



**SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY**

**DOT Announces Federal Policy on Autonomous Vehicles**

Signaling that the deployment of autonomous trucks may be closer than skeptics think, today, the U.S. Department of Transportation (DOT) released a comprehensive federal policy outlining its approach to the regulation of automated vehicles, including heavy duty trucks. The policy primarily focuses on highly automated vehicles (HAVs), which are vehicles in which the vehicle can assume full control of driving task in at least some circumstances and the automated system is responsible for monitoring the driving environment (SAE Levels 3, 4, or 5), but also covers lower levels of automation such as lane departure warning systems and electronic stability control. It applies to any organization testing, operating and/or deploying automated vehicles, including fleet operators. The policy is intended to accelerate the evolution of HAVs, and DOT intends to update it annually.

The policy consists of a discussion of four components: 1) vehicle performance guidance; 2) a model State policy; 3) current regulatory tools; and 4) new tools and authorities. The vehicle performance guidelines set forth best practices for the pre-deployment design, development and testing of HAVs prior to commercial operation on public roads. They assume as a starting point certification to all applicable Federal Motor Vehicle Safety Standards (FMVSS), or if needed, a request for an interpretation or exemptions from the National Highway Traffic Safety Administration (NHTSA). The vehicle guidelines also request manufacturers and other entities (possibly including fleet operators) voluntarily submit reports addressing a 15-point Safety Assessment. While currently voluntary, NHTSA is considering making the reporting mandatory.

In what may be viewed as good news for national manufacturers and fleet operators, the policy asserts a strong federal role in the regulation of HAVs and reaffirms NHTSA's intent to preempt future state regulation of vehicle standards, while preserving the State's regulation of vehicle licensing and registration, traffic laws and enforcement, and insurance and liability regimes. The policy notes that as motor vehicle systems increasingly perform "driving" tasks, DOT's exercise of its equipment safety authority will increasingly encompass what may be deemed "licensing" of the "automated driver" (e.g., the hardware and software performing the driving task). The goal of the model State policy is to avoid an inconsistent patchwork of state laws in favor of consistent national approach.

While the policy is generally effective as of today, many of the components facilitating sharing of information and reporting are will not be effective until notice and comment under the Paperwork Reduction Act. The breadth of areas covered by the proposed 15-point Safety Assessment – from Object and Event Detection and Response to Data Recording and Sharing to Ethical Consideration – suggests the regulatory structure for these rapidly developing technologies will be fast-evolving and have significant implications for fleets.

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