficient Markets

This core interest demonstrates the US’s commitment to being a leader in AV technology by providing guidance and assistance, including helping prepare for technologies that are complementary for AVs. The report makes clear, however, that the US government will not assume universal implementation of any particular approach. Instead of having the US government, or any foreign government, choose a specific technology policy, the US is asking the public to provide input on the most efficient and effective solutions. The US is also extremely keen on protecting the intellectual property rights of Americans from other nations, so this is an additional area of focus.

Facilitate Coordinated Efforts

This third core interest discusses having the US government participate in voluntary standards by collaborating with authorities in the industry, as well as at the state and local government levels. The US government’s hope is that standardizing products or processes in the AV industry would ultimately help keep costs down, while also allowing innovation to continue to move at a swift pace. In addition, federal funding for research and grants will need to comply with laws and Executive Orders that ensure Americans are helping to grow and lead AV technology (e.g., Executive Order 13788 – Buy American and Hire American, and Executive Order 13881 – Maximizing Use of American-Made Goods, Products, and Materials).

Benefits of AV Technology

AV 4.0 restates the many potential benefits of AV technology by providing examples of how AVs will assist to better the lives of citizens. These examples include the following:

- AVs can help save lives by drastically reducing crashes and injuries from distracted, drunk and fatigued drivers. Even the economic burden associated with crashes can be reduced with AVs.
- Economic productivity and efficiency can be increased with shorter commute times.
- AVs will also have a positive environmental impact by reducing congestion.
- AVs can help provide mobility to the elderly and those with disabilities so that they can live independently. This will also lead to saving billions of dollars each year relating to healthcare expenditures from missed medical appointments.

Next Steps

While AV 4.0 demonstrates at a high level the US government's commitment to being a leader in AV technology, the guidance does not address some specific issues that will arise as the technology progresses and marketplace advances. For example:

- Regulation of technology – Because the technology that AV 4.0 addresses is still evolving, specific regulations and further guidance will be needed, as the technological capabilities become more advanced and ready for the marketplace.
- Impact on transportation industry – As AV technology becomes the norm, the US government will need to consider and address the impact on the transportation industry, particularly on the displacement of workers, such as truck drivers.
- Insurance – The insurance industry and the coverage available for AVs will evolve as the standards for liability are determined and the capabilities and developments of the technology become clear.

While AV 4.0 shows that the US government is determined to unify efforts for Americans to be leaders in AV technology, as AV development continues, many new issues will need to be addressed and additional guidance will be required.

Contacts

Linda Pfatteicher

Partner, San Francisco
T +1 415 954 0347
E linda.pfatteicher@squirepb.com

Jennifer Rodriguez

Associate, San Francisco
T +1 415 954 0239
E jennifer.rodriguez@squirepb.com

Audrey Nicolson

Associate, San Francisco
T +1 650 843 3319
E audrey.nicolson@squirepb.com