Mapping and Navigating Path Forward on AV's and CV's

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Texas City Attorneys Association Summer Conference

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ATTORNEYS AT LAW

RECENT PILOT PROJECT ANNOUNCEMENTS

- Drive.AI in Frisco, TX
- EasyMile in City of San Ramon, CA
- EasyMile in Minneapolis, MN
- Navya and Keolis in Las Vegas, NV
- Ongoing testing in AZ and CA
- Atlanta – RFI and RFP focused on Smart Corridor
- San Jose – Released a RFI
- Portland – Released a RFI
- RIDOT – RFI that has led to RFP currently on street
- And More…

PROMOTING INNOVATION WHILE MANAGING RISK / WAITING FOR THE LAW TO CATCH UP

BALANCING RISKS AND BENEFITS
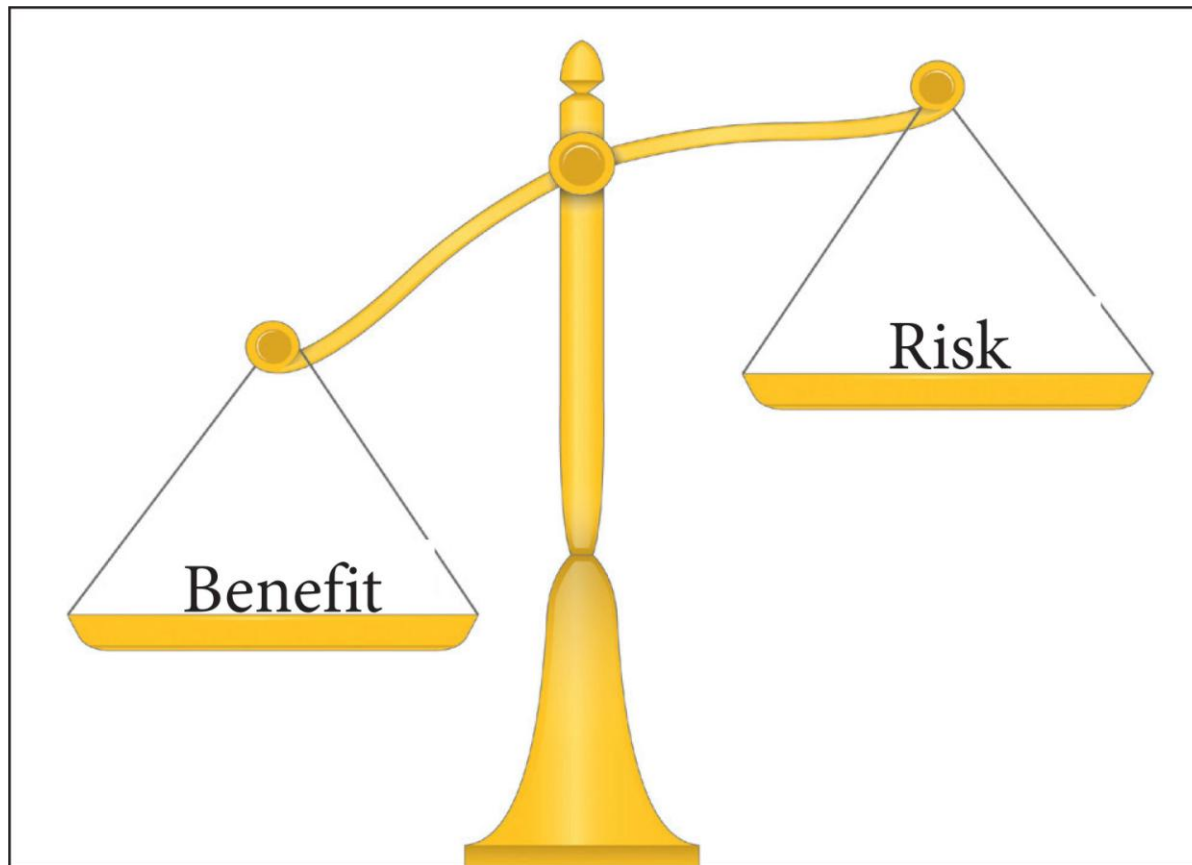
AV LEGISLATION UPDATE

- H.R. 3388 – "SELF DRIVE Act"
  - Passed House by voice vote on 9/6/17
- S.1885 – "AV START Act"
  - Passed out of Senate Commerce, Science, and Transportation Committee on 10/4/17
- At least 22 states and D.C. have passed AV legislation; 10 states have Executive Orders
  - (*See* National Conference of State Legislatures Website)

ONGOING POLICY DISCUSSION

- NHTSA Docket: 2018-0009
- Comments Filed:
  - Lack of minimum safety standards
  - Avoid preemption overreach
  - Infrastructure – Needs and $$$
  - Data sharing
  - Federally funded pilot programs (AV Proving Grounds and Connected Vehicle Pilot Program)
  - Coordination with Existing USDOT Programs

WHAT ABOUT THE "P" WORD?

