



In the Drive for Robot Cars, Will Regulators Keep Their Hands on the Wheel?

By [Ben Kelley](#) on February 7, 2017

<http://www.fairwarning.org/2017/02/robot-cars-commentary/>

http://www.oregonlive.com/opinion/index.ssf/2017/02/elaine_chao_in_crucial_role_fo.html

Few cabinet members can claim the distinction of shaping a revolution. But that opportunity will fall to Elaine Chao, President Trump's choice to lead the Department of Transportation. She assumes her new role at the dawn of the autonomous motor vehicle era, which promises to truly revolutionize the movement of people and goods by road and ultimately reduce crashes caused by driver error.

Revolutions can give birth to huge benefits for the human community, but they can also exact a price in blood and disruption. Replacing driver-operated cars and trucks with semi-automated and, eventually, fully autonomous vehicles, or AVs, will be a decades-long process. Like most

revolutions, along the way it will be fraught with death, injury, and debate over who is responsible when harm occurs. Decisions by Ms. Chao and her department's National Highway Traffic Safety Administration, or NHTSA, will act as powerful influences – including a decision on whether to ignore the need for regulations and policies that ensure AV safety.

Chao's immediate task will be to address the [recent alarming upsurge](#) in highway crash deaths. Ending a long trend of declining fatalities, 2015 saw more than 35,000 highway deaths, a 7.2 percent increase over 2014. The ominous trend continued into the first nine months of 2016, which saw 8 percent more deaths than in the same period the previous year. But equally important will be her approach to development of [“robot cars.”](#) as the Insurance Institute for Highway Safety has labelled them. Given the anti-regulation stance of the Trump administration, it is likely she will follow the path charted by Obama's Transportation Department by declining to issue binding safety regulations, and instead will negotiate permissive safety “guidelines” with commercial stakeholders in the new technology, most prominently the vehicle and software manufacturers eager to move self-driving cars into the salesroom and reap the resulting profits. Goldman Sachs has estimated that the market for advanced driver assistance systems and autonomous vehicles [could grow to \\$96 billion in 2025](#) from only \$3 billion last year.

But along with for-profit enterprises, stakeholders also include safety and public health advocates concerned that in the rush to get autonomous vehicles onto the nation's highways, the dangers of deaths and injuries will be minimized or overlooked. Clarence Ditlow, the late director of the Center for Auto Safety, warned last summer in a [USA Today op-ed](#) that the Transportation Department's failure to issue safety standards for AVs “creates a safety vacuum that will inevitably lead to consumers dying as unwitting guinea pigs in crashes of unproven driverless vehicles.” And in [an address last year](#), Christopher Hart, chairman of the National Transportation Safety Board, warned of “unintended consequences as passenger vehicles become increasingly automated.”

“Automakers aim to market fully self-driving cars, but stay tuned,” he said. “Assuming that the first wave will be an autonomous vehicle that needs human monitoring, what will happen along the way, when all that day-to-day driving skill goes away? And will the driver take the monitoring role seriously when he or she thinks the car is in charge? What does driver education look like when the car is sometimes driving itself, but at other times needs human intervention?”

The crash in Florida a month later, of a Tesla being controlled by its misleadingly named “Autopilot” system, seemed to bear out Hart's concern. The driver was killed when the car crashed into a truck that the Autopilot had failed to discern. [According to some reports](#), the truck driver told police he heard a Harry Potter video still playing in the mangled Tesla.. A federal investigation of the crash has [found no defect](#) in the Autopilot system, but did not address the possibility that the driver was lulled into turning over control of the car to the ‘Autopilot’ system because its name suggested it was safe to do so.

The clash between safety advocates and manufacturers over regulation of autonomous vehicles is reminiscent of the one leading up to passage of the first auto safety laws 50 years ago. Then, the auto companies urged Congress to let them self-regulate. Safety proponents warned that the industry's well-documented failures to incorporate basic safety features into new cars proved the

futility of that approach. Congress opted for government standards rather than voluntary guidelines. Those standards have prevented hundreds of thousands of deaths, [according to NHTSA studies](#).

Chao will be confronted by similar divisions regarding autonomous vehicle safety. [Industry interests are opposed](#) to binding federal standards. [Safety advocates counter](#) that only such standards can ensure protection for consumers. Either way, there doubtless will be some crashes, deaths and injuries involving autonomous vehicles. When that happens, Volvo, Mercedes and Google reportedly have said, they will [accept liability](#). Will others? [Research sponsored by Toyota](#) in Canada found that almost two-thirds of those questioned in a national survey “believed software developers should be assigned liability in unavoidable collisions, and to a slightly lesser extent vehicle manufacturers should be accountable.”

For decades, AVs and conventional motor vehicles with human drivers will have to co-exist on the nation’s roads. Whether they can do so with a minimum of bloodshed will depend to an important degree on whether the new transportation secretary gives higher priority to protecting the public from needless death and injury than to rushing autonomous vehicles into the marketplace before their safety is adequately proven.

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