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Laws for Driving Automation Won't Write Themselves
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The notion of cars driving themselves from point to point has its appeal; if widely used, the technology can reduce accidents, decrease carbon emissions, and make life easier for commuters and those who are unable to drive. While still very much in the research and development phase, driverless cars have a future for which regulators need to plan now. Thoughtful, comprehensive legislation and standards would remove one of the main barriers to widespread testing and use in the United States.

The laws, however, won't be so simple to enact if they are to take into account all of the stakeholders, variations in geography, and other factors, nor should they be. Given that this is not an industry where companies can operate and ask forgiveness later, advocacy and collaborative crafting of the laws are crucial. Each state, and even city, has taken a different approach- whether that is whole-hearted support and incentives, silence, or apprehensive permission to test. Rideshare companies, car manufacturers, and dozens of startups are all working towards automation in different ways, and testing is already happening in some cities.

In Texas, testing has been happening since 2015, and a bill passed in 2017 allows testing without a driver behind the wheel. Texas preemption laws can keep tech companies from being blindsided by municipal legislation, the uncertainty of which leads to greater risk in establishing testing sites in a city. The same kind of process could work on a national level, allowing companies to adapt to cities and climates uniformly, thus increasing the pace of development.

While it might be faster to create a centralized government policy, the regulation of motor vehicles in the US has always been individual states' responsibility. What currently exists is a patchwork of regulation and individual state/city road rules. On a federal level, the Department of Transportation (DOT) has released voluntary guidance, assistance and best practices to industry and states to advise on safe integration of technology into the transportation sector. The DOT's stated priorities are to modernize and standardize regulation, be proactive, and ensure safety and freedom. A handful of states have many of the same priorities, but many have yet to develop legislation for this new technology.

Regardless, governments at every level need to work cooperatively with companies, forming partnerships. Both sides want to ensure safety, and cities want to keep pace with technological and economic growth. The private sector would thus avoid being surprised by regulation, and could be granted licenses to test and commercialize. Unexpected regulatory changes, like AB 5 to the rideshare industry, pose a major risk to operations, for which the investment is already so high. Updated, smart city infrastructure would also benefit development and ensure that cars can operate as designed.

Additionally, consumer privacy and the role of data must be considered. With the massive amount of data being collected by the driverless vehicles' sensors and cameras, AV companies need to create a standard for how much of that they are willing to share. For example, the doorbell company, Ring, became a valuable tool for law enforcement, but the company had to first come to an agreement with authorities as to what could be shared without compromising the privacy of Ring's customers. While it is unlikely that autonomous vehicle operators want to become that tightly integrated with local law enforcement, the data being shared with cities will be a point of negotiation and discussion. Data could be evidence of progress in key safety metrics, if framed and disclosed appropriately, but can also serve many other purposes, the implications of which need to be carefully considered.

Currently, companies are attempting to impact regulation on a grassroots level, building relationships with cities in advance of actually rolling out the technology, in order to capture future market share. The use of driverless technology will undoubtedly disrupt a number of industries, and therefore will require legislation that is created in conjunction with state agencies, advocacy groups, and other key stakeholders. This adoption will happen gradually, over the span of the next several decades. Automated long-haul freight transport, for example, is already far along in its development. More and more personal vehicles will soon have partial automation, like Tesla on freeways and predetermined and mapped routes. Then over time, Levels 4 and 5 of driving automation can be achieved.

Testing is essential for increasing the safety of what will eventually be a dramatically different landscape. To test on roads with everyday people, companies need more defined regulation and best practices. So while the age of autonomous vehicles in cities all over the country may not be here yet, but lawmakers should act as if it is.