

A Legal Framework for AV Implementation

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THE PROSPECT OF FULLY AUTONOMOUS VEHICLES (AVs) creates an opportunity to reshape all aspects of modern life. As AVs move from the workshop to the real world, on-road testing and early deployments will be critical to improving performance to accurately detect and anticipate complications. However, to realize the full potential of the emerging technology, mobility professionals must align with legal experts and legislators to create the framework for the safe and efficient development of autonomous vehicle technology.

In October 2018, the U.S. Department of Transportation (USDOT) released new federal guidance for AVs, “Preparing for the Future of Transportation: Automated Vehicles 3.0” (AV 3.0), advancing its commitment to supporting the safe integration of automation into the broad multimodal surface transportation system. AV 3.0 outlines broad implementation of a legal framework on the federal level for the deployment of autonomous vehicle technology.

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The Objectives of AV 3.0

AV 3.0 incorporates the results of extensive stakeholder engagement by USDOT to provide updated voluntary guidance and policy considerations for a range of industry sectors, including manufacturers and technology developers, infrastructure owners and operators, commercial motor carriers, and state and local governments. As stated in AV 3.0, USDOT seeks to pursue the following activities:

- Establish performance-oriented, consensus-based, and voluntary standards and guidance for vehicle and infrastructure safety, mobility, and operations.
- Conduct targeted research to support the safe integration of automation.
- Identify and remove regulatory barriers to the safe integration of AVs.
- Ensure national consistency for travel in interstate commerce.
- Educate the public on the capabilities and limitations of AVs.

Rather than create a byzantine regulatory framework first and expect the AV industry to develop within its constraints, the policy statement helps outline a process for USDOT to regulate new technology as innovations develop, with input from all participants. With the publication of AV 3.0, USDOT announced several upcoming rulemakings and other actions under consideration:

1. The National Highway Traffic Safety Administration will request public comment on a proposal to streamline and modernize the procedures it will follow when processing and deciding exemption petitions.
2. The Federal Highway Administration announced plans to update the 2009 Manual on Uniform Traffic Control Devices, taking into consideration new connected and AV technologies.
3. The Federal Railroad Administration is initiating research to develop and demonstrate a concept of operations, including system requirements, for the use of automated and connected vehicles to improve safety of highway-rail crossings.
4. The Maritime Administration and Federal Motor Carrier Safety Administration are evaluating the regulatory and economic feasibility of using automated truck queueing as a technology solution to truck staging, access, and parking issues at ports.
5. The Federal Transit Administration has published a five-year research plan on automating bus transit.

Implementation

USDOT is committed to five core strategies:

1. Engage stakeholders and the public as the central point between academia, private industry, public sector agencies, and research organizations.
2. Provide best practices and policy considerations to



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Automated Vehicles 3.0

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support stakeholders as they work to better understand automation, how it may impact their roles and responsibilities, and how best to integrate automated vehicles into existing and future transportation networks.

3. Support voluntary technical standards by working with stakeholders and developers to support technical standards and policies development created by industry groups.
4. Conduct targeted technical research to inform policy decisions and agency actions through critical research and data analysis.
5. Modernize regulations as existing federal regulations and standards may pose challenges to the widespread integration of AVs as many current regulations are based on the assumption of the presence of a human driver.

The publication of AV 3.0 is an acknowledgement of the paradigm shift that will open the door for innovation

and experimentation in the real world to safely develop AV technology. There is a clear policy goal to support emerging technologies and to not stifle the revolution of the transportation and mobility industry. There will be opportunities for IPMI's membership to engage with USDOT and play a major role in this process. Parking and mobility professionals are encouraged to review AV 3.0 in full at bit.ly/AV30.

This article is the first in a four-part series on the legal challenges presented by emerging technologies. [▶](#)



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