

Automated Driving Systems in Tractor-Trailers? – They May Be Right Around the Corner.

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According to the American Trucking Association, over 70% of all freight moved in the United States is moved on trucks. The ATA further estimates that 3.5 million truck drivers are needed to move such a volume of freight. As a whole, the ATA Truck Tonnage Index rose 3.7% in 2017, which marked the largest annual gain since 2013. However, in its latest in-depth examination of driver shortage released in October, the ATA estimated that the trucking industry could be short by as many as 50,000 drivers by the end of 2017. What can be done to combat such a significant shortage?

While raising pay, improving lifestyle, and certain policy changes are excellent ways to attract and retain qualified drivers, some companies are likely discussing – at least internally – whether self-driving or automated vehicles could offer a possible solution. A number of modern trucks already utilize technology that assists drivers in avoiding drifting into adjacent lanes or making potentially unsafe lane changes, and some are equipped to brake automatically if a vehicle ahead of them stops or slows suddenly. Additionally, Tesla is currently marketing its vehicles as having full self-driving capability at a safety level substantially greater than that of a human driver. As such, it seems that the reality of automated driving systems ("ADS") in commercial motors vehicles will be here sooner, rather than later.

Perhaps not coincidentally, the United States Department of Transportation has now published requests for public comment regarding a range of issues related to assessing the infrastructure requirements and standards that will be necessary for enabling safe and efficient operations of ADS. Specifically, the USDOT is seeking comments on ten categories of questions related to infrastructure requirements, including the following:

- What roadway characteristics are important for influencing the safety, efficiency, and performance of ADS?
- How does the state of good repair (e.g., pavement and road markings quality) impact ADS, including technology or safety costs, if at all?
- How should the Federal Highway Administration engage with industry and automation technology developers to understand potential infrastructure requirements?
- What type of infrastructure and operations data, if available, would help accelerate safe and efficient deployment of the ADS on our Nation's public roadways?

Additionally, the USDOT is also seeking comments on removing "unnecessary" regulatory barriers for automated safety technologies, and the research that would be required to remove such regulatory barriers. On this, US Secretary of Transportation Elaine Chao noted that "Giving the public and industry a chance to make suggestions is part of an effort to prevent government from hampering innovation."

While Automated Driving Systems may not alleviate the current driver shortage, it appears that the first steps are being taken to evaluate whether they may be viable options in the future. The USDOT will host an Automated Vehicle 3.0 Public

Meeting on March 1st in Washington D.C. More information on the Public Meeting or Requests for Comments can be found at <https://www.transportation.gov/AV>

The transportation industry must navigate ever increasing (and sometimes decreasing) regulation, and the Federal Motor Carrier Safety Regulations can rapidly change. The attorneys at KRCL assist our transportation clients with these changes, as well as other matters that affect the industry.

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