

### Bipartisan Group of Senators Releases Principles for Federal Autonomous Vehicle Laws

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Last week, U.S. Senators John Thune (R-SD), Gary Peters (D-Mich), and Bill Nelson (D-Fla) released a framework for autonomous vehicle legislation based on these six principles:

- prioritize safety;
- promote continued innovation and reduce existing roadblocks;
- remain tech neutral;
- reinforce separate federal and state roles;
- strengthen cybersecurity; and
- educate the public to encourage responsible adoption of self-driving vehicles.

While it is not clear when the measure will be finalized, it appears most interested parties would like to move forward quickly. Following the release of the proposed framework, the Commerce Committee held a hearing to gather more information regarding the challenges facing the driverless car industry and consider how those challenges will affect proposed regulations.

Testifying at the hearing, Mitch Bainwol, President and CEO of the Alliance of Automobile Manufacturers, stated: "As we meet today, the U.S. lacks a critical uniform national framework to advance these technologies as was established before in the development of other key innovations. Federal leadership and clear rules of the road are essential, especially to underscore [the National Highway Traffic Safety Administration's] authority to issue nationwide safety and performance regulations for motor vehicles."<sup>1</sup>

Mr. Bainwol's observation echoes a common refrain among those that follow the industry. And although much has been said about the need for regulations to govern the development and operation of self-driving vehicles, the federal government has yet to institute meaningful federal laws. In September 2016, the National Highway Traffic Safety Administration ("NHTSA") released its Federal Automated Vehicles Policy providing a 15 point safety checklist for autonomous vehicle manufacturers. NHTSA issued the policy with the goal of establishing "a foundation and a framework upon which future Agency action will

occur." Since then, the Trump administration has indicated that it is rewriting the policy.

The current proposal may provide much needed direction and cohesion. Senator Nelson stated, "While these principles are just a start, it's my hope we'll find bipartisan consensus on legislation that prioritizes safety and advances the technology."

Senator Thune agreed. "Working on a bipartisan basis, we continue to make progress in writing what we expect will become the first ever changes in federal law helping usher in this new transportation era. These principles underscore our commitment to prioritizing safety, fixing outdated rules, and clarifying the role of federal and state governments."

Senator Peters emphasized the need for regulations due to the inevitable day-to-day impact of autonomous vehicles: "Self-driving vehicles will not only dramatically change how we get from place to place, they have the potential to prevent accidents and save thousands of lives."

In addition to the proposed federal policy and potential legislation, numerous states across the country are engaged in regulating autonomous driving. Although leading the way on some level, even more populous states like California and New York have yet to issue their own final regulations. Regardless of the locale, establishing workable laws that protect safety and foster innovation appears to be the primary objective. Ensuring that local laws are consistent with and complementary to a federal framework is also critical. The current bipartisan framework in the Senate may be a step in the right direction.

If you have any questions, please contact any of the Buchalter attorneys listed below.



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<sup>1</sup> Other hearing witnesses included Rob Csongor, Vice President and General Manager of Automotive Business at NVIDIA Corporation; John Maddox, President and CEO of American Center for Mobility; and Colleen Sheehey-Church, National President of Mothers Against Drunk Driving. Full transcripts of the testimony are available at <https://www.commerce.senate.gov/public/index.cfm/2017/6/paving-the-way-for-self-driving-vehicles>.