

Client Alert

December 7, 2017

GAO Report on Automated Vehicles Finds DOT Needs Roadmap

On November 30, 2017, the U.S. Government Accountability Office (GAO) released a report (“Report”) outlining its findings of the key challenges facing policy-makers as the regulatory environment seeks to promote the introduction of automated driving systems (ADS) on our nation’s public roads. While GAO recognizes the life-saving potential of this new technology (noting that 94 percent of crashes are tied to human choice or error), it cautions that policy-makers, including those at the Department of Transportation (DOT), will likely face emerging safety and infrastructure challenges as automated vehicle technology continues to evolve at a rapid pace. In order to rise to these challenges, GAO recommends that DOT adopt a comprehensive plan in order to avoid “miss[ing] the opportunity to organize, prioritize, and clearly monitor the progress” of its efforts to promote the safe integration of ADS onto our roadways. In compiling its report, GAO interviewed a broad range of stakeholders, including industry groups, safety organizations, and government representatives.

High-Level Takeaways

- I. The Report identifies four categories of challenges that policy-makers face regarding ADS: vehicle safety assurance, vehicular behavior, infrastructure adaptation, and data collection and use practices.
 - a. *Vehicle Safety Assurance* – The Report finds that stakeholders are concerned that “the complexity of automated technologies and the difficulties in demonstrating their safety are a challenge for existing public-sector safety programs.” The Report notes tension between stakeholders that advocate for adoption of a third-party testing regime to address this complexity and stakeholders that advocate for retention of the current safety standard structure overseen by the National Highway Traffic Safety Administration.
 - b. *Vehicular Behavior* – The Report notes the challenges presented by formal and informal “rules of the road” and moral dilemma scenarios that will need to be programmed into ADS. This is an area where the Report suggests that policy-makers will need to not only play a role in developing clear policy guidance, but they will need to help educate the public on the behaviors to expect from ADS, as well as the limitations of ADS capabilities to operate in certain environments.
 - c. *Infrastructure Adaptation* – The Report notes that, while many developers are working to build systems “designed to work on infrastructure as it currently exists,” ADS will need well-maintained roads, consistent lane markings and clear signage for operation. The Report does note that there are potentially substantial benefits from greater utilization of ADS and to the extent that utilization is dependent on integration with communications

technologies to promote vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I), public sector regulators and industry will need to establish standards, provide wireless spectrum and deploy equipment to make such systems operable.

- d. *Data* – Noting concerns around the increasing collection of personal data and its uses, the Report encourages policy-makers to resolve questions concerning data privacy, ownership and access. The Report notes that the lack of an overarching federal privacy law means that privacy protections, which are generally tailored to specific purposes, will need to be developed. DOT expressed its expectation that “existing data privacy policies and disclosure agreements apply to automated vehicles.”

II. The Report recognizes the challenge that DOT is likely to face from a workforce perspective, noting that DOT is competing with the technology sector for high-paying jobs and may be hindered in its ability to compete for the right software and automotive expertise that this field will demand.

III. The Report discusses the importance of clearly delineating the role of federal and state jurisdiction, noting that stakeholders stressed the need to avoid patchwork regulations. In addition, to avoid spending limited resources on infrastructure improvements that are not needed, GAO notes that state and local governments would benefit from greater clarity of what may be needed in the future. The Report urges DOT to release the delayed Federal Highway Administration report on infrastructure improvements and communications needs to provide guidance to not only state and local governments, but to developers.

Conclusion

The Report concludes that, while DOT has made initial efforts, the lack of a comprehensive plan presents a hindrance to its work in this area. The broad frameworks for accountability and oversight that DOT has outlined fail to systematically outline and prioritize the specific efforts needed to achieve its goals and objectives. GAO notes that, while DOT’s publication of voluntary guidance is “helpful,” it falls well short of providing a clear roadmap.

Contact Information

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