- TX SB 2205: [City] or a state agency may not impose a franchise or regulation related to the <u>operation</u> of an automated motor vehicle or automated driving system

- H.R. 3388: "…unless the law or regulation is an <u>unreasonable</u> restriction on the design, construction, or <u>performance</u> of highly automated vehicles, automated driving systems, or components…"

- S. 1885: more narrow and connected to safety evaluation report subject areas, which include "system safety," "data recording," and accounting of applicable "traffic laws"

STATE AND LOCAL LAWS?

- Where to start?
    - Review and Update vs. Start Over
    - Some "simple" issues:
        - Definition of "driver"
        - Definition of "tailgating"
        - "Design immunity" protections
        - Public records exemptions
    - More complicated:
        - Insurance
        - Impact Fees
        - Consumer Rights / Data Ownership

INFORMED CONSENT TO INFORMED RISK?

Done

Important updates

Twitter is updating its Terms of Service and Privacy Policy to provide you with even more transparency into the data Twitter collects about you, how it's used, and the controls you have over your personal data. These updates will take effect on May 25, 2018. Learn more

Got it

Apple Music & Privacy

Apple Music is designed to protect your information and enable you to choose what you share.

- Apple collects information about your Apple Music activity, such as the songs you play and how long you play them, to personalize the service when you are subscribed, and compensate our partners.

- iCloud Music Library sends information from your music library to Apple, such as song and artist names, to identify and unlock copies of any of your songs that are also available in Apple Music.

WHO IS LIABLE???

CREATING A TESTING ROADMAP

- What is the law?
    - Expressly allowed vs. silent; OR
    - Need a change to the law
- Public or private roads?
- What type of vehicle? (i.e. traditional vs. shuttle)
- What approvals will be needed?
- What is goal for the pilot?
- How to identify potential partners?
    - RFI/RFP vs. AV/CV Forum
- Public outreach?
- **BE READY FOR SPEED BUMPS**

PROPOSED "TIPS" FOR LAYING FOUNDATION

- Opportunity to promote <u>Vision</u>
- Important "Smart" Issues:
  - Data Sharing
  - Privacy and Cybersecurity
  - Land Use
  - Health and Safety (i.e. Disposal)
  - Resiliency
  - Coordination with Law Enforcement
  - Wireless Facility Application Process

INFRASTRUCTURE NEEDED?

- "Smart" Infrastructure Future: V2V, V2I, V2X?

- Tech: 5G, ITS, DSRC, C-V2V

- Infrastructure Resilience

- **Local control of ROW / Preemption**
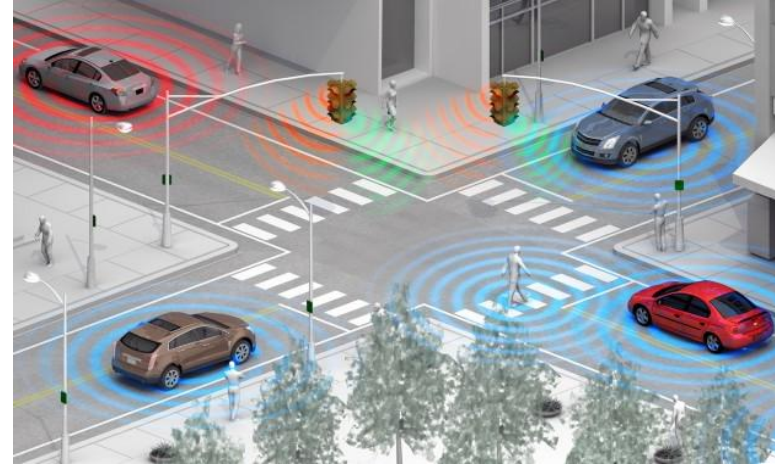
The Road Ahead: Challenges and Opportunities

- Turning challenges into opportunities

- **Make your voices heard**

- **Resources for USDOT**
  - Updating FMVSS
  - Connected <u>and</u> Automated?
  - Coordination w/ existing USDOT programs

- **Mitigating Risks / Managing Mess**

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