

POLICY NOTE

New rules for automated driving should focus on public safety, and not be unnecessarily restrictive

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Key Findings

1. Automated transportation has the potential to increase safety, efficiency, access, and mobility.
2. Officials at the Washington State Department of Transportation (WSDOT) are working to finalize a policy framework for “cooperative automated transportation” in our state. Many of the policy goals drafted are either unnecessary or too prescriptive at such an early stage.
3. To facilitate the safe testing and deployment of automated transportation in our state, it is critical that laws and regulatory systems do not impose restrictions that “narrow the scope of permissible development” or unnecessarily delay adoption, thereby increasing costs.
4. Government management of the public right of way should protect public safety while recognizing the importance of car and truck mobility in supporting the economic life of the region.
5. Regulations that are too restrictive and confusing should be eliminated, and new laws passed only if experience shows they are needed to protect the public.
6. The vision for automated transportation and personal mobility must be neutral as to travel mode and focused on the advancement of personal freedom, choice and movement across all available travel choices.

Introduction

The development of automated transportation, including personal vehicles and new forms of transit, are changing the transportation landscape. Automated transportation, which allows some or all driving functions to be performed by the vehicle, has the potential to increase safety, efficiency, access, and mobility for everyone.

Automated driver assistance in vehicles is now going beyond anti-lock braking systems (ABS) and electronic stability control to adding new features like automatic lane-keeping ability and adaptive cruise control. These innovations are already reducing accidents and speeding up traffic.

Automation also creates a market opportunity for people to simply buy the rides they need rather than buying a car. According to experts, “both [ride-share and car buying markets] will be significant, mutually competitive, and demanding of space, infrastructure, regulation, and investment.”¹ Thus, whether people buy trips or cars, “the total economic position of the automotive industry will strengthen.”²

Background

While there are still many unknown factors, the “advent of highly automated vehicle may require modernization of our motor vehicle codes, auto safety regulations, infrastructure investment, products liability law, and location transportation service regulations” to help people adapt to this new way of looking at mobility.³

In June 2017, Governor Jay Inslee issued Executive Order 17-02, which established the state’s first Autonomous Vehicle Work Group to advance the Governor’s objective of “enabling safe testing and operation of autonomous vehicles on public roadways,” the benefits of which include the reduction of collisions caused by human error, improving mobility

1 “The End of Driving: Transportation Systems and Public Policy Planning for Autonomous Vehicles,” by Bern Grush and John Niles, Elsevier press, 2018, page 74.

2 Ibid.

3 “Self-Driving Regulation, Pro-Market Policies Key to Automated Vehicle Innovation,” by Marc Scribner, On Point No. 192, Competitive Enterprise Institute, April 23, 2014, at <https://cei.org/sites/default/files/Marc%20Scribner%20-%20Self-Driving%20Regulation.pdf>.

for those who are elderly or disabled, and “maximizing our ability to move people and goods quickly and safely throughout the state.”⁴

In 2018, Governor Inslee signed SHB 2970, which required the Washington State Transportation Commission (WSTC) to “convene a work group to develop policy recommendations to address the operation of AVs on public roadways in the state.”^{5[5]}

Washington Policy Center is a working member of the work group’s subcommittee on infrastructure and systems, focusing on roadway infrastructure, traffic management, transit service and vehicles, advertising, right of way, multi-modal transportation and mobility as a service (MaaS).⁶

Policy Recommendation: New rules should not be unnecessarily restrictive

Through the AV Work Group and this subcommittee, officials at the Washington State Department of Transportation (WSDOT) and volunteer members are working to finalize a policy framework for “cooperative automated transportation” in our state. While this is a meaningful exercise, many of the policy goals that have been drafted are either unnecessary or too prescriptive at such an early stage.

An example would be the draft policy specifying that “particular emphasis should be given to buttress effective and convenient high capacity public transit,” and that automated transportation should “not compete with it.” Another example would be that the policy should empower “local partners to achieve their economic vitality and livability goals” and “meet the needs of traditionally marginalized communities.”⁷

To facilitate the safe testing and deployment of automated transportation in our state, it is critical that laws and regulatory systems do not impose restrictions that “narrow the scope of permissible development” or unnecessarily delay adoption, thereby increasing costs to the public.⁸

Protecting the public should be a priority

At the same time, roads are used by the general public in a variety of ways and reasonable steps to maintain public safety are warranted.

4 “Autonomous Vehicle Testing and Technology in Washington State and Autonomous Vehicle Work Group,” Executive Order 17-02, Governor Jay Inslee, Washington, June 2017, at http://governor.wa.gov/sites/default/files/exe_order/17-02AutonomouVehicles.pdf?utm_medium=email&utm_source=govdelivery.

5 “SHB 2970, Establishing an autonomous vehicle work group,” Final Bill Report, Washington State Legislature, June 7, 2018, at <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/2970-S%20HBR%20FBR%2018.pdf>.

6 “Infrastructure and Systems Subcommittee,” Washington State Transportation Commission, at <https://wstc.wa.gov/Meetings/AVAgenda/Documents/InfrastructureSystemsSubcommittee.htm>.

7 “Cooperative Automated Transportation (CAT) Draft Policy Framework – Working Document,” by Ted Bailey and Daniela Bremmer, Washington State Department of Transportation, November 26, 2018, at <https://www.wsdot.wa.gov/sites/default/files/2019/01/22/Cooperative-Automated-Transportation-Policy-Framework-for-AASHTO-20181126.pdf>.

8 “Self-Driving Regulation, Pro-Market Policies Key to Automated Vehicle Innovation,” by Marc Scribner, On Point No. 192, Competitive Enterprise Institute, April 23, 2014, at <https://cei.org/sites/default/files/Marc%20Scribner%20-%20Self-Driving%20Regulation.pdf>.



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Mariya has lived in both Eastern and Western Washington, and believes strongly in the freedom of mobility for all Washingtonians. She is on the Board of Directors for the Eastside Transportation Association, a member of the Jim MacIsaac Research Committee, a working member of the Washington State Autonomous Vehicle Work Group Subcommittee on Infrastructure & Systems, and a member of the Women of Washington civic group.

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For example, policymakers should maintain the rules for illuminating cars at night with functioning headlights and taillights, even as technology is being deployed to make lighting more effective.

Some of the state responsibility for protecting the public on public roads will be carried out as a result of the state synchronizing its motor vehicle code with other jurisdictions to reflect new technology applications. This should be done through national professional interaction based on agreement among the states.

WSDOT should focus on a concise set of policies that are useful and practical today, working closely with national efforts from well-established public interest and professional groups such as the National Council of State Legislatures, the American Association of Motor Vehicle Administrators, and the Governors Highway Safety Association (GHSA).

Legislators should eliminate regulations that are too restrictive and confusing, and pass new laws if experience shows they are needed to protect the public.

Conclusion

The vision for automated transportation and personal mobility must be neutral as to travel mode, focused on the advancement of personal freedom, choice and movement across all available travel choices, and include public transportation, cars, light trucks, electric and human-powered bicycles, and motorcycles.

Government management of the public right of way should protect public safety while recognizing the importance of car and truck mobility in supporting the economic life of the region. Prioritizing policies that support agency and infrastructure readiness would commit officials to policies that are actionable and would be the best approach.