

## NTSB Calls for Regulation of Tesla Autopilot

By Jie Wang, LL.M. Candidate 2020 | March 9, 2020

As stated on the Tesla website, [Autopilot](#) functions to steer a vehicle within a clearly marked lane and to match the speed of surrounding vehicles in order to avoid collision. The driver remains in primary control, unlike in a complete self-driving system that entirely replaces human operation. Safety experts believe that Tesla's current Autopilot system is insufficient in educating drivers and warning them not to rely too heavily on the Autopilot function. The function could encourage drivers to disengage from the task of driving, thus causing severe accidents.

In 2018, Walter Huang, an Apple engineer, was killed in a tragic crash while driving his Tesla Model X with the Autopilot system engaged. His vehicle failed to detect obstacles at 71 miles per hour and crashed into a traffic barrier. The driver ignored the system alert while playing a game on his phone. Unfortunately, Mr. Huang was not the first fatal case that Tesla's Autopilot system has been involved in. In 2016, [Joshua Brown](#) was killed while driving a Tesla on Autopilot that was unable to avoid a turning truck. This was the first case raising concerns about the technical limitations of the Autopilot system.

[The National Transportation Safety Board](#) ("NTSB") has released documents in its probe into four cases, including the two cases mentioned above, showing that Tesla's Autopilot is unable to monitor whether drivers are engaged in active operation. The NTSB recommended that Tesla install [driver monitoring safeguards](#) to avoid misuse of Autopilot. For the sake of consumers and automakers, the NTSB also urged the National Highway Traffic Safety Administration ("NHTSA"), the main regulator for U.S. auto safety, to [set rules](#) for similar autopilot systems. The NHTSA has yet to take any proactive action or respond.

The NTSB also criticized the semi-autonomous system for misleading complacent drivers who are inclined to overestimate the new function's capability, partially due to [misunderstanding](#) of appealing terms such as "Autopilot," "Super Cruise," and "Drive Pilot."

Recently there has been vigorous debate regarding new regulation of Autopilot. Not only do these autonomous vehicles have the ability to alter the legal landscape, but the US has lagged far behind its European counterparts in this regulatory space. To comply with Europe's higher



standard, Tesla had to update its Autopilot system by adjusting the steering angle and lane-change system, per [Regulation 79](#). Approved in 2019, [Regulation \(EU\) 2019/2144](#) places specific requirements on automated vehicles involving intelligent speed assistance, emergency lane-keeping systems, driver attention warning and advanced driver distraction.

As the number of autonomous vehicle-related accidents increase, US regulators are reportedly starting off with a [proposed rating system](#); however, no specific timetable or framework has been addressed. It is uncertain how long consumers will have to wait before a rating system is actually put in place.